



Proposed Submission Version Local Plan Representation Form

Introduction

Please read the appended documents and guidance notes before completing this representation form.

- Advice and Guidance on completing this representation form
- Proposed Submission Version Local Plan (full plan)
- Data Protection and Privacy Notice (https://www.warrington.gov.uk/privacy_policy)
- Statement of Representations Procedure

The guidance notes are taken from "Examining Local Plans Procedural Practice" published by The Planning Inspectorate and will assist you in making your representations effectively.

More information can be found by visiting www.warrington.gov.uk/localplan

The form is split into 3 parts:

Part A Your details – 3 questions (only complete this part once)

Part B Representation Form(s) – 8 questions (fill in a separate form for each representation you wish to make)

Part C Customer 'About You' questionnaire – 9 questions (only complete this part once)

All representations must be received by the Council no later than 5.00pm on Monday 17th June 2019. Please note that late representations will not be accepted.

Should you encounter any problems completing the representation form please email localplan@warrington.gov.uk

PART A - About You

1. Please complete the following: Please note the email address (if provided below) will be sent a full copy of the submitted response and a unique ID number for future reference (pdf attachment)

*Name of person completing the form:

Email address:

2. What type of respondent are you? Please select all that apply.

A local resident who lives in Warrington

A person who works in Warrington

Local Borough, Town or Parish Councillor

Local Business owner/Manager

A group or organisation

Visitor to Warrington

An agent

Other (please specify):

Representative of the Local

3. Please complete the following:

Organisation name (if applicable):

Agent name (if applicable):

*Address 1:

*Address 2:

*Postcode:

Telephone number:

PART B - Representation Form 1

1. To which part (chapter/policy) of the Local Plan does this representation relate?

See attached documents listed in point 8 below

2. Does your comment relate to a specific paragraph (s) or policy sub-number (s)? Please select one option.

- A paragraph number(s)
- A policy sub-number(s)
- Both of the above
- None of the above

If a paragraph or policy sub-number then please use the box below to list:

See attached documents listed in point 8 below

3. Do you consider the Draft Local Plan is: Please select one option in each row.

	Yes	No
Legally Complaint	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Compliant with the Duty to Co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4. If you have answered 'No' to any of the options in the above question then please give details in the box below of why you consider the Draft Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate.

Please be as precise as possible.

See attached documents listed in point 8 below

5. If you answered 'Yes' to any of the options in question 3 then please give details in the box below the reasons why you support the legal compliance or soundness of the Draft Local Plan or its compliance with the duty to co-operate.

Please be as precise as possible.

(Continue on a separate sheet and attach if necessary)

6. Please set out what modification(s) you consider necessary to make the Draft Local Plan legally compliant or sound, having regard to the test you have identified above where this relates to soundness. (NB please note that any non-compliance with the duty to co-operate is incapable of modification at examination).

You will need to say why this modification will make the Local Plan legally compliant or sound. It would be helpful if you are able to put forward your suggested revised wording of any policy or text.

Please be as precise as possible.

See attached documents listed in point 8 below

(Continue on a separate sheet and attach if necessary)

Please note: your representation should succinctly cover all the information, evidence and supporting information necessary to support / justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he / she identifies for examination.

7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination? Please select one option.

- No, I do not wish to participate at the oral examination
- Yes, I wish to participate at the oral examination (I understand details from Part A will be used for contact purposes)

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To clarify the changes, modifications and additions to the Warrington Borough Council proposed local plan 2017 - 2037

(Continue on a separate sheet and attach if necessary)

8. If you wish to attach documents to support your representation form then please submit with your response and provide a description of each document in the box below.

Comments / file description

The attached Documents are as follows:
R. Ward - Warrington Borough Council Proposed Local Plan 2017 – 2037
Response June 2019.pdf
1. PAG (R Ward) Response to Parkside Link Road SHC P_2018_0249_FUL May 2019 inc text corrected.pdf
2. EMF - Electromagnetic Fields - emfinfo.org - Michael R. Neuert.pdf
3. Open Green Spaces - Legal Guide.pdf

(Continue on a separate sheet and attach if necessary)

Warrington Borough Council
Proposed Local Plan 2017 – 2037
Response
by
Richard Ward
June 2019

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1. Purpose

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

2. Introduction

2.1 Respondent

I, Richard Ward,

[REDACTED] as a member of the Local People, submit the following document in response to the above Proposed Local Plan 2017 – 2037.

2.2 Planning Inspectorate Examination

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

2.3. Companion Documents

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

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

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

3. Local People

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

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

Ministerial Forward

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

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

Introduction

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

Core planning principles

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

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

Neighbourhood plans

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

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

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

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

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

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

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

4. NPPF February 2019

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

“3. Plan-making

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

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

The header from NPPF paragraph 11 states:

“The presumption in favour of sustainable development”

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

“For plan-making this means that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Proposed Local Plan and Local People

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

“3. Plan-making

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

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

BUT, the proposed Local Plan paragraph 1.1.6:

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

Comments

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

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

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

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

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

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

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

a platform for local people to shape their surroundings.

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

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

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

Further, according to the NPPF 2019 paragraph 22:

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

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

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

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

Conclusion

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

6. The plan-making framework

Strategic and Non-Strategic Policies

The NPPF states:

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

and

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

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

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

Strategic policies

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

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

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

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

7. Duty to Cooperate

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

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

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

Designated Heritage Asset the Battle of Winwick Pass registered battlefield

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

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

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

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

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

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

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

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

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

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

Conclusion

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

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

Air Pollution, Noise Pollution and Traffic Congestion

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

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

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

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

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

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

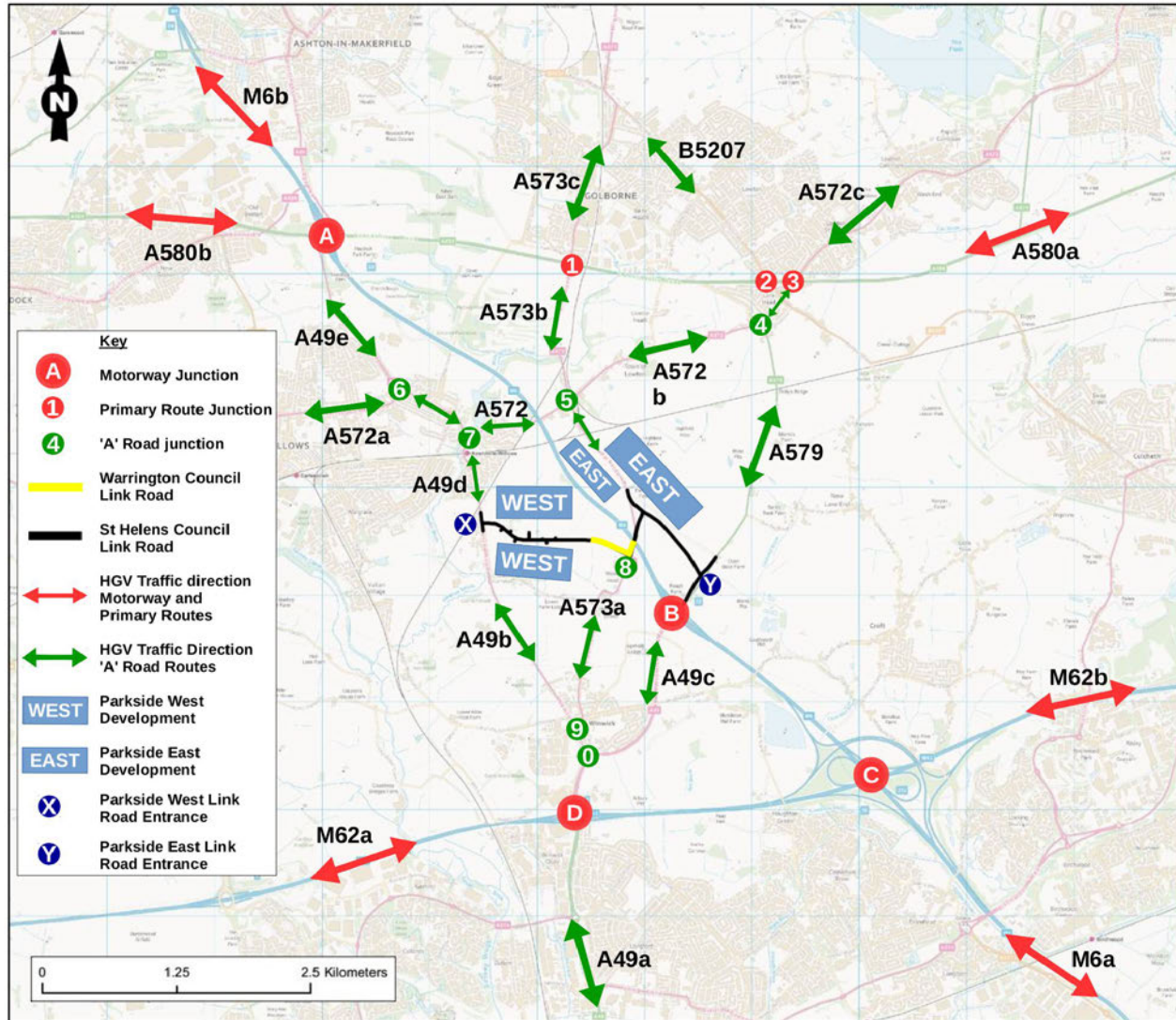
The Traffic assessment are not clear whether the Highways England concerns are just for:

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

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

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

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



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

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

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

HGV traffic to/from Manchester via M62b direction will use **C** to **B** to **Y** to either Parkside East or West.

HGV traffic to/from Crewe, Birmingham via M6a direction will use **C** to **B** to **Y** to either Parkside East or West.

HGV traffic to/from Preston, Wigan via M6b, will not use M6 junction **B** due to extra driving distance; instead will use **A** via A49e to **G** to **7** then either via A49d to **X**; or via A572 to **5** to either Parkside East or West the shortest driving distance.

HGV traffic to/from Liverpool via A580b will not use M6 **A** to **B** due to extra driving distance; instead will use either: via **A** via A49e to **G** and **7** then use A49d to **X** or use A572 to **5**; or on A580b continue pass **A** to **1** via A573b to **5** to either Parkside East or West the shortest driving distance.

HGV traffic to/from Manchester via A580a will use **B** to **4** then either: via A572b to **5**; or at **4** via A579 to **Y**; alternatively use the A580a to **1** then via A573b to **5** to either Parkside East or West the shortest driving distance.

HGV traffic to/from St Helens via A572a to **6** then to **7** then either via A49d to **X**; or via A572 to **5** to either Parkside East or West the shortest driving distance.

HGV traffic to/from Leigh, Bolton via A572c to **2** to **4** then either: via A572b to **5**; or at **4** via A579 to **Y**; alternatively use the A580a to **1** then via A573b to **5** to either Parkside East or West the shortest driving distance.

HGV traffic to/from Wigan via A573c to **1** then via A573b to **5** to either Parkside East or West the shortest driving distance.

HGV traffic to/from Wigan (alternate route) via B5207 to **2** to **4** then either: via A572b to **5**; or at **4** via A579 to **Y**; alternatively use the A580a to **1** then via A573b to **5** to either Parkside East or West the shortest driving distance.

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

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

In the WBC AIR QUALITY DETAILED ASSESSMENT REPORT 2016

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

Figure 15: Map of Winwick Road monitoring locations

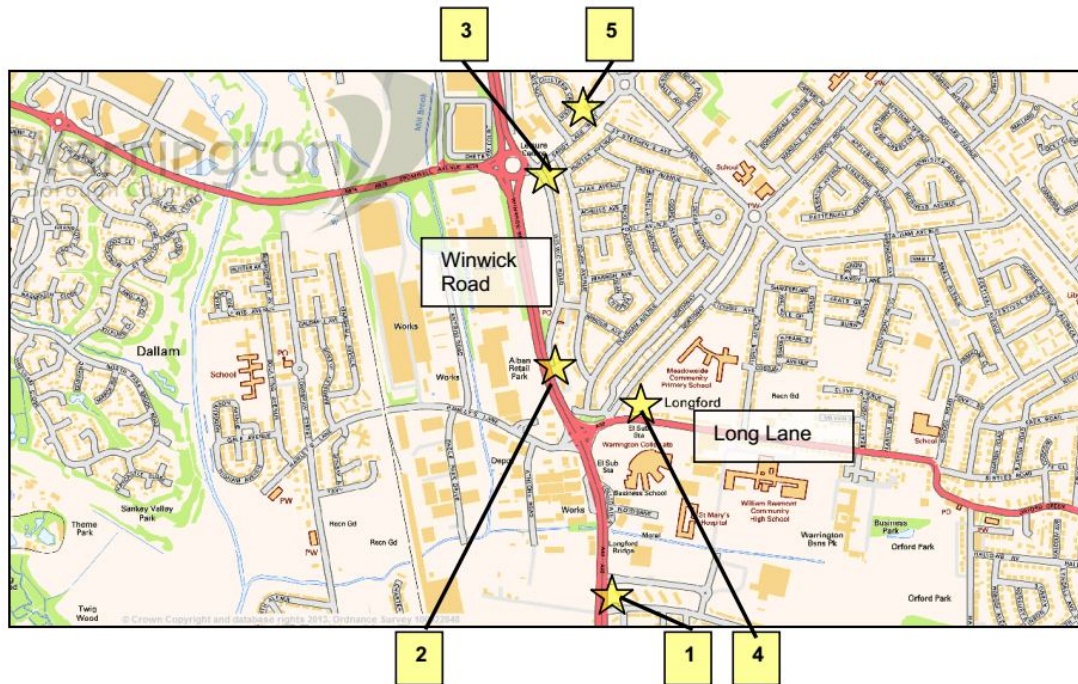


Table 25: Winwick Road monitoring results and trend

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

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

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

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

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

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

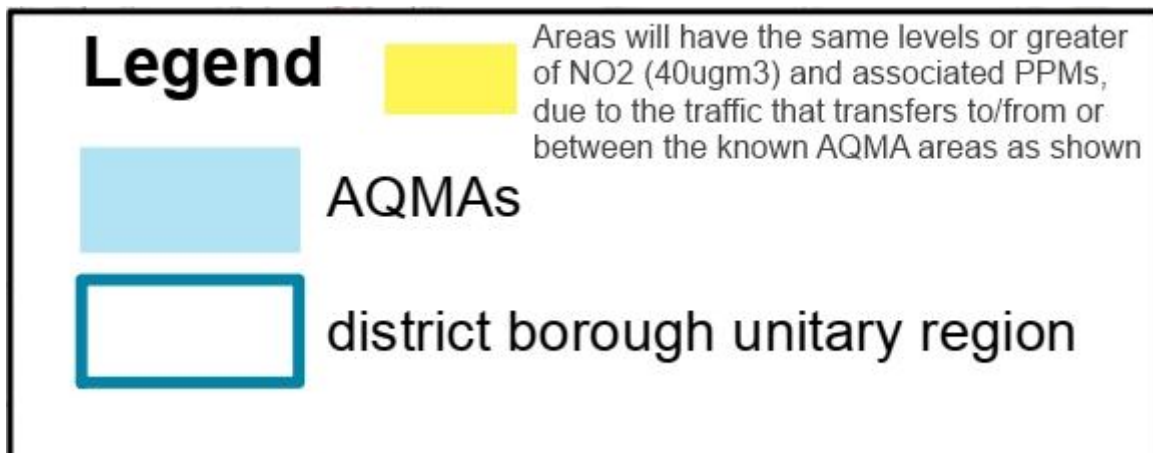
Where levels of nitrogen dioxide have been found to exceed the national objective of 40 microgrammes per cubic metre (ugm³). These figures were recorded before Omega was developed fully, so can only get worse. But SHC in the update Local Plan has reserved areas next to Warrington Omega to utilise J8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

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

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

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

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



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

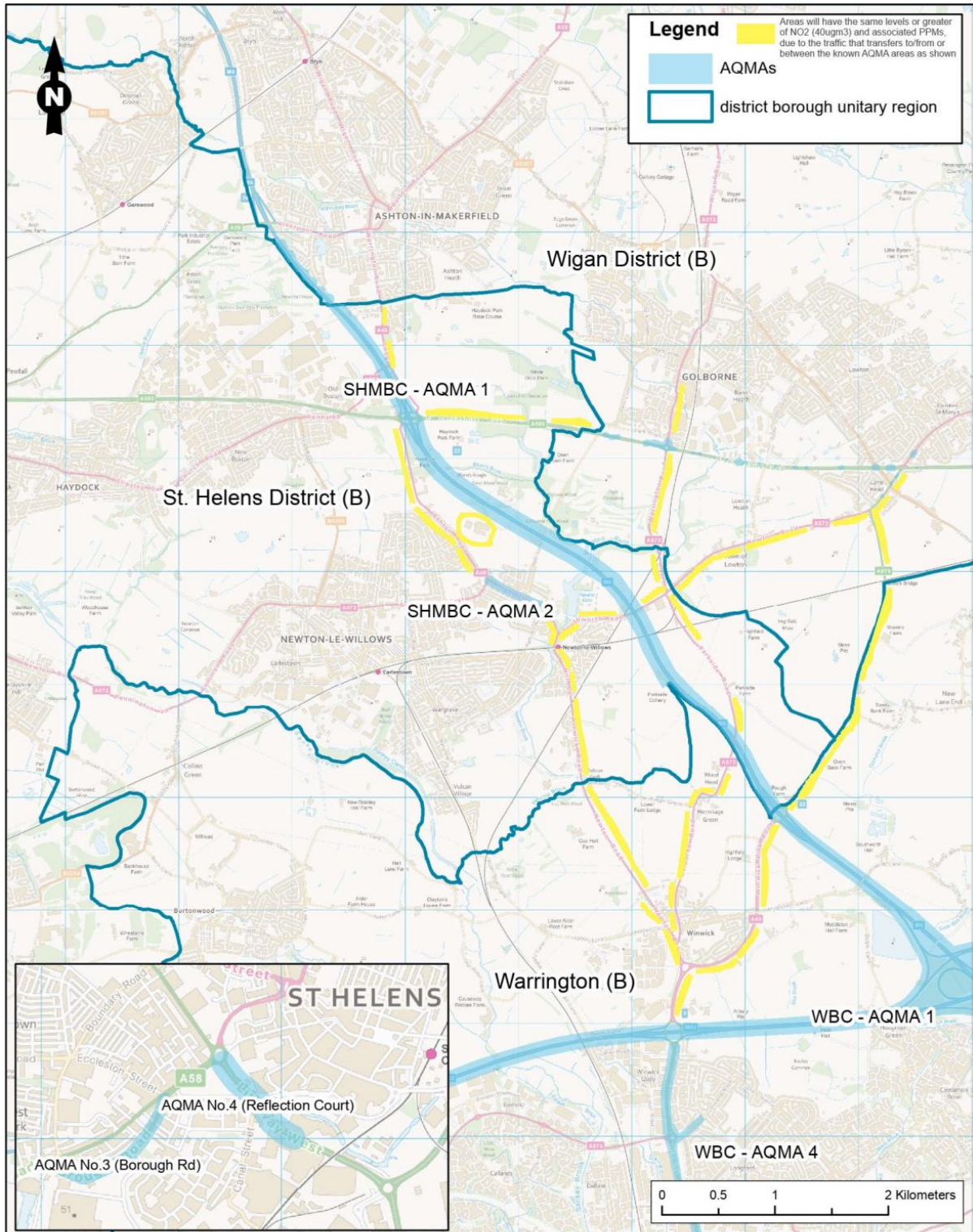


Figure Title Air Quality Management Areas Within the Study Area	Project Number 1620003486	Figure No. 5.1	Client St Helens MBC
	Date 08 February 2018	Prepared By VG	
Project Name Parkside Link Road	Scale 1:45,000 @A4	Issue 1	

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

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

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

Duty to Co-operate Overall Conclusions

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

8. Non-strategic policies

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

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

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

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

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

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

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

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

Background

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

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

To which:

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

Commons Registration Act 1965 sections stated above must follow:

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

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

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

(2) After the end of such period, not being less than three years from the commencement of this Act, as the Minister may by order determine-

- (a) no land capable of being registered under this Act shall be deemed to be common land or a town or village green unless it is so registered; and*
(b) no rights of common shall be exercisable over any such land unless they are registered either under this Act or under the Land Registration Acts 1925 and 1936.

(3) Where any land is registered under this Act but no person is registered as the owner thereof under this Act or under the Land Registration Acts 1925 and 1936, it shall-

- (a) if it is a town or village green, be vested in accordance with the following provisions of this Act; and*
(b) if it is common land, be vested as Parliament may hereafter determine.....”

“Section 8 Vesting of unclaimed land

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

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

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

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

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

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

“Section 9 Protection of unclaimed common land.

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

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

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

Legislative Acts that control the management for a village green

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

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

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

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

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

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

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

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

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

3. Inclosure Act 10th August 1857 section XII

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

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

4. Commons Act 1876 section 29

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

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

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

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

5. Open Spaces Act 1906 Section 10 and Section 15

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

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

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

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

Section 15. Byelaws

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

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

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

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

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

6. Public Health Act 1875 Sections 182 to 186 Byelaws

182. Authentication and alteration of byelaws.

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

183. Power to impose penalties on breach of byelaws.

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

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

184. Confirmation of byelaws.

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

185. Byelaws to be printed, &c.

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

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

186. Evidence of byelaws.

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

7. Town Gardens Protection Act, 1863 Section 4

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

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

Guidance Document with regards to Town or Village Greens

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

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

Some aspects that this guide confirms are as follows:

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

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

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

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

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

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

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

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

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

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

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

Proposed Local Plan policy DC 7 Common Lands and Village Greens

Justification

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

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

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

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

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

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

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

Policy DC7 Common Lands; Town and Village Greens

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

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

Legal

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

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

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

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

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

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

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

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

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

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

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

Appendix 6 Common Lands and Town or Village Greens

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

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

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

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

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

Objections

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

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

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

Dated this 18th day of September 1968.

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

ANNEX A

The Administrative County of the Isle of Wight.

ANNEX B

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

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LANCASHIRE COUNTY COUNCIL

COMMON LAND AND TOWN OR VILLAGE GREENS

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

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

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

ended on 30th June 1968.

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

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

Objections

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

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

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

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

Dated 20th September 1968.

ANNEX "A"

Particulars of Registration Area

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

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

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

ANNEX "B"

Information about Registrations

COMMON LAND

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

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

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

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MONMOUTHSHIRE COUNTY COUNCIL

COMMON LAND AND TOWN OR VILLAGE GREENS:

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

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

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

ended on 30th June 1968.

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

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

Objections

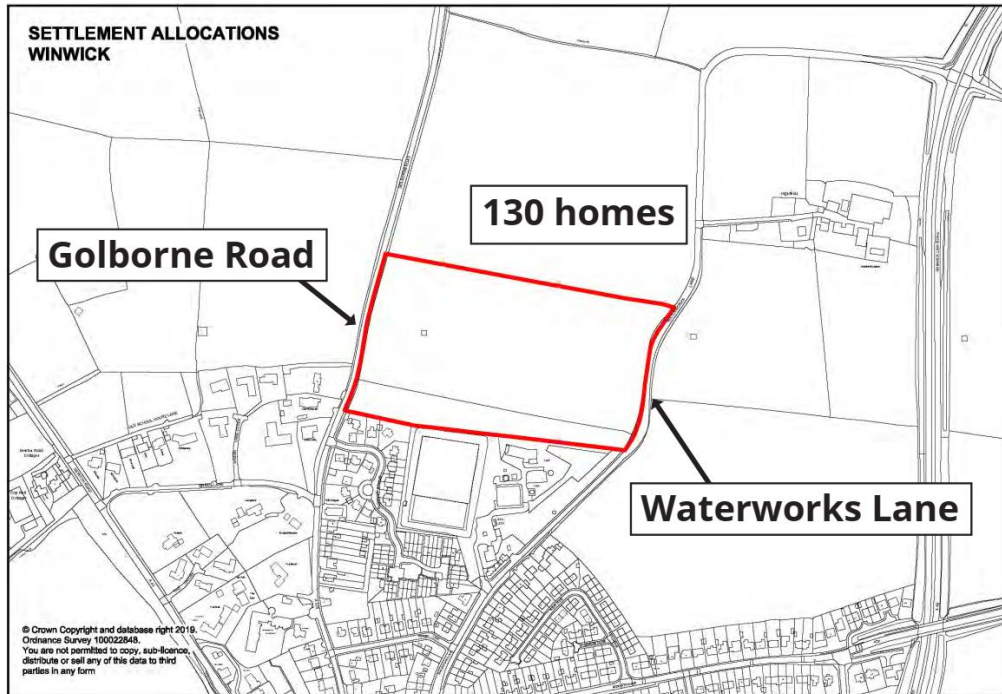
The Period for Objecting to Registrations made before 1st July 1968, begins on 1st October 1968, and ends on 30th September, 1970. Every objection must be made in writing on the special form of objection (C. R. Form No. 26) available from 15th August onwards free and post free from the Clerk of the Council,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

For any late Notices see Contents list on last page

10. Policy OS9 – Land to the north of Winwick

Overhead High Voltage Electric Power Lines

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



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

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



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







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

“8. Promoting healthy and safe communities

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

.....

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

Yellow Highlight to emphasis importance.

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

Ground conditions and pollution

.....

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

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

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

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

Yellow Highlight to emphasis importance.

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

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

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

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

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

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

EMF Radiation from the Overhead High Voltage Electric pylon route

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

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

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

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

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

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

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

“New Homes

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

Community Facilities

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

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

Open Space and Recreation

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

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

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

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

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

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

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

“...; and

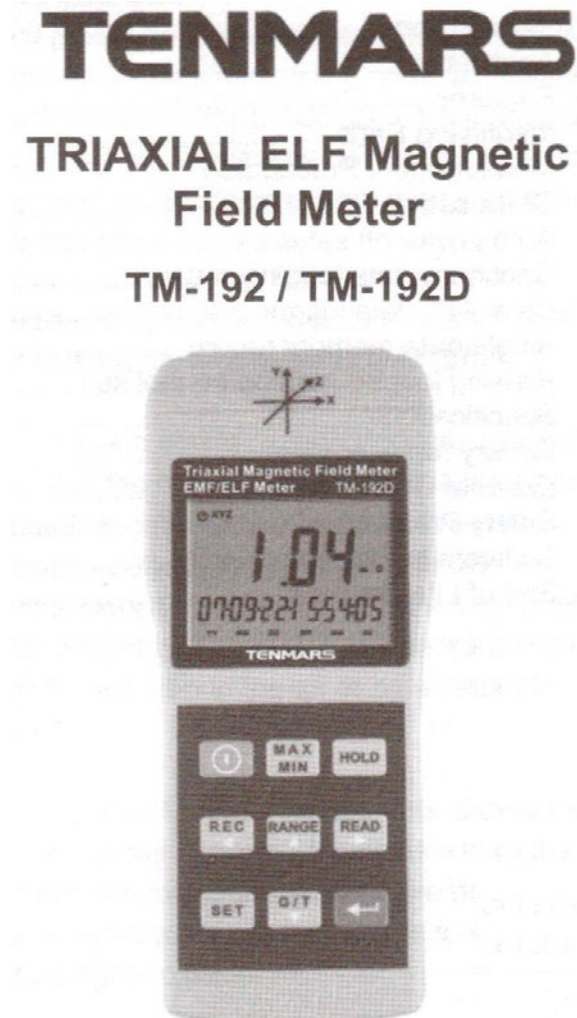
e) consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size.”

Due to Policy OS9 stating:

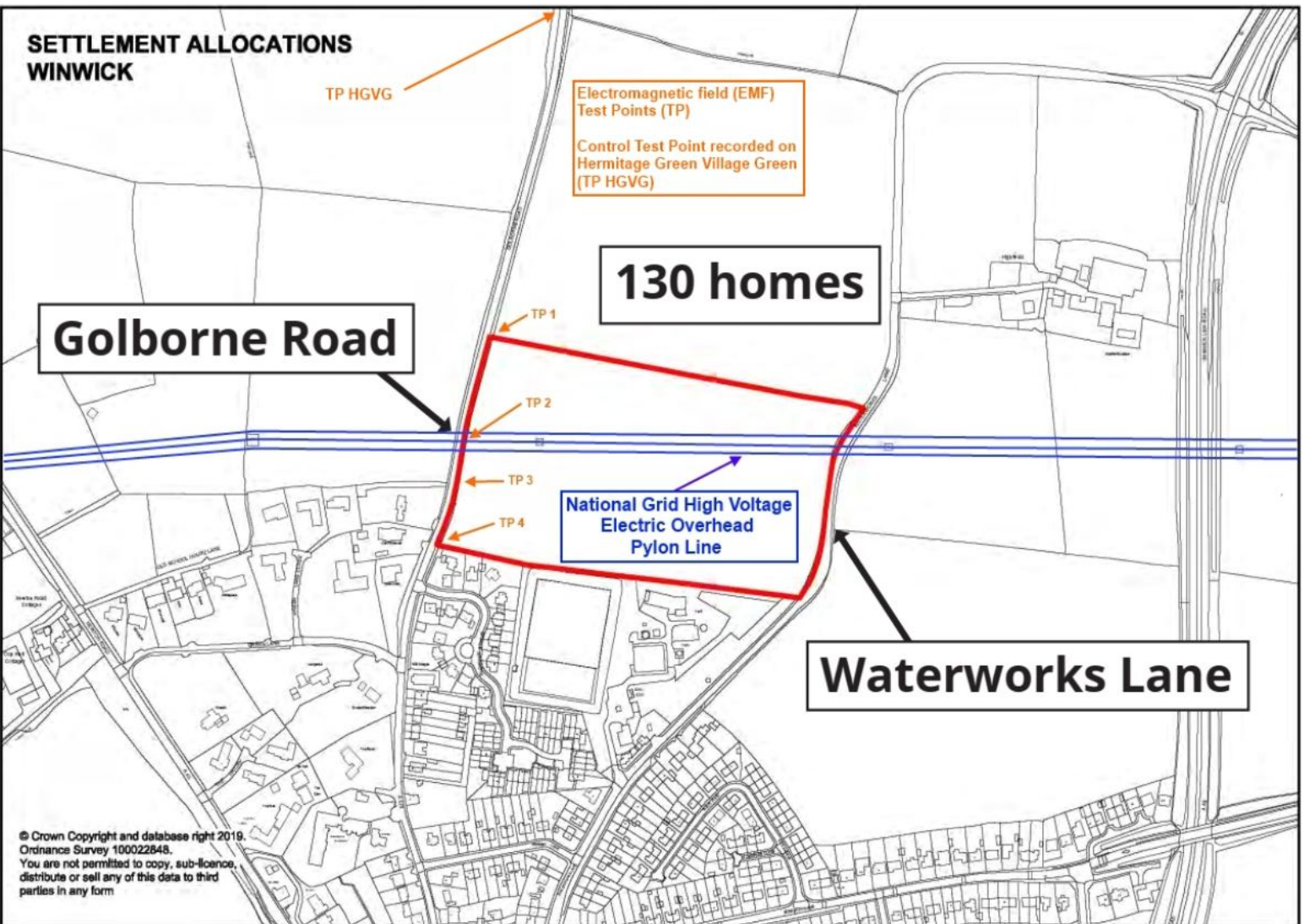
1. Land to the north of Winwick (inset settlement) will be removed from the Green Belt and allocated for development for a minimum of 130 homes.

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

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



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



Bing maps web view of Policy OS9 – Land to the north of Winwick, showing the respective distances of the National Grid Overhead High Voltage Electric Pylon route location and EMF test measurement points TP 1, TP 2, TP 3 and TP 4.



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

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

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

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

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

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

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

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

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

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

5

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

6
The Lowest Level Linked to Cancer for RF is from two Australian studies of radio/TV broadcast towers that found increased childhood leukemia at levels as low as 0.2 microwatts/cm². The first (Hocking, 1996) found that leukemia death rates were more than double for the exposed children. The second (Hocking, 2000) found that children trying to recover from leukemia were twice as likely to survive in a lower exposure home.

7
The Average Level in Homes for *magnetic fields* is derived from nationwide research studies and confirmed in my own testing experience. The average levels for *electric fields* and *RF fields* are estimates from my own 22 years of professional testing in the San Francisco Bay area.

8
The Building Biology Severe Concern level is from the "Standard of Building Biology Testing Methods" published by the Institute for Baubiology. (Go to www.hbelc.org/pdf/standards/sbm2008.pdf.)

9
The BiolInitiative Report Recommendations are from the 2012 "BiolInitiative Report: A Rationale for a Biologically-Based Public Exposure Standard for Electromagnetic Fields". (Go to www.bioinitiative.org. For a detailed list of the RF studies reporting adverse health effects and the related RF exposure levels, go to www.bioinitiative.org/report/wp-content/uploads/pdfs/BiolInitiativeReport-RF-Color-Charts.pdf.)

10
The General Public Precautionary Level is my own offering to healthy concerned clients based on my own understanding of the EMF research, and leaning towards caution. For example for *magnetic fields*, to offer some margin of safety below the 1.0 mG linked to cancer, I might suggest a safety level of 0.5 mG.

11
The EMF Hypersensitivity Advisory is based upon anecdotal experience by EMF professionals like myself who often find it necessary to reduce exposures to these levels for sensitive individuals to report relief of symptoms. However, there is no guarantee that these levels will be low enough for any particular person.

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

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

Policy OS9 that states:

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

16. The development should be designed to mitigate the impacts of climate change; be as energy efficient as possible and seek to meet a proportion of its energy needs from renewable or low carbon sources in accordance with Policy ENV7."

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

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

Safe Distance from Power Lines...

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

Table of Safety Distances from Various EMF Sources...

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

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

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

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

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

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

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

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

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

Conclusion

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

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

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

Points of clarification

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

Identifying land for homes

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

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

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

Footnote 33 and 34

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

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

Footnote 6

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

Footnote 63

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

Where Annex 2: Glossary states:

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

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

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

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

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

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

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

"New Homes

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

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

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

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

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

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

Housing Mix

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

Table 3 – Housing Demand

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

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

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

in direct conflict with the NPPF paragraph 72e:

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

Therefore, the NPPF paragraph 71b) states:

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

Where footnote 33 states:

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

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

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



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

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

In Policy OS9 it states:

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

And paragraph 10.13.4 states:

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

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

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

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

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

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

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

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

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

Ownership from the Ecclesiastical Commission

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

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

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

Reasoning Policy OS9 - Land to the north of Winwick

Designated Heritage asset – Registered Battlefield

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

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

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

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

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

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

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

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

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

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

Paragraph 193 states:

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

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

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

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

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

Historic Setting

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

This is the NPPF Plan-making aspect that is a background document for Policy OS9 – Land to the north of Winwick under Chapter16. Conserving and enhancing the historic environment, where Paragraphs 184, 185, 193, 194 apply to justify as being a policy for the Proposed Local Plan 2017 – 2037.

Points of clarification

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

This analyse for the NPPF2019 under Plan-making is to justify Policy OS9, where the Land allocation has not been included in the Registration area for the battlefield but happens to be adjacent to the boundary of the registration area. Due to the Historic England area boundary parameters this area that could have been an area where the Scots ran but the Parliamentarians fought in the latter part of the battle. The area has not been included, but there could be musket shot that fail to make its mark and impacted in to the earth that still remains. Therefore the only aspect that the Land in Policy OS9 could under decision-taking where the NPPF: paragraphs 184, 189, 190, 192, 193, 194, and 195 apply; paragraph 196 does not apply as levels of harm can not be assigned to an event where a location occurred. Harm can be assessed to a development outside the heritage asset that affects the setting of the registered battlefield. A development that situated directly on the registered battlefield will destroy the actions of the events topography.

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

There are a few errors that need to be addressed:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

To explain further the companion document:

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

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

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

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

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

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

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

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

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

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

Points of clarification

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

Recommendations for Policy OS9

Additional clauses and changes to Policy OS9

Remove:

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

Green Belt

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

Replace with:

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

Green Belt

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

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

Additional clauses:

Historic Environment

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

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

Ownership

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

Changes:

Utilities and Environmental Protection

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

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

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

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

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

11. Policy DC2 - Historic Environment

Reasoning Policy DC2 - Historic Environment

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

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

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

Recommendations for Policy DC2 - Historic Environment

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

Assessing Development Proposals

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

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

12. Non-Strategic Policies: New Policies

New Policies for Winwick Parish Council

Background

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

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

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

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

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

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

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

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

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

If so what are these policies?

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

13. Policy WPC 1 Winwick Parish Historic Environment

Reasoning for St Oswald's Well

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

Chapter IX

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

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

Chapter X

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

(Yellow Highlight to emphasise importance)

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

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



“Details

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

Legal

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

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

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

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

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

As King Oswald fell, his piety and martyrdom assured.

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

Reasoning for Registered Battlefield Battle of Winwick Pass

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

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

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

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

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

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

To explain further the companion document

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

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

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

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

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

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

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

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

will be of the highest.

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

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

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

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

Policy WPC 1 Winwick Parish Historic Environment

Historic environment

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

Green Belt

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

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

Listed Buildings

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

Heritage Assets

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

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

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

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

St Oswald's Well

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

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

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

Registered Battlefield Battle of Winwick Pass

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

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

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

Heritage Asset

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

9. The definition of a "battlefield" is:

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

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

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

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

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

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

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

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

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

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

Reasoning for Policy WPC 2

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

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

Therefore, Policy WPC2 follows:

Policy WPC 2 Winwick Parish Common Land and Village Green

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

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

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

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

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

15. Policy WPC 3 Winwick Parish Traffic Calming

Reasoning for Policy WPC 3

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

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

This document compliments this document with details shown in

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

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

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

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



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

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

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

Therefore, Policy WPC3 follows:

Policy WPC 3 Winwick Parish Traffic Calming

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

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

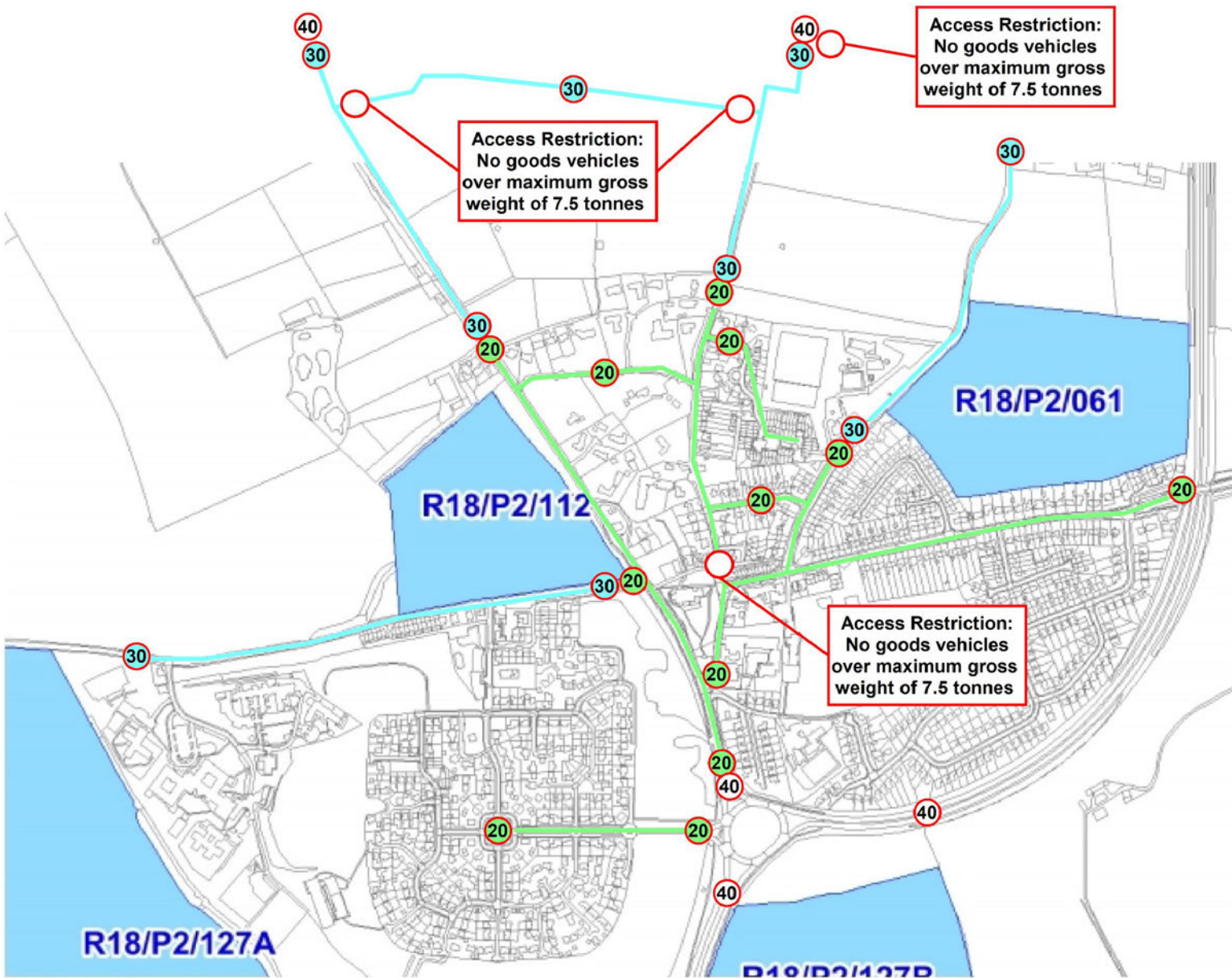


Figure Policy WPC 3 Winwick Parish Traffic Calming: Speed Limit changes to the Town of Winwick

16. Strategic Policy Omega Rail Freight Terminal

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

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

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

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

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

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

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

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

Proposed new Rail Freight Terminal

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

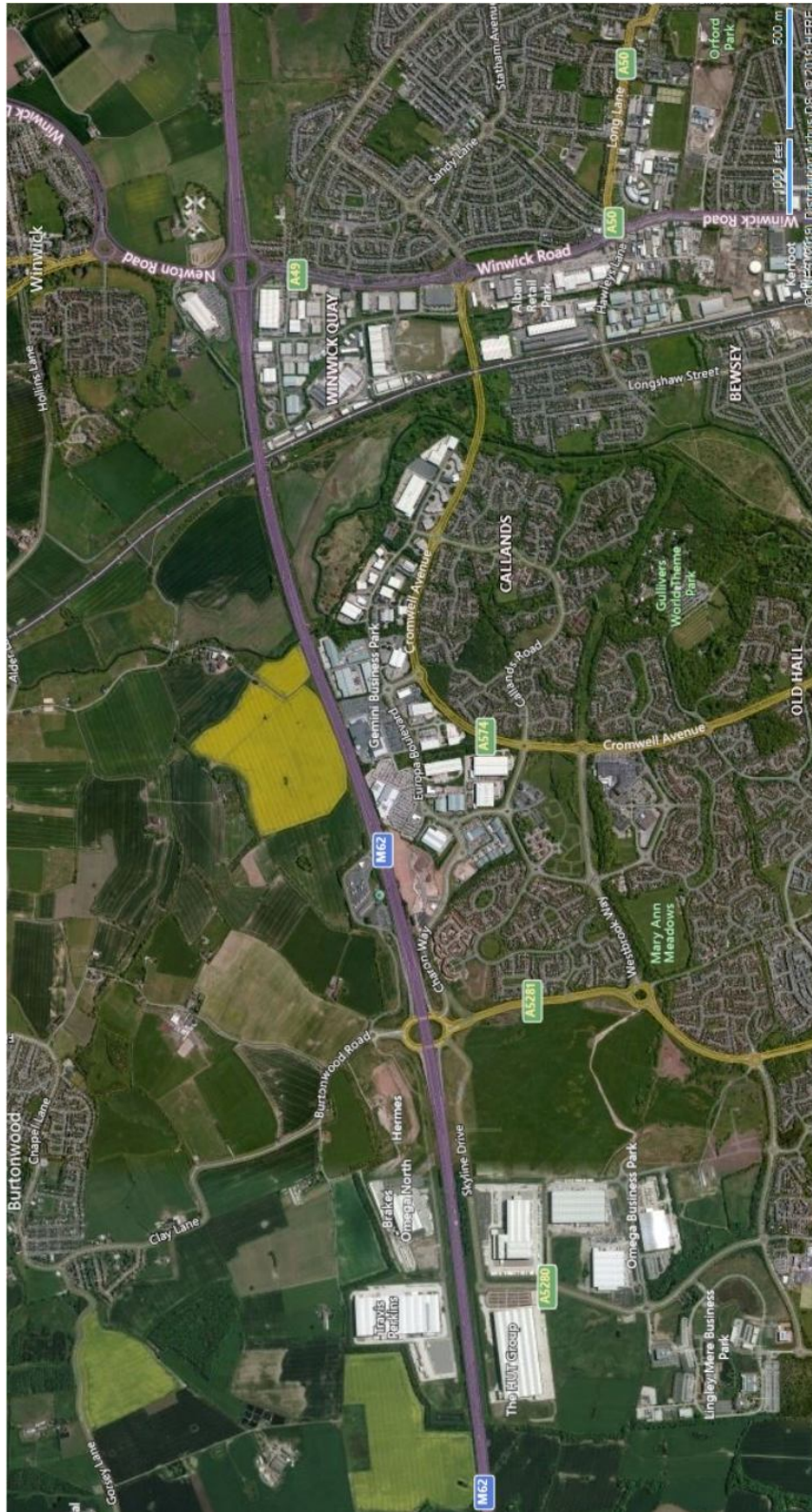
9. The opportunity exists now for Warrington to step in at Omega with a dedicated Rail Freight Terminal that serves the Omega companies. This will reduce the Road traffic and create more jobs with future rail related businesses at Omega.

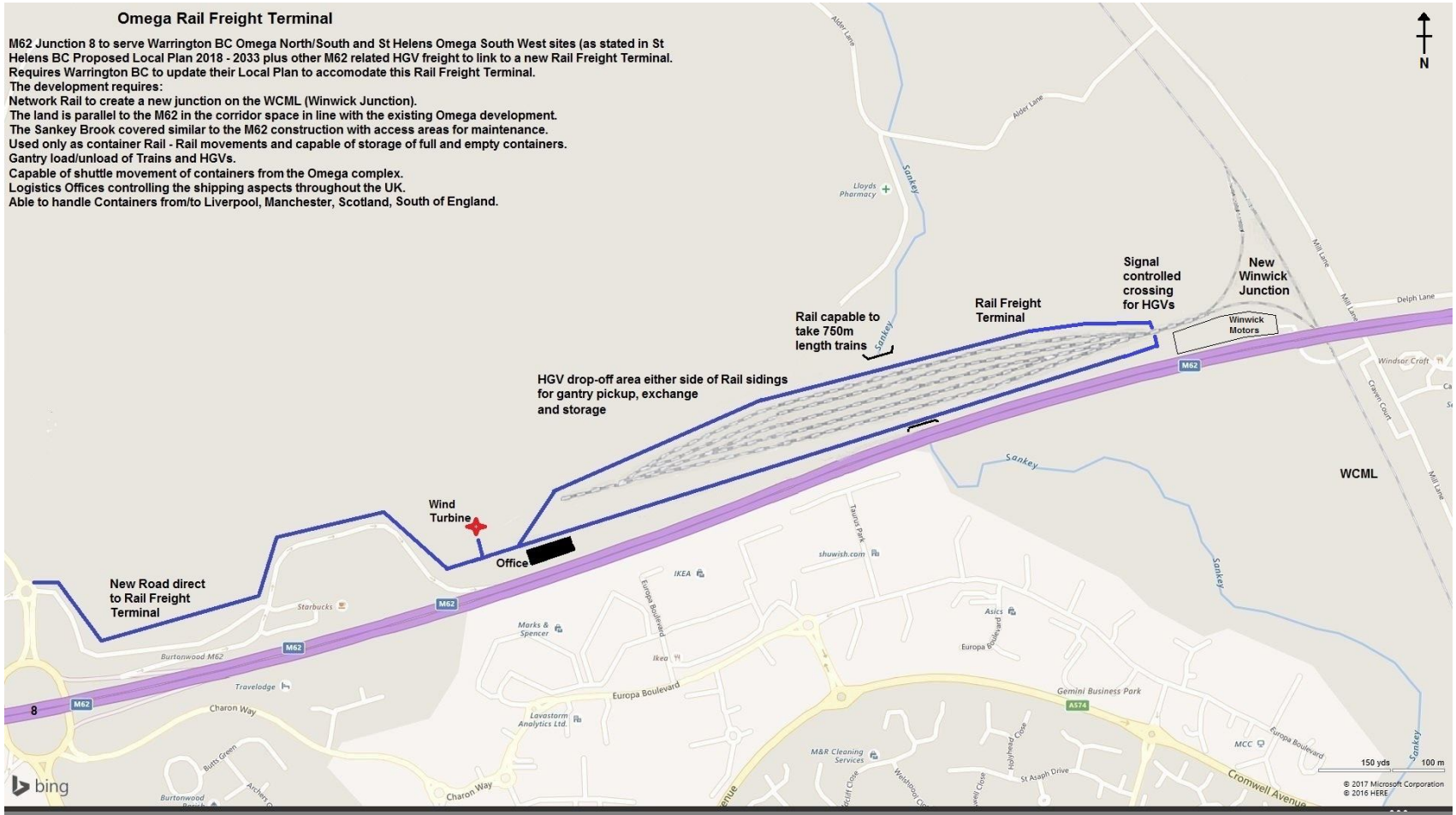
10. It will compliment Port Warrington and in fact Port Warrington will be linked by rail to the Omega Rail Terminal via the WCML link this would reduce container traffic driving south-north and north-south through Warrington.

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

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







Parkside Action Group
Response to Parkside Link Road Planning Application
Legal Aspects
April 2019



Web:
Email:



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ERRATA

In the attached response document:

“PAG (R Ward) Response to Parkside Phase 1 Planning Application P_2018_0048_OUP Jan 2019.pdf”

that accompanies this document.

Where in the response document on pages 6, 11, 12 and 13 reads:

“Clean Air Strategy 2019”, by The Department for the Environment, Food and Rural Affairs, published 14 January 2018.

should read:

“Clean Air Strategy 2019”, by The Department for the Environment, Food and Rural Affairs, published 14 January 2019.

1. Purpose

This document provides a response to the St Helens Council (SHC) Local Planning Authority on the submission made by the applicant St Helens Council for the Parkside Link Road Planning Application, for the legal public consultation notification period, between Thursday 04 April 2019 and ending on Sunday 05 May 2019, application ref. P/2018/0249/FUL.

“Proposal: Formation of a new link road between A49 (Winwick Road) and M6 Junction 22 including the re-alignment of Parkside Road and other associated works.....

Location: Land Between A49 Winwick Road To A573 Parkside Road, Including A Portion Of The Former Parkside Colliery Site And Then From A573 Parkside Road To A579 Winwick Lane Connecting To M6 Junction 22.....

This letter is to inform you that the Council has received further information relating to the Environmental Statement that accompanied the above application, as well as other information including amended plans....”

It is to this proposal this document addresses.

2. Introduction

2.1. Respondent

I am Richard Ward, [REDACTED]

[REDACTED] member of the Parkside Action Group, and I submit the following document in response to the above application for the development known as Parkside Link Road (PLR). This document is an objection to this proposed development.

2.2. Documentation

In the attached appendix at the end of this document, I refer to my response to the submission made by the applicant St Helens Council for the Parkside Link Road application description proposal to Warrington Borough Council (WBC) Development Management Committee under reference 2018/32514.

In my response to WBC I refer to several documents that complement the response document, as follows:

- Parkside Link Road Application 2018_32514 (Major) Document 1 of 6.pdf
- Parkside Link Road Application 2018_32514 (Major) Document 2 of 6.pdf
- Parkside Link Road Application 2018_32514 (Major) Document 3 of 6.pdf
- Parkside Link Road Application 2018_32514 (Major) Document 4 of 6.pdf
- Parkside Link Road Application 2018_32514 (Major) Document 5 of 6.pdf
- Parkside Link Road Application 2018_32514 (Major) Document 6 of 6.pdf
- 1. WBC Application_2018_32247 last minute DMC response June2018.pdf
- PAG (R Ward) Response to Parkside Phase 1 Planning Application P_2018_0048_OUP Jan 2019.pdf
- PAG (R Ward) Response to Parkside Phase 1 Planning Application P_2018_0048_OUP January 2019 – Heritage rider final.pdf

Therefore, I also submit these said documents to compliment this document to SHC.

3. Legal Aspects

3.1. Environmental Impact Assessments

The Applicant, St Helens Council, submitted to St Helens Council (SHC) Local Planning Authority, a planning application proposal and Environmental Impact Assessment in 2018 under SHC reference P/2018/0249/FUL to construct a new road known as the Parkside Link Road (PLR) for public consultation. Subsequently, in 2019, under the same reference P/2018/0249/FUL, a second Environmental Impact Assessment for the same proposed development was submitted to construct a new road known as the PLR for a second public consultation.

3.1.1. But due to the applicants proposed PLR proposal route, this crosses the boundary of the SHC borough boundary and requires a second Local Planning Authority, namely Warrington Borough Council (WBC) Development Management Committee, to assess the same planning application proposal and Environmental Impact Assessment in 2018 under WBC reference 2018/32514 to construct a new road known as the PLR for public consultation.

This cross boundary of the proposed PLR gives rise to substantial cross boundary issues not just with WBC but also with Wigan Council to which the proposed PLR proposal also has serious impacts within the borough of Wigan. These substantial cross boundary have significant and serious impacts and effect beyond the immediate locality of the proposed PLR proposal.

3.1.2. The main purpose of the PLR as detailed in the applicants submitted documentation is to facilitate the PRD (Parkside Regeneration Development), the applicants of the PRD being St Helens Council and Langtree plc which consists of the developments known as Phase 1, Phase 2, Phase 3(SRFI). The PLR documentation gives details of the PRD that will consist of 16 separate warehouses/sheds together with the rail terminal. The SHC update Local Plan Draft submitted in 2019 states the time-scale of the PRD, Phase 1, Phase 2, Phase 3(SRFI) as **ALL** being operational in 2028, all being developed within a 5 year time-scale.

3.1.3. Therefore, the PLR main purpose is to facilitate the PRD, the proposal must be taken as a whole project as the PLR and PRD are interlinked. The developments can not be brought forward as stand-alone developments.

3.1.4. Before the PLR application(s) were submitted to SHC and WBC respectively in 2018, the PRD applicants submitted the Phase 1 proposal and Environmental Impact Assessment to SHC Local Planning Authority under reference P/2018/0048/OUP for public consultation. Under this consultation in 2018 the statutory stakeholder WBC Development Management Committee, under planning application reference 2018/32247, made on 06 June 2018 the official public decision to object to the SHC P/2018/0048/OUP.

3.1.5. It must also be noted that the PRD applicants re-submitted under the same planning application Phase 1 proposal and a second Environmental Impact Assessment under reference P/2018/0048/OUP to SHC Local Planning Authority in 2019, the same application reference as submitted as statutory stakeholder to WBC Development Management Committee in 2018. The public decision made by WBC Development Management Committee under planning application reference 2018/32247 to object to the SHC P/2018/0048/OUP on 06 June 2018, subsequently can not be over-ruled by re-submitting under the same application reference at a later date.

3.1.6. The consequence of the respective applicant(s) for the PLR and the PRD Phase 1 application description of the proposal, all state the same area in all three applications: SHC P/2018/0048/OUP; SHC P/2018/0249/FUL; and WBC 2018/32514, have three separate Environmental Impact Assessments propose to carry out work on the A49 junction and associated road within the Phase 1 boundary. Making three individual and separate planning applications Environmental Impact Assessments for the same area at the same time is against the Directive 2011/92/EU, amended by Directive 2014/52/EU: only one Environmental Impact Assessments for

the area can be performed. By doing so this method, named salami-slicing, is forbidden by European Directives and various judgements, among others [Ecologistas].

The PLR application proposal WBC 2018/32514 and the PLR application proposal SHC P/2018/0249/FUL is solely required to facilitate the whole PRD.

The Phase 1 application proposal SHC P/2018/0048/OUP masterplan(s) is required to facilitate the PLR, Phase 2 and Phase 3(SRFI), being developed.

The Environmental Impact Assessment documentation for either the PLR application or the Phase 1 application fails to show the full assessment as required by the Directive 2011/92/EU amended by Directive 2014/52/EU Article 2(1) and under Annex II Projects Referred to in Article 4(2):

10. INFRASTRUCTURE PROJECTS;

(b) Urban development projects, including the construction of shopping centres and car parks;

(c) Construction of railways and intermodal transshipment facilities, and of intermodal terminals (projects not included in Annex I);

(e) Construction of roads, harbours and port installations, including fishing harbours (projects not included in Annex I);

and

13. (a) Any change or extension of projects listed in Annex I or this Annex, already authorised, executed or in the process of being executed, which may have significant adverse effects on the environment (change or extension not included in Annex I);

Therefore this is to salami-slice the applications so as to subvert the proper operation of planning controls and the SHC Local Planning Authority and the WBC Development Management Committee must refuse the respective applications description of the proposal before them (SHC P/2018/0048/OUP; SHC P/2018/0249/FUL and WBC 2018/32514), or submit the application(s) to the Secretary of State for a ministerial decision.

3.2. Aarhus Convention

3.2.1. The “CONVENTION ON ACCESS TO INFORMATION, PUBLIC PARTICIPATION IN DECISION-MAKING AND ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS”, done at Aarhus, Denmark, on 25 June 1998, known as the Aarhus Convention.

The proposed development(s) at the former Parkside colliery and associated lands either side of the motorway M6 known as Parkside East and Parkside West, all have been identified as requiring an Environmental Impact Assessment under the Directive 2011/92/EU amended by Directive 2014/52/EU under Annex II Projects Referred to in Article 4(2).

If a project has significant effects on the environment by virtue, inter alia, of their nature, size or location and nevertheless split in to smaller development applications, it is against Directive 2011/92/EU amended by Directive 2014/52/EU Article 2(1) for projects under Annex II and detailed in the European Court of Justice Case number 142/07 [Ecologistas] judgment among other judgments.

3.2.2. The applicant SHC, two PLR application proposals and the re-submitted Environmental Impact Assessment(s) to WBC and SHC respectively in 2019 (SHC P/2018/0249/FUL and WBC 2018/32514), the applicant submitted documentation to the respective local authorities for public consultation, have references to the Environmental Impact Assessment documents that are not present for the public to assess the proposed development in the consultation.

This is in direct conflict with the **Aarhus Convention** Article 6 under Annex 20 for the public to legally consult on the applications. Therefore, as there are differences between the two PLR application Environmental Impact Assessments, then SHC Local Planning Authority and WBC Development Management Committee must refuse the respective applications description of the proposal before them (SHC P/2018/0249/FUL and WBC 2018/32514), or submit the application to the Secretary of State for a ministerial decision.

3.2.3. The PLR application proposal Environmental Impact Assessments with WBC and SHC in 2019, also reference the PRD, Phase 1, Phase 2, Phase 3(SRFI), as the PLR will facilitate the PRD (16 warehouses/sheds and rail terminal in the respective Environmental Impact Assessment(s)), the applicant SHC fail to provide for public consultation the associated criteria for assessment for these PLR declared 16 warehouses/sheds and rail terminal, as stated in the Directive 2011/92/EU amended by Directive 2014/52/EU.

This is in direct conflict with the **Aarhus Convention** Article 6 under Annex 20 for the public to legally consult on the applications. Therefore, the SHC Local Planning Authority and the WBC Development Management Committee must refuse the respective applications description of the proposal before them (SHC P/2018/0249/FUL and WBC 2018/32514), or submit the application to the Secretary of State for a ministerial decision.

3.2.4. Further, as both SHC Local Planning Authority and WBC Development Management Committee have before them the Phase 1 application P/2018/0048/OUP Environmental Impact Assessment due to the inter-relationship of the A49 junction and associated roads the with the PLR applications.

Also, the Environmental Impact Assessment Phase 1 masterplan(s) show there is an inter-relationship with Phase 2 and the Phase 3(SRFI) but fails to show the full impact of these in the Phase 1 assessment of these developments. This is in direct conflict with the **Aarhus Convention** Article 6 under Annex 20 for the public to legally consult on the application proposal P/2018/0048/OUP, therefore, the SHC Local Planning Authority and the WBC Development Management Committee must be refused or submit the application to the Secretary of State for a ministerial decision.

3.2.5. Due to the Phase 1 application proposal Environmental Impact Assessment with SHC in 2019 also reference the PRD, Phase 2, Phase 3(SRFI) and PLR. The PRD Phase 1 application proposal show the Listed Buildings Newton Park Farmhouse and Barn and associated other dwellings are seriously affected by the all Phase 1, Phase 2, Phase 3(SRFI) and the PLR. But the Phase 1 application proposal Environmental Impact Assessment documentation fails to show the effects as a whole project and the likely significant effects on the environment by virtue, inter alia, of their nature, size or location on the Listed Buildings Newton Park Farmhouse and Barn and associated other dwellings.

The Phase 3 (SRFI) Rail spur line located on Parkside West is a fundamental key component that is required for the SRFI terminal on Parkside East. Therefore as the Listed Buildings Newton Park Farmhouse and Barn and associated other dwellings is required to be altered to enable the SRFI Rail Spur line on Parkside West to be developed. As Phase 1 masterplan(s) clearly show the Listed Buildings Newton Park Farmhouse and Barn and associated other dwellings have been altered (Newton Park Drive has been removed and a new road connected to the Phase 1/PLR entrance on the A49 Winwick Road) to accommodate the Phase 3 (SRFI) Rail Spur Line.

The Phase 1 masterplan seriously impacts on the Listed Buildings Newton Park Farmhouse and Barn and associated other dwellings setting under the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Phase 1 masterplan clearly shows the Drainage and road infrastructure (which must include the associated utilities) to accommodate the Listed Buildings Newton Park Farmhouse and Barn and associated other dwellings.

The Phase 1 application (and the PLR applications) fails to show the documentation of the whole Environmental Impact Assessment for the whole Phase 1, Phase 2, Phase 3 (SRFI) and the PLR development upon the Listed Buildings Newton Park Farmhouse and Barn and associated other dwellings.

The public have been legally denied the full documentation to assess the Phase 1 application (and the PLR applications) as required under the **Aarhus Convention**. Therefore, the SHC Local Planning Authority and the WBC Development Management Committee must refuse the application SHC P/2018/048/OUP description of the proposal before them, or submit the application to the Secretary of State for a ministerial decision.

3.2.6. The Designated Heritage Asset Registered Battlefield Environmental Impact Assessment for the PLR clearly shows that the assessment does not include the Phase 1 application. The PLR assessment is only concerned with the PLR boundary on the Parkside West even though part of the PLR boundary is situated on and inside the Phase 1 boundary. To the point that the PLR assessment states the areas to be used by the surface water drainage that runs through the Registered Battlefield will be restored so as to not affect the battlefield, without any recognition that the Phase 1 development application proposal will destroy the battlefield area by raised earthworks and warehouse/sheds and associated road and hardstandings.

The omission of the full Environmental Impact Assessment in the PLR application by the serious impact effects of the Phase 1 application is in direct conflict with the **Aarhus Convention** Article 6 under Annex 20 for the public to legally consult on the applications. Therefore, SHC Local Planning Authority and WBC Development Management Committee must refuse the respective applications description of the proposal before them (SHC P/2018/0249/FUL and WBC 2018/32514), or submit the application to the Secretary of State for a ministerial decision.

4. Air Quality and Climate Change Rider

4.1. After the House of Commons debate in Parliament on 01 May 2019 on “The Environment and Climate Change”, To which can be read in the Commons Hansard at the following web links:

part1:

<https://hansard.parliament.uk/Commons/2019-05-01/debates/3C133E25-D670-4F2B-B245-33968D0228D2/EnvironmentAndClimateChange>

Part2:

<https://hansard.parliament.uk/Commons/2019-05-01/debates/85FE0864-18D1-42BA-9D3C-CB2D0958D067/EnvironmentAndClimateChange>

After the debate the move to closure was made and the whole House of Commons to the question: “agreed” and “resolved”:

Mr Nicholas Brown (Newcastle upon Tyne East) (Lab)

claimed to move the closure (Standing Order No. 36).

Question put forthwith, That the Question be now put.

Question agreed to.

Main Question accordingly put and agreed to.

Resolved,

That this House declares an environment and climate emergency following the finding of the Inter-governmental Panel on Climate Change that to avoid a more than 1.5°C rise in global warming,

global emissions would need to fall by around 45 per cent from 2010 levels by 2030, reaching net zero by around 2050; recognises the devastating impact that volatile and extreme weather will have on UK food production, water availability, public health and through flooding and wildfire damage; notes that the UK is currently missing almost all of its biodiversity targets, with an alarming trend in species decline, and that cuts of 50 per cent to the funding of Natural England are counterproductive to tackling those problems; calls on the Government to increase the ambition of the UK's climate change targets under the Climate Change Act 2008 to achieve net zero emissions before 2050, to increase support for and set ambitious, short-term targets for the roll-out of renewable and low carbon energy and transport, and to move swiftly to capture economic opportunities and green jobs in the low carbon economy while managing risks for workers and communities currently reliant on carbon intensive sectors; and further calls on the Government to lay before the House within the next six months urgent proposals to restore the UK's natural environment and to deliver a circular, zero waste economy.

Extract from the above Hansard Part 2 web link.

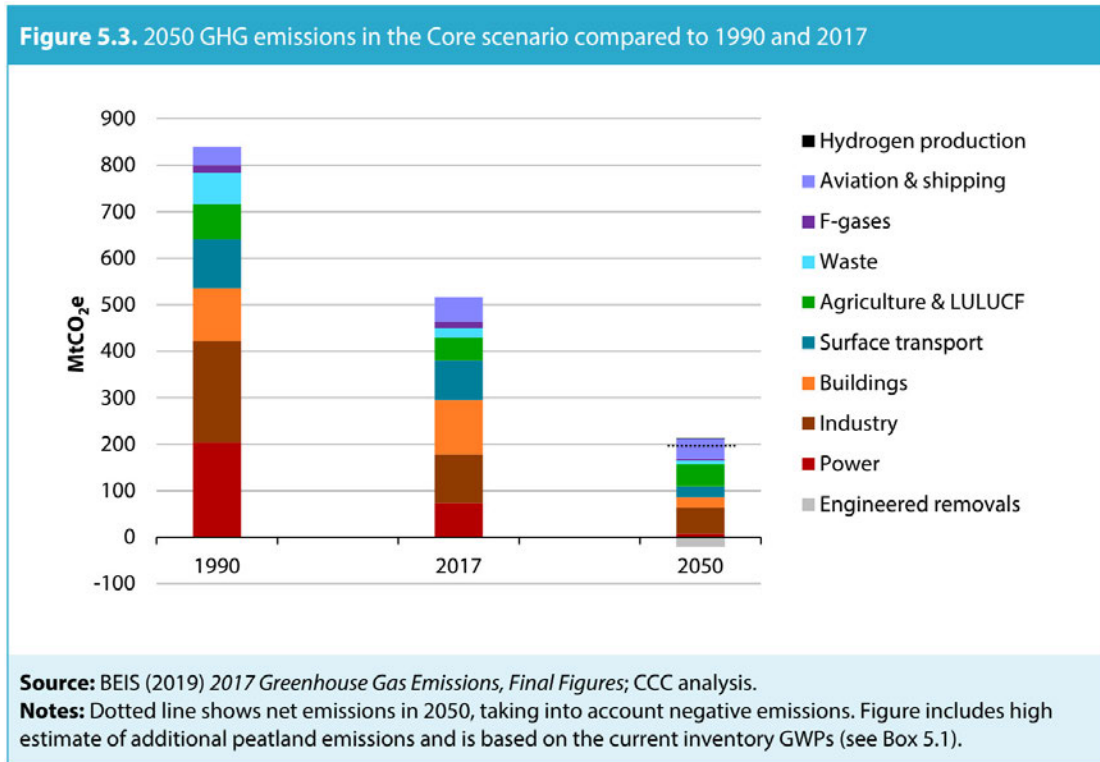
4.2. During the Commons debate on "The Environment and Climate Change", several members of Parliament who spoke, mentioned the forthcoming climate change report to be published on 02 May 2019. The report was published on 02 May 2019 titled: "*Net Zero The UK's contribution to stopping global warming*", by the Committee on Climate Change. This report can be found at the following web links:

<https://www.theccc.org.uk/publication/net-zero-the-uks-contribution-to-stopping-global-warming/>

<https://www.theccc.org.uk/wp-content/uploads/2019/05/Net-Zero-The-UKs-contribution-to-stopping-global-warming.pdf>

The "*Net Zero The UK's contribution to stopping global warming*" report states:

Page 143 states:



This shows that from 1990 to 2017 the contribution from building construction by the use of steel, cement and lime has not changed in usage and can be seen to be a major contributor to pollution. Especially as the construction of buildings and industry are directly linked to surface transport.

Page 145 states:

“Surface transport. The Further Ambition options we have identified for reducing emissions in surface transport lead to emissions of 2 MtCO₂e in 2050. This will need all cars and vans to be electric by 2050, and for the vast majority of HGVs to be either electric or hydrogen powered. These changes are likely to be cost saving overall. Remaining emissions in 2050 are largely from a small level of conventionally powered HGVs and rail freight.

– HGVs are harder to decarbonise. Our new research suggests that it is possible to get to very-low emissions by 2050 by switching most of these vehicles to hydrogen power or electrification. A hydrogen-based switchover would require 800 refuelling stations to be built by 2050 and electrification would need 90,000 depot-based chargers for overnight charging....”

Page 161 states:

“The ETC focused on ways to reach net-zero CO₂ emissions by mid-century in harder-to-abate sectors such as industry, freight transport and aviation. They identified a three-pronged approach: demand reduction for high-carbon goods such as steel....”

Page 163 states:

Box 5.7. Consumption-based emissions

Emissions associated with the activities of UK residents can be measured in two main ways: on a territorial basis, which includes emissions produced solely within the UK's borders, or on a consumption basis which aims to cover emissions associated with UK activity and expenditure wherever it occurs in the world (and does not include the emissions from producing the UK's exports).

Consumption-based emissions were estimated to be around 70% higher than territorial-based emissions in 2016 (see Box 3.3 in Chapter 3). Consumption-based emissions have a higher uncertainty than territorial estimates given the need to estimate emissions across international supply chains.

The UK should ensure that action to reduce emissions within its own borders does not result in an increase in the imported part of its consumption emissions. Such an increase could occur due to either an increase in total UK consumption, or a transfer of activity to overseas (known as 'offshoring').

The Committee will continue to monitor emissions on a consumption basis as part of our regular progress monitoring. The Government should consider the cost-effectiveness of measures to cut emissions based on their effect on all emissions, not just those included in the UK territorial account.

Our Further Ambition options include a number of demand reduction measures, such as resource efficiency and dietary change, which target goods and services whose production may be more difficult to decarbonise. These include: fossil fuels, industrial products (steel, cement, and lime) and foods such as red meat and dairy products. This approach is taken primarily because these measures are a relatively low-cost way for the UK to achieve net-zero territorial emissions. However, the substantial import dependency of these goods and services means that these actions are also likely to reduce total UK consumption-based emissions. The UK's progress towards net-zero emissions on a territorial basis will contribute additionally towards reducing global emissions, since the carbon content of the UK's exported goods and services will be lower. Furthermore, the lower UK territorial emissions will reduce the consumption emission footprints of countries that import from the UK.

Figure B5.7 shows the estimated reduction due to our Further Ambition options, from 2016 to 2050, in the imported part of the UK's consumption-based emissions for the goods and services listed above. The total reduction is 18 MtCO₂e, or a 27% reduction compared to the level (64 MtCO₂e) in 2016. The drivers of this reduction are:¹⁵³

- A 30% reduction in the tonnage of iron and steel, and a 26% reduction in cement, lime and plaster, consumed in the UK between 2016 and 2050. See Chapter 4 of the Technical Report for details.
- A 20% reduction in the amount of beef, lamb and dairy produce consumed in the UK between 2016 and 2050. Beef and lamb consumption are assumed to be replaced by pork and poultry products; dairy products by legumes and pulses. See Chapter 7 of the Technical Report for details.
- Lower consumption of fossil fuels¹⁵⁴ and imported bioenergy as a result of all Further Ambition options in aggregate. These reduce emissions from extraction and production of these fuels.
- We do not include additional emissions reductions from reduced growth in UK aviation. Only the departing flights are included in the UK's territorial emissions, but clearly fewer departing flights will also be associated with fewer arriving flights. These will be counted in the territorial emissions of the countries from which they depart and will help to reduce global emissions but may not count in the UK's consumption emissions.

Page 237 states:

***“Low-carbon production inputs. Deeper decarbonisation of industries like steel and cement will be needed in the UK to achieve net-zero emissions. Greater international demand for low-carbon industrial products could be an opportunity for UK firms, if they start to decarbonise their manufacturing processes sooner.*”**

Page 274 states:

“In setting a net-zero target, these actions must be supplemented by stronger approaches to policy for industry, land use, HGVs, aviation and shipping, and GHG removals:

- **Industry.** Government must implement an approach to incentivise industries to reduce their emissions through energy and resource efficiency, electrification, hydrogen and CCS in ways that do not adversely affect their competitiveness. In the short-term, this is likely to imply a role for Exchequer funding. Longer term, it could involve international sectoral agreements (e.g. for industries like steel where there are relatively few global companies), procurement and product standards that drive change by requiring consumers to buy or use low-carbon products (e.g. where UK consumption is a large part of an industry’s market) or through border-tariff adjustments that reflect the carbon content of imports. Wider infrastructure developments to support CCS and hydrogen roll-out will support industry to make the required changes.*
- **Land use.** Consumer-facing policies should be used to support shifts to healthier diets with lower beef, lamb and dairy consumption. These would allow changes in UK land use without increasing reliance on imports. Forest cover should increase from 13% of UK land to 17% by 2050. Policy must support land managers with skills, training and information.*
- **HGVs.** The Government will need to make a decision on the required infrastructure for zero emission HGVs, with international coordination, in the mid-2020s ready for deployment in the late 2020s and throughout the 2030s. To help prepare for that, trials of zero emission HGVs and associated refuelling infrastructure are now needed. Vehicle and fuel taxation from the 2020s onwards should be designed to incentivise commercial operators to purchase and operate zero-emission HGVs.*
- **Aviation and shipping.** ICAO and IMO, the international agencies for aviation and shipping, have adopted targets to tackle emissions. The scenarios in this report go beyond those targets, suggesting increased ambition and stronger levers will be required in the long run. We will write to the Government later this year on its approach to aviation, building on the advice in this report.*
- **GHG removals.** The Government should expand support for early-stage research across the range of GHG removal options, including trials and demonstration projects. It should also signal the longer-term market, which is clearly needed to meet a net-zero target, by developing the governance rules and market mechanisms to pay for emissions removals. Aviation stands out as an obvious sector that could require removals to offset its emissions – either through CORSIA (the international aviation industry’s planned trading scheme), the EU ETS or unilaterally the UK could support a net-zero target for aviation, requiring that all emissions are offset by removals.”*

4.3. The above highlights from the report “*Net Zero The UK's contribution to stopping global warming*”, published on 02 May 2019 by the Committee on Climate Change, are points that the three application development proposals for the former Parkside colliery area on the east and west of the motorway M6, **will not achieve, but only contribute to CO₂ emissions and associated Greenhouse Gases (PPM’s, NO_x, SO_x, etc)**, as also detailed in the recent Government document with regards to Air Quality or pollution the “Clean Air Strategy 2019”, by The Department for the Environment, Food and Rural Affairs, published 14 January 2019.

To construct a mainly Road Transportation usage to accommodate 16 massive warehouse/sheds on Parkside East and Parkside West will require vast amounts of steel and cement as detailed in calculations in my previous response submissions.

Where the contribution to off-set these initial irreversible emissions during construction along with the associated road transport emissions, by stating there will be a Rail terminal to transport the freight.

Note: **ALL** the imported freight in to Parkside East and Parkside West during manufacture will have an associated climate change emission factor that Parkside East and Parkside West must also address as part of the Parkside emissions that contribute to climate change.

But the Rail terminal to comply with the “*Net Zero The UK's contribution to stopping global warming*” May 2019 date for zero emissions to be 2050. Then **ALL** the Freight **MUST** be transported by rail to/from the Parkside East and West development, with no Road Commercial Vehicles, to comply with the 2050 target of zero emissions. This ideal situation can and would never be realised due to the fact the rail network of the Chat Moss Railway line could never cope with the required rail “slots” to make Parkside East and Parkside West a viable or feasible proposition.

The proposed PRD, “Phase 1, Phase2, Phase 3(SRFI)” development relies on road transport via the proposed Parkside Link Road (PLR) that needs/requires the local roads A49, A573, A579 and the national motorway M6 as the “**key backbone**” to operate and not the rail network of the Chat Moss Railway line. The rail network of the Chat Moss Railway line will also rely on the PLR “**key backbone**” to operate.

The “*Net Zero The UK's contribution to stopping global warming*” report states: “HGVs are harder to decarbonise”, the result will be: The people living in the areas of Newton, Haydock, Winwick, Warrington, Ashton, Golborne and Lowton will **all** suffer from the effects of air pollution and climate change from the proposal at Parkside East and Parkside West if developed, due to the increase in Commercial Vehicles entering or leaving the Parkside East/ Parkside West proposed development on a 24 hour, 365 daily basis.

4.4. The Environmental Impact Assessments have not shown in all of the current applications (Phase1 SHC P/2018/0048/OUP; PLR SHC P/2018/0249/FUL and PLR WBC 2018/32514), the true Environment and Climate Change impacts and effects that will occur, especially as the use of these 16 warehouse/sheds, stated in the PLR documents are for “**unknown end users**”.

This means as the Parliament debate, “agreed and resolved” on the environment and climate change 01 May 2019 and “*Net Zero The UK's contribution to stopping global warming*” report has been publish 02 May 2019, during the public consultation period (04 April 2019 to 05 May 2019), the Environmental Impact Assessments with regards Air Quality and Climate Change on the environment contained in the applications: Phase1 SHC P/2018/0048/OUP; PLR SHC P/2018/0249/FUL and PLR WBC 2018/32514 fail to show the full impact upon the Local Area and beyond including cross border with Warrington, Cheshire and Wigan, Greater Manchester. Due to the Application being submitted in parts and that the full effects on the surrounding area with regards to Air Quality and Climate Change has not been covered by an Environmental Impact Assessment for the **whole project**: the PRD, “Phase 1, Phase2, Phase 3(SRFI)” and the Parkside Link Road (PLR).

4.5. This is against the Directive 2011/92/EU amended by Directive 2014/52/EU Article 2(1) and under Annex II Projects Referred to in Article 4(2):

10. INFRASTRUCTURE PROJECTS;

(b) Urban development projects, including the construction of shopping centres and car parks;

(c) Construction of railways and intermodal transshipment facilities, and of intermodal terminals (projects not included in Annex I);

(e) Construction of roads, harbours and port installations, including fishing harbours (projects not included in Annex I);

and

13. (a) Any change or extension of projects listed in Annex I or this Annex, already authorised, executed or in the process of being executed, which may have significant adverse effects on the environment (change or extension not included in Annex I);

As detailed in the European Court of Justice Case number 142/07 [Ecologistas] judgment among other judgments.

Therefore this is to salami-slice the applications so as to subvert the proper operation of planning controls and the SHC Local Planning Authority and the WBC Development Management Committee must refuse the respective applications description of the proposal before them (SHC P/2018/0048/OUP; SHC P/2018/0249/FUL and WBC 2018/32514), or submit the application(s) to the Secretary of State for a ministerial decision.

5. Warrington Borough Council PLR Response

5.1. The applicant SHC planning application proposal for the PLR submitted to WBC reference 2018/32514 details the above points and is submitted as an appendix, that compliments this response.

6. Grounds for Objection

It shows that the whole project Phase 1, Phase 2, Phase 3 (SRFI) and Parkside Link Road must be called in for the Secretary of State to oversee under a public inquiry for ALL the Project Phases assessed as a whole. Else, it is salami-slicing under the terminology of the EIA Directive 2011/92/EU, amended by Directive 2014/52/EU Article 2(1).

7. Appendix

6.1. Documentation

Reference to section 2.2. above, I refer to my response to the submission made by the applicant St Helens Council for the Parkside Link Road application description proposal to Warrington Borough Council (WBC) Development Management Committee under reference 2018/32514.

In my response to (WBC) I refer to several documents that complement the response document. I also submit these said same documents to complement this document to SHC.

6.2. The Parkside Action Group Legal Aspects objection response to Warrington Borough Council (WBC) Development Management Committee April 2019 under planning application proposal reference 2018/32514 follows:

Parkside Action Group
Response to Parkside Link Road Planning Application

March 2019



Web: [Redacted]
Email: [Redacted]

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1. Purpose

This document provides a response to the Warrington Borough Council (WBC) public consultation notification for the Parkside Link Road Planning Application published on 19 March 2019, ref. 2018/32514 on behalf of the Parkside Action Group, on the second Environmental Impact Assessment (EIA) proposal:

“Environmental Impact Assessment Application - Full Planning Application (Major) - Proposed single carriageway link road between A49 Winwick Road (WA12 8EF) and A573 Parkside Road; at each location a signalised junction will be formed. The road then utilises the existing A573 Parkside Road to cross the M6 (via existing overbridge) before realigning Parkside Road to a new roundabout before heading east to A579 Winwick Lane to a newly formed roundabout. The section of carriageway from the new Winwick Lane roundabout and the M6 Junction 22 will be a dual carriageway. The A573 and A579 will be realigned to the new roundabouts.

Land between A49 Winwick Road to A573 Parkside Road, including a proportion of the former Parkside Colliery with land, from A573 Parkside Road to A579 Winwick Lane connecting to M6 Junction 22, WA2 8ST”

2. Introduction

2.1 Respondent

I, Richard Ward, of

[REDACTED] member of the Parkside Action Group,

submit the following document in response to the above application for the development known as Parkside Link Road (PLR), as an objection to the proposed development.

2.2. Previous 2018/32514 EIA submissions

I have previously responded to the above application, to which I submit this document to compliment my earlier response to the first EIA for application 2018/32514 sent in May 2018 as follows:

- Parkside Link Road Application 2018_32514 (Major) Document 1 of 6.pdf
- Parkside Link Road Application 2018_32514 (Major) Document 2 of 6.pdf
- Parkside Link Road Application 2018_32514 (Major) Document 3 of 6.pdf
- Parkside Link Road Application 2018_32514 (Major) Document 4 of 6.pdf
- Parkside Link Road Application 2018_32514 (Major) Document 5 of 6.pdf
- Parkside Link Road Application 2018_32514 (Major) Document 6 of 6.pdf

2.3. Warrington Borough Council application 2018/32247 Submissions

In June 2018, I submitted a response to Warrington Borough Council (WBC) planning number 2018/32247 the following response as objection to the Development Management Committee “decision to object” on 06 June 2018 to the St Helens Council (SHC) planning application number P/2018/0048/OUP, known as the Phase 1 development.

- 1. WBC Application_2018_32247 last minute DMC response June2018.pdf

I submit to compliment this document.

2.4. St Helens Council application P/2018/0048/OUP second EIA submission

In January 2019 SHC re-submitted a second EIA for the Phase 1 application to which I also sent to Development control planning department on 11 February 2019 the following:

- PAG (R Ward) Response to Parkside Phase 1 Planning Application P_2018_0048_OUP Jan 2019.pdf
- PAG (R Ward) Response to Parkside Phase 1 Planning Application P_2018_0048_OUP January 2019 – Heritage rider final.pdf

I submit to compliment this document.

3. Legal Aspects

3.1 The current WBC application 2018/32514

In the 1.Purpose above the public notification is shown for the PLR, the Proposal criteria to which the consultation and decision is legally based.

The first public notification published on 23 April 2018 for application 2018/32514 states:

23rd April 2018

Dear Sir/Madam

NOTIFICATION OF PLANNING APPLICATION **APPLICATION NUMBER: 2018/32514**

Location: Land between A49 Winwick Road to A573 Parkside Road, including a proportion of the former Parkside Colliery with land, from A573 Parkside Road to A579 Winwick Lane connecting to M6 Junction 22, WA2 8ST

Proposal: Full Planning (Major) - Proposed single carriageway link road between A49 Winwick Road (WA12 8EF) and A573 Parkside Road; at each location a signalised junction will be formed. The road then utilises the existing A573 Parkside Road to cross the M6 (via existing overbridge) before realigning Parkside Road to a new roundabout before heading east to A579 Winwick Lane to a newly formed roundabout. The section of carriageway from the new Winwick Lane roundabout and the M6 Junction 22 will be a dual carriageway. The A573 and A579 will be realigned to the new roundabouts.

Applicant: Mr Steve Littler, St Helens Metropolitan Borough Council

Case Officer: Elizabeth Snead - 01925 442915

An application for planning permission as described above has been received by the Council. If you

The second public notification published on 19 March 2019 for application 2018/32514 states:
19th March 2019

Dear Sir/Madam

Notification of Planning Application

Application No.:	2018/32514
Location:	Land between A49 Winwick Road to A573 Parkside Road, including a proportion of the former Parkside Colliery with land, from A573 Parkside Road to A579 Winwick Lane connecting to M6 Junction 22, WA2 8ST
Applicant:	Mr Steve Littler, St Helens Metropolitan Borough Council
Proposal:	Environmental Assessment Application, Full Planning (Major)- Proposed single carr

I would like to inform you that additional information has been received for the above application.

*Development description: **Environmental Impact Assessment Application – Full Planning Application (Major) – Proposed single carriageway link road between A49 Winwick Road (WA12 8EF) and A573 Parkside Road; at each location a signalised junction will be formed. The road then utilises the existing A573 Parkside Road to cross the M6 (via existing overbridge) before realigning Parkside Road to a new roundabout before heading east to A579 Winwick Lane to a newly formed roundabout. The section of carriageway from the new Winwick Lane roundabout and the M6 Junction 22 will be a dual carriageway. The A573 and A579 will be realigned to the new roundabouts***

Members of the public may inspect the [addendum to the Environmental Statement](#) online at

The SHC Application for Planning Permission. Town and Country Planning Act 1990, signed 23 March 2018 the description of the Proposal states:

3. Description of the Proposal

Please describe the proposed development including any change of use:

A single carriageway link road between A49 Winwick Road (WA12 8EF) and A573 Parkside Road; at each location a signalised junction will be formed. The road then utilises the existing A573 Parkside Road to cross the M6 (via existing overbridge) before realigning Parkside Road to a new roundabout before heading east to A579 Winwick Lane to a newly formed roundabout. The section of carriageway from the new Winwick Lane roundabout and the M6 Junction 22 will be a dual carriageway. The A573 and A579 will be realigned to the new roundabouts.

Has the building, work or change of use already started? Yes No

The description for the proposal submitted by the applicant is the same as the two WBC public notification.

I point to the proposal(s) description:

“single carriageway link road between A49 Winwick Road (WA12 8EF) and A573 Parkside Road; at each location a signalised junction will be formed.”

The proposal is under the EIA to perform works at the entrance of the Parkside West site at the junction with the A49 Winwick Road where a new signalised junction is to be formed.

The new proposed road to be constructed as new single carriage across Parkside West site to form a new signalised junction at the A573 Parkside Road.

It is this section under review.

3.2 SHC Application P/2018/0048/OUP

In the application for the proposed Phase 1 the public notification and application form states for the description of the proposal the following:

Application for Outline Planning Permission with some matters reserved. Town and Country Planning Act 1990, signed 16 January 2018 the description of the Proposal states:

3. Description of the Proposal				
Please indicate all those reserved matters for which approval is being sought:				
<input checked="" type="checkbox"/> Access	<input type="checkbox"/> Appearance	<input type="checkbox"/> Landscaping	<input type="checkbox"/> Layout	<input type="checkbox"/> Scale
Please describe the proposal:				
The outline application (all matters reserved except for means of access) comprises the construction of up to 92,900 m ² (gross internal) of employment floorspace (Use Class B8 with ancillary B1(a) offices) and associated servicing and infrastructure including car parking and vehicle and pedestrian circulation and alteration of existing access road into site including works to existing A49 junction, noise mitigation, earthworks to create development platforms and bunds, landscaping including buffers, works to existing spoil heap, creation of drainage features, substations and ecological works				
Has the building or works already been carried out?				
<input type="radio"/> Yes <input checked="" type="radio"/> No				

The first public notification on 15 February 2018 states:

Dear Sir/Madam,	Website: www.sthelens.gov.uk
TOWN AND COUNTRY PLANNING ACT 1990	15th February 2018
NEIGHBOUR NOTIFICATION OF APPLICATION	
Application No:	P/2018/0048/OUP
Proposal:	Outline application (all matters reserved except for access) for the construction of up to 92,900 square metres of employment floor space (use class B8 with ancillary B1(a)) and associated servicing and infrastructure including car parking; vehicle and pedestrian circulation space; alteration of existing access road including works to existing A49 junction; noise mitigation; earthworks to create development platforms and bunds; landscaping including buffers; works to existing spoil heap; creation of drainage features; substations; and ecological works.
For:	Outline Planning Application
Location:	Site of the former Parkside Colliery, Winwick Road, Newton-le-Willows
This letter is to inform you that the Council has received the above application. It is recommended	

The second public notification on 16 January 2019 states:

Dear Sir/Madam,

16th January 2019

TOWN AND COUNTRY PLANNING ACT 1990

NEIGHBOUR NOTIFICATION OF AMENDED APPLICATION

Application Number: P/2018/0048/OUP

Proposal: Outline application (all matters reserved except for access) for the construction of up to 92,900 m2 of employment floorspace (Use Class B8 with ancillary B1(a)) and associated servicing and infrastructure including car parking; vehicle and pedestrian circulation space; alteration of existing access road including works to existing A49 junction; noise mitigation; earthworks to create development platforms and bunds; landscaping including buffers; works to existing spoil heap; creation of drainage features; substations and ecological works

For: Outline Planning Application

Location: Site of the former Parkside Colliery, Winwick Road, Newton-le-Willows

This letter is to inform you that the Council has received further information relating to the Environmental Statement that accompanied the above application, as well as other information including amended plans. It

The Application form and the two public notifications clearly stated from the said three Proposals for the PLR, the Proposal criteria to which the consultation and decision is legally based. I point to the proposal description:

“alteration of the existing access road including works to existing A49 junction”

In this statement, the proposal is under the EIA to perform works at the entrance of the Parkside West site at the junction with the A49 Winwick Road where a new junction is to be formed. The new proposed road to be constructed as new single carriage across Parkside West site. It is this section under review.

3.3 SHC application P/2018/0249/FUL Parkside Link Road

In the SHC Application for Planning Permission for the PLR. Town and Country Planning Act 1990, signed 23 March 2018 the description of the Proposal states:

3. Description of the Proposal

Please describe the proposed development including any change of use:

A single carriageway link road between A49 Winwick Road (WA12 8EF) and A573 Parkside Road; at each location a signalised junction will be formed. The road then utilises the existing A573 Parkside Road to cross the M6 (via existing overbridge) before realigning Parkside Road to a new roundabout before heading east to A579 Winwick Lane to a newly formed roundabout. The section of carriageway from the new Winwick Lane roundabout and the M6 Junction 22 will be a dual carriageway. The A573 and A579 will be realigned to the new roundabouts.

Has the building, work or change of use already started? Yes No

The description for the proposal submitted by the applicant is the same as the WBC public notification.

In the SHC application for the proposed PLR the first public notification on 12 April 2018 states for the description of the proposal the following:

Dear Sir/Madam, Website: www.sthelens.gov.uk
12th April 2018

TOWN AND COUNTRY PLANNING ACT 1990

NEIGHBOUR NOTIFICATION OF APPLICATION

Application Number: P/2018/0249/FUL
Proposal: Formation of a new link road between A49 (Winwick Road) and M6 Junction 22 including the re-alignment of Parkside Road and other associated works.
For: Full Planning Application
Location: Land Between A49 Winwick Road To A573 Parkside Road, Including A Portion Of The Former Parkside Colliery Site And Then Land From A573 Parkside Road To A579 Winwick Lane Connecting To M6 Junction 22.,

This letter is to inform you that the Council has received the above application. It is recommended

In the SHC application for the proposed PLR the first public notification on 04 April 2019 states for the description of the proposal the following:

Dear Sir/Madam,

4th April 2019

TOWN AND COUNTRY PLANNING ACT 1990

NEIGHBOUR NOTIFICATION OF AMENDED APPLICATION

Application Number: P/2018/0249/FUL
Proposal: Formation of a new link road between A49 (Winwick Road) and M6 Junction 22 including the re-alignment of Parkside Road and other associated works.
For: Full Planning Application
Location: Land Between A49 Winwick Road To A573 Parkside Road, Including A Portion Of The Former Parkside Colliery Site And Then Land From A573 Parkside Road To A579 Winwick Lane Connecting To M6 Junction 22

This letter is to inform you that the Council has received further information relating to the Environmental Statement that accompanied the above application, as well as other information including amended plans. It

The two public notification both proposals states:

“Formation of a new link road between A49 (Winwick Road) and M6 Junction 22”

And from the applicants Proposal states:

“single carriageway link road between A49 Winwick Road (WA12 8EF) and A573 Parkside Road; at each location a signalised junction will be formed.”

Both the Public notice and the Applicants Proposal both agree that work will be carried out at the A49 Winwick Road entrance and continue through Parkside West.

3.4 WBC application 2018/32247 with respect to SHC Application P/2018/0048/OUP

WBC raised a planning application number 2018/32247 to decide upon the application P/2018/0048/OUP from SHC as the Adjoining Authority Consultation:

The Development Management Committee (DMC) meeting sat on Wednesday 6th June 2018, where the Committee voted:

‘To object to the SHC planning application P/2018/0048/OUP’

This means as the WBC Development Management Committee have made their decision in public to object to SHC Phase 1 application P/2018/0048/OUP “proposal” for the application reference legally stands. This means they are objecting to the,

“alteration of the existing access road including works to existing A49 junction”,

as well as for Application P/2018/0048/OUP.

3.5 Conclusions

- a) It is clear from the “proposals” that planning applications SHC P/2018/0048/OUP, SHC P/2018/0249/FUL and WBC 2018/32514, the Environmental Impact Assessments all concern the same aspect:

- *“single carriageway link road between A49 Winwick Road (WA12 8EF) and A573 Parkside Road; at each location a signalised junction will be formed.”;*
- *“alteration of the existing access road including works to existing A49 junction”;*
- *“Formation of a new link road between A49 (Winwick Road) and M6 Junction 22”*

This means that:

- SHC application P/2018/0048/OUP intends to carry out work on the A49 access and road for Phase 1 as shown by the Proposal Environmental Impact Assessment; and
- SHC application P/2018/0249/FUL intends to carry out work on the A49 access and road for PLR as shown by the Proposal Environmental Impact Assessment; and
- WBC application 2018/32514 intends to carry out work on the A49 access and road for Phase 1 as shown by the Proposal Environmental Impact Assessment.

Under Directive 2011/92/EU and/or Directive 2014/52/EU having multiple Environmental assessments for the same proposal having the same works (A49 junction and road in the Phase 1 boundary area) is not allowed only one environmental assessment can be performed.

Therefore, WBC Development Management Committee legally must reject the WBC application 2018/32514 due to the same works under three separate live/active applications (SHC P/2018/0048/OUP, SHC P/2018/0249/FUL and WBC 2018/32514) having more than one environmental impact assessment.

- b) With respect to the WBC application 2018/32514 and SHC application P/2018/0048/OUP, because these two applications both concern Environmental assessments for the same proposal having the same works (A49 junction and road in the Phase 1 boundary area). Due to WBC Development Management Committee for **WBC application 2018/32247** on 06 June 2018 **objecting to the SHC planning application P/2018/0048/OUP**. Then as

application SHC P/2018/0048/OUP has the Environmental assessment for the same proposal having the same works (A49 junction and road in the Phase 1 boundary area) as WBC 2018/32514; Legally the WBC Development Management Committee can only make one decisions due to the decision made in public on 06 June 2018 in WBC application 2018/32247.

That is the WBC Development Management Committee must reject the WBC application 2018/32514 to be in line with their previous decision WBC 2018/32247 against the still live/active application SHC P/2018/0048/OUP.

- c) As the same works (A49 junction and road in the Phase 1 boundary area) are a part of the Three applications (SHC P//2018/0048/OUP, SHC P/2018/0249/FUL and WBC 2018/32514), but have been submitted separately then under the Directive 2011/92/EU and/or Directive 2014/52/EU under Article 2 (1) this confirms multiple applications or Salami-slicing as shown under numerous EU and UK court judgments.

Therefore, WBC Development Management Committee legally must reject the WBC application 2018/32514 due to the same works under three separate live/active applications (SHC P//2018/0048/OUP, SHC P/2018/0249/FUL and WBC 2018/32514) having more than one environmental impact assessment.

- d) Also, as the same works (A49 junction and road in the Phase 1 boundary area) are a part of the two applications:
- The developers for SHC P//2018/0048/OUP are SHC and Langtree plc; and
 - The developer for SHC P/2018/0249/FUL is SHC.
- This proves the two projects have been separated and hence salami-slicing as detailed in the Directive 2011/92/EU and/or Directive 2014/52/EU and shown in UK Court judgment(s).

Therefore, as the PLR development has an unresolved legal problem, the WBC Development Management Committee legally must reject the WBC application 2018/32514 due to the same works under three separate live/active applications (SHC P//2018/0048/OUP, SHC P/2018/0249/FUL and WBC 2018/32514) having more than one environmental impact assessment.

4. Aarhus Convention

As the Application proposal for WBC 2018/32514 and SHC P/2018/0249/FUL, the A49 road section, Drainage and Heritage is an intrinsically linked part of the Phase 1 application SHC P/2018/0048/OUP. The PLR by consequence of the Environmental Impact Assessment submitted documents for public inspection is incomplete and is in contravention of the Aarhus convention Article 6, for the parties failing to make available the environmental information for the public to participate in the consultation.

To this point I again refer to the Aarhus Convention Article 6: In the Environmental Impact Assessment on WBC website not all the documents are available, although the PLR Environmental Impact Assessment main document PARKSIDE LINK ROAD ENVIRONMENTAL STATEMENT ADDENDUM VOLUME 1 – ENVIRONMENTAL STATEMENT ADDENDUM, Date March 2019, Ref PD-RAM-02-00-REP-EN-1004 references the Appendix A6.1 Heritage Impact Assessment several times. The missing document is Appendix 6.1 which is not on the WBC website, but the document with title: “BATTLE OF WINWICK REGISTERED BATTLEFIELD WINWICK, WARRINGTON HERITAGE IMPACT ASSESSMENT”, is on the SHC website for the PLR application P/2018/0249/FUL submitted on 22 March 2019 as the document:

“P_2018_0249_FUL-ADDENDUM_VOLUME_2_-_APPENDIX_A6.1-1067945.pdf”

This omission clearly means that the Application WBC 2018/32514 re-submitted Environmental Impact Assessment March 2019 is incomplete for public participation and the said parties are in breach of the Aarhus Convention Article 6.

5. Warrington Roads: the A49 and the A573 Environmental Impact Assessment

5.1 Environmental Impact Assessment

The Directives 2011/92/EU and 2014/52/EU, both under Article 2(1) states that when two or more developments are shown to be linked that they can not be submitted as separate planning proposals, where the combined developments as a whole project show the environmental aspects are greater than when applied as separate developments due to the interaction of the separate development upon the other development(s), as each when treated separately the environmental impacts are affected by the other subsequent development(s). An overall environmental impact assessment for the whole addresses the further unforeseen environmental impacts. The term is known as Salami-Slicing or multiple applications.

The application proposal at hand known as the Parkside Link Road (PLR) is one development that is the declared to be the backbone that holds the declared other developments together. Without this backbone these other developments can not be brought forward. The other developments are as follows: Phase 1, Phase 2 and Phase 3 (SRFI).

In section 1. above, it is shown that the PLR whether being the application proposal to SHC or the application proposal to WBC, the PLR proposal overlaps with the Phase 1 proposal namely the construction of the A49 junction and associated road that traverses through the Phase 1 boundary area. This area of the A49 and associated road that traverses through the Phase 1 boundary area has had in-effect that three separate Environmental Impact Assessments and three subsequent revisions to the three separate Environmental Impact Assessments. It is also under Planning law on environmental issues, that no area under consideration can have more than one Environmental Impact Assessment. The area of the A49 and associated road that traverses through the Phase 1 boundary area, has had six separate Environmental Impact Assessments under six separate public notifications for consultation.

The same can also be said for the Designated Heritage Asset Registered Battlefield which has also had six separate Environmental Impact Assessments under six separate public notifications for consultation for the Phase 1 and the PLR.

These multiple Environmental Impact Assessments also apply to the Environmental Impact Assessments for the Phase 1 and the PLR to the Traffic assessment, the Air Quality assessment, the Noise assessment and the Drainage/Flooding assessment.

Further under these six separate Environmental Impact Assessments under six separate public notifications for consultation for the Phase 1 and the PLR categorically show that the Phase 1 masterplan(s) links in numerous ways to the Phase 2 declared proposal for Road infrastructure access, utilities (drainage, sewage, electricity), so much so that the Listed Buildings Newton Park Farmhouse and Barn setting and associated other dwellings is surrounded to the north by Phase 2, to the east by Phase 2, to the South by Phase1 and to the west by Phase 3 (SRFI). It is Newton Park Farmhouse and Barn setting and associated other dwellings that combine all the phases (Phase1, Phase2 Phase3 (SRFI) in the Phase 1 masterplan(s) to show the development must be taken as a whole project.

In order for the Phase3 (SRFI) on the Parkside west to be developed and the consequence to enable the construction of the Phase 3(SRFI) on Parkside east to be developed. The Phase 1 masterplan(s) clearly show as part of the Phase 1 application Environmental Impact Assessment(s) submissions to the public that the Newton Park Farmhouse and Barn setting and associated other dwellings are physically affected:

- The access road via Newton Park Drive is closed to allow the Phase 3 (SRFI) to be constructed;
 - Therefore the utilities(Gas, Electricity, Water, Drainage, Sewage and Telecommunications) via Newton Park Drive are automatically removed/cut-off;
 - A new access road is shown on the Phase1 masterplan(s) to the east where a junction is shown linking to the new Phase 1/Phase2 road network. This means that Newton Park Farmhouse and Barn setting and associated other dwellings are reliant on the PLR to access the Local Road Network. All due to the Phase 3 (SRFI) requiring the land occupied by Newton Park Drive the only access from the Local Road network to Newton Park Farmhouse and Barn setting and associated other dwellings.
 - Newton Park Farmhouse and Barn setting and associated other dwellings categorically and definitively, without doubt declared by the applicant (SHC and Langtree plc) the Phase 1 application Environmental Impact Assessment(s) that show from the masterplan(s) that Phase 1, Phase 2 Phase 3(SRFI) and the PLR are all intrinsically linked together as a much larger project.

The information that the separate developments are linked time-wise speaking, is shown in SHC update Local Plan draft that the timescale for each separate development to be fully operational all within a 5 year time period.

Finally, the Environmental Impact Assessment shows information that SHC has agreed to certain Phase 1, Phase 2, Phase 3 (SRFI) conditions, of the layout to be acceptable by SHC. The information means that the public consultation is now shown to the PLR and Phase1 consultation period to be on and having a pre-determined outcome so as to subvert the proper operation of planning controls.

This indicates that the SHC Local Planning Authority can not be the decision-maker to any of the separate application due to SHC declaration of control as it is now uncertain as to the role of SHC.

These are reasons why the separate applications for the Phase 1 (and the shown associated Phase 2 and Phase 3(SRFI)) and the PLR, must be called-in to the Secretary of State to be addressed under an Environmental Impact Assessment that addresses the whole project.

These are also reasons why WBC Development Management Committee must reject the PLR application 2018/32514 and SHC Local Planning Authority must reject the PLR application P/2018/0249/FUL and the Phase 1 application P/2018/0048/OUP.

5.2 Parkside Link Road Environmental Impact Assessment

The documents submitted to WBC 2018/32514 and to SHC P/2018/0249/FUL clearly show that the PLR is designed to facilitate the Phase 1, Phase 2 and Phase 3 (SRFI). This puts doubt on the claim from SHC and Langtree plc developers that the Phase 1 is separate from Phase 2, the PLR and Phase 3 (SRFI) as shown in the Phase 1 Environmental Impact Assessment. But the PLR Battle of Winwick Registered Battlefield Winwick, Warrington Heritage Impact Assessment document states:

*“1.1 TEP have been commissioned to produce a Heritage Impact Assessment on behalf of Ramboll UK Ltd, on behalf of St Helens Metropolitan Borough Council, in association with planning permission for the Parkside Link Road project. **The proposed development would enable access to the Parkside Phase 1 and Phase 2 project to transform the derelict Parkside Colliery site into a new employment park.**” [bold text by R. Ward]*

This clearly shows that Phase 1 and Phase 2 are dependant upon the PLR and that Phase 1 is not a separate development. Though the Phase 1 application proposal clearly states that the A49 junction and road is part of the construction for Phase 1, as does the PLR application proposal clearly states that the A49 junction and road is part of the construction for PLR.

Further from the document “PARKSIDE LINK ROAD A PROPOSED LINK ROAD BY ST. HELENS COUNCIL TRAFFIC FORECASTING REPORT 2019”,

Page 4 states:

2.2.1 Parkside Link Road Scheme Details

The PLR will provide direct access to the PRD from a new signalised junction on the A49 in the west, to the motorway network at Junction 22 of the M6 in the east. The road scheme will include new junctions with the A573 Parkside Road and the A579 Winwick Lane. In addition, it will provide access to the land to the east of the M6 enabling future development of the proposed Strategic Rail Freight Interchange (SRFI) development. Completion of a SRFI at Parkside will bring new economic activity to the borough, with thousands of jobs created on site and across the LCR. The site benefits from a strategic location adjacent to the M6 and M62 and is the only potential SRFI site in the region that has the potential to receive trains from all directions and will serve intermodal flows on the West Coast Mainline and Chat Moss line. The new link road will form a strategic link to the network utilising the existing A573 Parkside Road overbridge crossing over the M6, enabling access to sites on both the west (Phase 1 & 2) and east (Phase 3) of the M6 and improving connectivity through the region. [bold text by R. Ward]

Page 7 states:

“The primary development of consideration in the PLRTM is the proposed Parkside Regeneration Development (PRD) which the PLR scheme has been designed to facilitate and connect to the local and strategic network.”

[Definition Parkside Link Road Transport Model (PLRTM)]

On page 7

[Blue text changed by R. Ward to emphasise anomalous]

Definition: PDR = Parkside Regeneration Development, Phase 1, Phase 2, Phase 3(SRFI)

*“For the purpose of assessment, and **due to the unknown end users of the future development units for the full PRD site, it has been agreed with SHMBC that 80% of Phase 1 and 2 will be used for B8 land use (storage or distribution) with the remaining 20% for B2 land use (general industrial). Phase 3 will facilitate the development of a Strategic Rail Freight Interchange (SRFI) and will be used 100% for B8 land use.***

PRD Phases 1 and 2, *will be made up* of 7 warehousing sheds totalling 181,161 m² of which 144,929 m² are proposed for B8 use (80%) and 36,232 m² proposed for B2 use (20%), *as agreed with the St. Helens Local Plan Team* and based on information provided within the ‘St. Helens Local Plan Preferred Options’ (December 2016) report.

PRD Phase 3, as detailed in AECOM’s ‘Parkside Logistics and Rail Freight Interchange’ (August 2016) *will facilitate* the SRFI and *will consist* of 9 warehousing sheds servicing the interchange, totalling 260,128 m² of B8 warehousing sheds.

Table 3.1 presents the size and land use of the respective phases for the PRD and Table 3.2 presents the development schedule for all 3 phases of the development.”

Development	Total Size (sqft)	Total Size (m²)	B8 Use (m²)	B2 Use (m²)
Phase 1	1,200,00	111,484	89,187	22,297
Phase 2	750,000	69,677	55,742	13,935
Total P1 & P2	1,950,000	181,161	144,929	36,232
Phase 3	2,800,000	260,128	260,128	0
Total (P1, P2, P3)	4,750,000	441,289	405,057	36,232

Table 3.1: Parkside Regeneration Development (PRD) Schedule - Size & Land Use of Phases 1-3

Phase	Warehouse / Shed	Size (m ²)	Size (sqft)
1	1	350000	32517
1	2	200000	18580
1	3	300000	27871
1	4	350000	32516
Total Phase 1		1,200,000	111,484
2	5	300000	27870
2	6	200000	18580
2	7	250000	23226
Total Phase 2		750,000	69,677
3 (SRFI)	8	350000	32516
3 (SRFI)	9	500000	46451
3 (SRFI)	10	300000	27871
3 (SRFI)	11	200000	18581
3 (SRFI)	12	200000	18581
3 (SRFI)	13	150000	13935
3 (SRFI)	14	300000	27871
3 (SRFI)	15	500000	46451
3 (SRFI)	16	300000	27871
Total Phase 3 (SRFI)		2,800,000	260,128
Total Phase 1, 2 & 3		4,750,000	441,289

Table 3.2: Parkside Regeneration Development (PRD) Schedule

It is strange to see that the need for a vast employment site as shown in page 7 when SHC claim (does this indicate SHC and Langtree plc the Phase 1, Phase 2, Phase 2(SRFI) developers or SHC as PLR developers or SHC as the borough council or all in a combined statement?), when the PLR clearly states:

“due to the unknown end users of the future development units for the full PRD site”,

as Phase 1 is still a future development then this Environmental Impact Assessment placed before WBC Development Management Committee is for what need or purpose?.

Due to SHC PLR and SHC and Langtree plc Phase 1, Phase 2, Phase 3(SRFI) do not know what will occupy this massive construction, how can Traffic models, Air Quality, Noise, Biodiversity, Heritage, and especially Green Belt and all the other NPPF policies be even considered to be challenged, when the challenge is nothing. It is SHC as PLR applicant who has stated *“due to the unknown end users of the future development units for the full PRD site”,* and no-one else. Just on

this SHC declaration, WBC Development Management Committee must reject the application 2018/32514.

From previous declarations the Phase 1, Phase 2, Phase 3 (SRFI) owners and developers and applicants are SHC and Langtree Venture Group. SHC have stated on numerous occasions that the Venture Group is a separate entity and not a part of the SHC

But above states “*it has been agreed with SHMBC*” and “*as agreed with the St. Helens Local Plan Team*”:

- 80% of Phase 1 and 2 *will be used* for B8 land;
- Phase 3 *will facilitate* the development of a Strategic Rail Freight Interchange (SRFI) and *will be used 100%* for B8 land use;
- PRD Phases 1 and 2, *will be made up* of 7 warehousing sheds;
- *will facilitate* the SRFI and *will consist* of 9 warehousing sheds.

The question is raised who is the developer SHC or the Venture Group? This seems to read very clearly that SHC and the Venture Group are in total harmony together as a combine developer of the PLR and the Phase1, Phase 2,Phase 3 (SRFI).

Especially, as SHC as PLR applicant has numerously stated the term “*will*” in their Environmental Impact Assessment.

This means with this declaration to the public that SHC as the local planning authority can **not** be the decision-maker for the PLR or Phase 1 or Phase 2, or Phase 3 (SRFI).

Finally the two tables 3.1 and 3.2 clearly show the PLR has incorporated the phases Phase 1, Phase 2 and Phase 3 (SRFI) into the PLR Environmental Impact Assessment by announcing the size details of all the phases but “*due to the unknown end users of the future development units for the full PRD site*”, what is the Environmental Impact Assessment of/for these “sheds”?

The details of these “sheds” are not shown; the impact of the proposed working of these “sheds” are not shown; the type of activity of these “sheds” is not shown; without this Environmental Impact Assessment information the public consultation can not respond to the PLC consultation to WBC or to SHC, due to the information being withheld, this is in direct contravention of the Aarhus Convention Article 6, for the parties failing to show the information to the public.

Tables 3.1 and 3.2 clearly show that the PLR is directly and intrinsically linked as a backbone to the phases Phase 1, Phase 2 and Phase 3 (SRFI), thus the tables 3.1 and 3.2, confirm that these separate developments are part of a much larger project that is against the Directive 2011/92/EU and Directive 2014/52/EU Article 2(1) as part of some deliberate plan to “salami-slice the applications so as to subvert the proper operation of planning controls. Therefore, WBC Development Management Committee must reject the application 2018/32514 or call for the applications to be called-in to be assessed as a whole.

5.3 Time-scales Phase 1, Phase 2, Phase3(SRFI) and the backbone PLR

The PLR Environmental Impact Assessment of these “sheds” are stated as being delivered within the time-scales shown by SHC in PARKSIDE LINK ROAD A PROPOSED LINK ROAD BY ST. HELENS COUNCIL TRAFFIC FORECASTING REPORT 2019. Page 7 states:

"The PRD will be split into 3 phases of which Phase 1 is planned to be operational by 2021 with Phases 2 and 3 to become operational by 2031."

But in the SHC Draft Local Plan for employment needs 2019 state otherwise with three scenarios:

1. Table 9 – Employment Growth Trajectories – Scenario 1 – Develop as soon as possible

Employment Land Needs Study– Addendum Report
St Helens Council

Site	Comments	2018	2019	2020	2021	2022	2023	2028	2033	2038	2043	2048
Estate, Haydock	smaller units in parallel											
Omega South Extension, Bold	Development according to masterplan.	0	186	472	796	1,053	1,156	1,222	1,191	1,162	1,133	1,105
Land to the West of Sandwash Close, Rainford		0	0	0	0	272	408	661	628	597	568	540
Parkside West (None SRFI)	Assume part of this site is developed before the rail terminal.	0	0	0	235	353	470	2,316	2,258	2,202	2,148	2,095
Parkside Rail Terminal	Assume a terminal opening in 2024	0	0	0	0	0	0	40	40	40	40	40
Parkside East (SRFI)	Employment on this site only after the rail terminal is opened.	0	0	0	0	0	0	2,157	2,629	2,564	2,501	2,439

With the phase 1 Application being submitted in 2018, the full employment of Phase 1 and Parkside West (phase 2) is 2028, the same year as the SRFI terminal and the same year as Parkside east (SRFI). So Scenario 1 is; all three Phases 1, 2 and 3 are fully operational in 2028 not 2021 to 2031. So as the Phase 1 and PLR applications were submitted in 2018 and fully operational by 2028 that means that it will take 10 years. From the above the SRFI terminal and Parkside West Phase 2 and Parkside East (SRFI) using the same timescale to be operational by 2028; the applications need to be have already submitted for public consultation: they have not. But this means that the Phase 1, PLR, Phase 2, Phase 3 (SRFI) are all within the 5 year timescale of each other and therefore, are constituents of a much larger project, the action of submitting the developments separately show the whole project has been salami-sliced to subvert the proper operation of planning controls.

2. Table 10 – Employment Growth Trajectories – Scenario 2 – Development Prioritisations

Employment Land Needs Study– Addendum Report
St Helens Council

Site	Comments	2018	2019	2020	2021	2022	2023	2028	2033	2038	2043	2048
Estate, Haydock	smaller units in parallel											
Omega South Extension, Bold	Development according to masterplan.	0	186	472	796	1,053	1,156	1,222	1,191	1,162	1,133	1,105
Land to the West of Sandwash Close, Rainford		0	0	0	0	272	408	661	628	597	568	540
Parkside West (None SRFI)	Assume part of this site is developed before the rail terminal.	0	0	0	0	0	235	926	1,581	2,092	2,148	2,095
Parkside Rail Terminal	Assume a terminal opening in 2026	0	0	0	0	0	0	40	40	40	40	40
Parkside East (SRFI)	Employment on this site only after the rail terminal is opened.	0	0	0	0	0	0	542	1,321	2,062	2,513	2,451

Again scenario 2 is the same conclusion to scenario 1 but the timescale for **all** phases to become fully operational has moved from 2028 to 2033.

3. Table 11 – Employment Growth Trajectories – Scenario 3 – Allow for Potential Capacity Constraints at Haydock

Employment Land Needs Study– Addendum Report
St Helens Council

Site	Comments	2018	2019	2020	2021	2022	2023	2028	2033	2038	2043	2048
Land to the West of Haydock Industrial Estate, Haydock	Assume that the larger unit is developed first, followed by smaller units in parallel. Delayed compared to Scenario 2	0	0	0	0	115	254	448	426	405	386	367
Omega South Extension, Bold	Development according to masterplan.	0	186	472	796	1,053	1,156	1,222	1,191	1,162	1,133	1,105
Land to the West of Sandwash Close, Rainford		0	0	0	0	272	408	661	628	597	568	540
Parkside West (None SRFI)	Assume part of this site is developed before the rail terminal. Due to constraints at Haydock, this site is able to enter market earlier than assumed in Scenario 2.	0	0	0	0	0	235	926	1,581	2,092	2,148	2,095
Parkside Rail Terminal	Assume a terminal opening in 2024	0	0	0	0	0	0	40	40	40	40	40
Parkside East (SRFI)	Employment on this site only after the rail terminal is opened.	0	0	0	0	0	0	542	1,321	2,062	2,513	2,451

Scenario 3 is the same as Scenario 2 but now full employment is in 2038

So as the developments Phase 1, Phase 2 and Phase 3 (SRFI) are all within the 5 year separation timescale to become fully operational thus confirming the project can be assessed as a whole (Phase 1, Phase 2 and Phase 3 (SRFI)). This means this project must be called-in to the Secretary of State.

These are also reasons why WBC Development Management Committee must reject the PLR application 2018/32514 and SHC Local Planning Authority must reject the PLR application P/2018/0249/FUL and the Phase 1 application P/2018/0048/OUP as it clearly shows the whole project has been some deliberate plan to “salami-slice” the application so as to subvert the proper operation of planning controls.

5.4 Conflicting data

One other point concerns the information from Page 7 and 8. Though both confirm that the PLR is the backbone that links Phase 1, Phase 2, Phase3 (SRFI) together and must be treated as a whole project as detailed above in this section, is as follows The table 3.2 clearly shows the phases and Warehouse/Shed 1 through 16 for the various phases:

Phase	Warehouse / Shed	Size (m ²)	Size (sqft)
1	1	350000	32517
1	2	200000	18580
1	3	300000	27871
1	4	350000	32516
Total Phase 1		1,200,000	111,484
2	5	300000	27870
2	6	200000	18580
2	7	250000	23226
Total Phase 2		750,000	69,677
3 (SRFI)	8	350000	32516
3 (SRFI)	9	500000	46451
3 (SRFI)	10	300000	27871
3 (SRFI)	11	200000	18581
3 (SRFI)	12	200000	18581
3 (SRFI)	13	150000	13935
3 (SRFI)	14	300000	27871
3 (SRFI)	15	500000	46451
3 (SRFI)	16	300000	27871
Total Phase 3 (SRFI)		2,800,000	260,128
Total Phase 1, 2 & 3		4,750,000	441,289

Table 3.2: Parkside Regeneration Development (PRD) Schedule

When this table is compared to the PLR Environmental Impact Assessment document PARKSIDE LINK ROAD TRAFFIC MODELLING REPORT APPENDIX 8 TRIP GENERATION – HIGH GROWTH SCENARIO, the PRD Schedule clearly shows the phases and Warehouse/Shed 1 through 16 for the various phases on page 2:

PRD Schedule

		sq.ft > sq.m	0.092903	
Phase	Warehouse / Shed	Size (sq.ft)	Size (sq.m)	Use
1	1	350000	32516.05	B2 / B8
1	2	200000	18580.6	B2 / B8
1	3	300000	27870.9	B2 / B8
1	4	350000	32516.05	B2 / B8
Total Phase 1		1,200,000	111,484	20% B2 & 80% B8
2	5	300000	27870.9	B2 / B8
2	6	200000	18580.6	B2 / B8
2	7	250000	23225.75	B2 / B8
Total Phase 2		750,000	69,677	20% B2 & 80% B8
3 (SRFI)	8	350000	32516.05	B8
3 (SRFI)	9	500000	46451.5	B8
3 (SRFI)	10	300000	27870.9	B8
3 (SRFI)	11	200000	18580.6	B8
3 (SRFI)	12	200000	18580.6	B8
3 (SRFI)	13	150000	13935.45	B8
3 (SRFI)	14	300000	27870.9	B8
3 (SRFI)	15	500000	46451.5	B8
3 (SRFI)	16	300000	27870.9	B8
Total Phase 3 (SRFI)		2,800,000	260,128	100% B8
Total Phase 1, 2 & 3		4,750,000	441,289	

But, close inspection of these two tables clearly shows an anomaly.

I point to the “**Size (sq.ft)**” and “**Size (sq.m)**” columns in, both the Table 3.2 and the PRD Schedule spreadsheets conflict. This the public can not decipher as it is only SHC developer of the PLR and/ or SHC/Langtree plc as developer of the PRD who know the figures and not the public. This is a serious flaw as the public have now been shown the extent of the whole development but without the **FULL** Environmental Impact Assessment these 16 sheds will impose on and to the surrounding environment.

This flaw in an Environmental Impact Assessment double checked and confirmed to be correct by the applicant SHC before the PLR being published for public consultation with SHC and WBC. To have information that purports for an application to assessed by the proper operation of planning controls when the information for the Development Management Committee have been shown one example of incorrect information then how much more information is not correct. This places doubt on the whole PLR Environmental Impact Assessment, the consequence being WBC Development Management Committee must reject the application 2018/32514.

5.5 Conclusions

Looking at Table 3.2 and the PRD Schedule due to the Phase 1, Phase 2 and Phase 3 (SRFI) Warehouse/shed data being a part of the PLR assessment further confirms categorically that all Phase 1, Phase 2 and Phase 3 (SRFI) and the PLR are intrinsically linked together as stated on page 7:

“the proposed Parkside Regeneration Development (PRD) which the PLR scheme has been designed to facilitate”

And re-confirms the Phase 1, Phase 2 and Phase 3 (SRFI) and the PLR must be considered as whole Project. These are also reasons why WBC Development Management Committee must reject the PLR application 2018/32514 and SHC Local Planning Authority must reject the PLR application P/2018/0249/FUL and the Phase 1 application P/2018/0048/OUP as it clearly shoes the

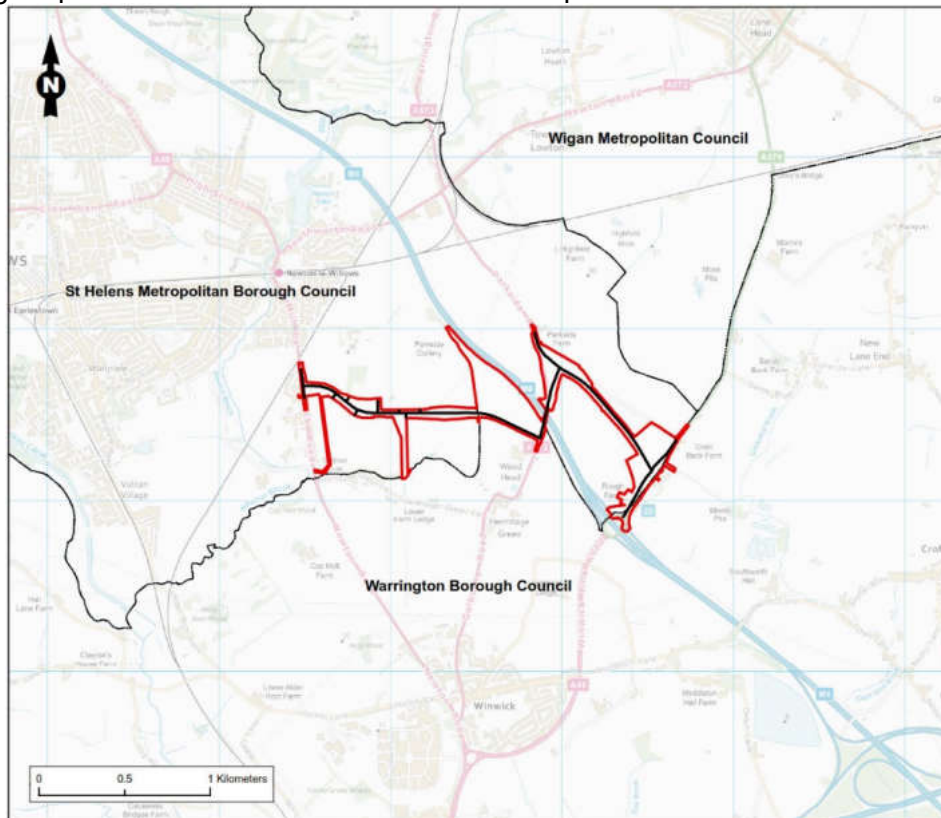
whole project has been some deliberate plan to “salami-slice” the application as to subvert the proper operation of planning controls, or call for the applications to be called-in to be assessed as a whole.

6. Warrington roads A49 and A573 Traffic

6.1 Parkside Link Road

The documentation for the Parkside Link Road (PLR) shows details of the A49 and the A573 as part of PLR application proposal to construct and the Phase1 application proposal to construct under separate environmental impact assessments (EIA).

The following map shows the PLR scheme in relationship to the A49 and A573:

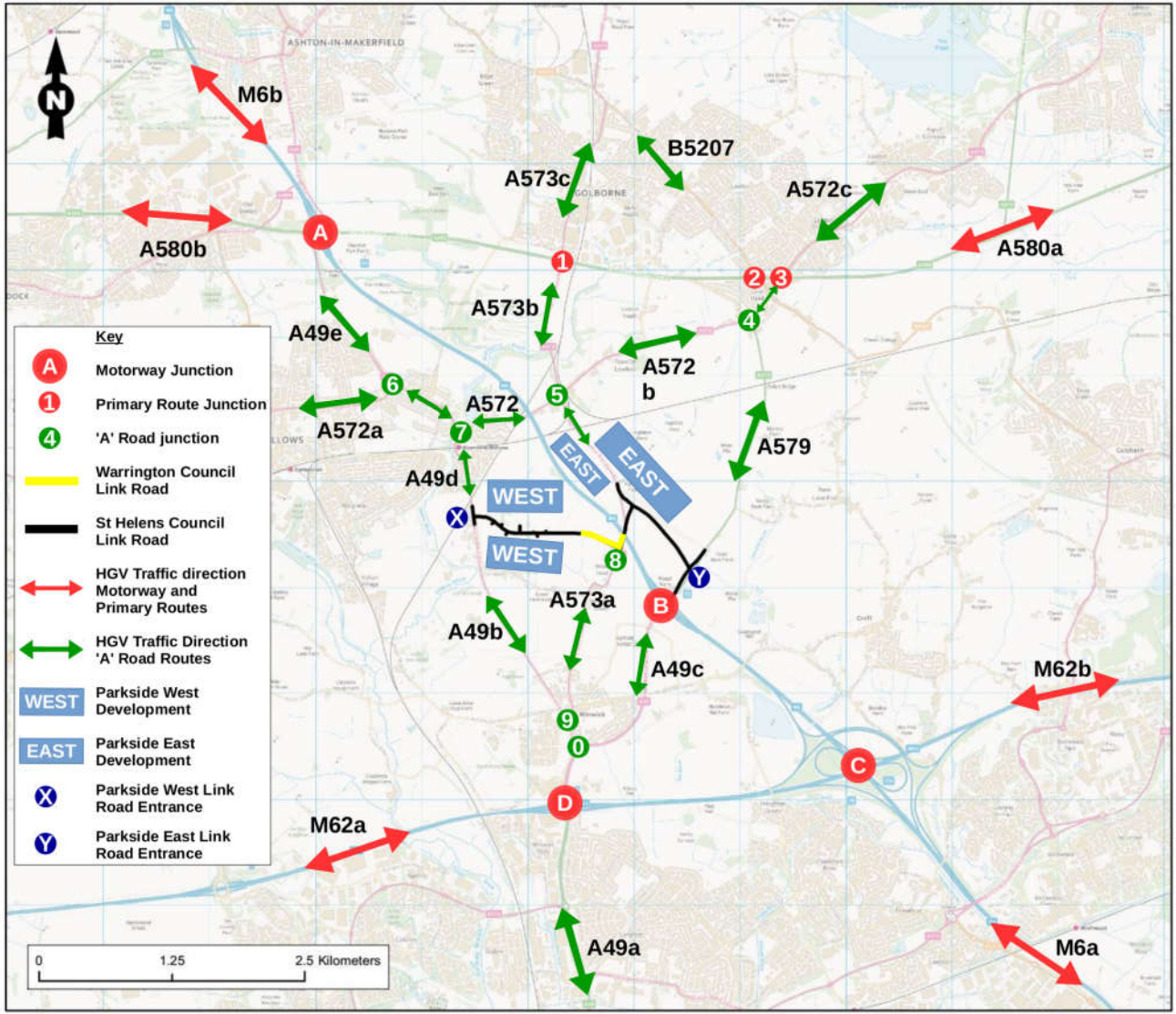


But the documentation submitted in the second EIA (amended) does not address the commercial vehicles intended to access via the PLR Primary Purpose of linking the proposed development site of Phase1, Phase 2 and Phase 3(SRFI).

The numerous traffic models used fail to take into account of the now standard Satellite Navigation System, virtually all cars and commercial vehicles have fitted as standard today. In order to save fuel the driver will chose the shortest route to the proposed development on the site. To save a distance of 500m in fuel terms is a commercial company prime concern, whereas, to drive an extra mile reduces the company profit margin so the Satellite Navigation System will rule over any traffic model proposed as the model can not predict reality of the company/drivers decision. This means if using the A49 or A573 to enter the site that is what the Satellite Navigation System will direct, not a traffic model.

The Amended EIA 2019 fails to comply with Satellite Navigation System as I have already shown in my previous submission, but to clarify again follows:

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



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

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

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

HGV traffic to/from Manchester via M62b direction will use **C** to **B** to **Y** to either Parkside East or West.

HGV traffic to/from Crewe, Birmingham via M6a direction will use **C** to **B** to **Y** to either Parkside East or West.

HGV traffic to/from Preston, Wigan via M6b, will not use M6 junction **D** due to extra driving distance; instead will use **A** via A49e to **B** to **Y** then either via A49d to **X** or use A572 to **B**; or on A580b continue pass **A** to **1** via A573b to **B** to either Parkside East or West the shortest driving distance.

HGV traffic to/from Liverpool via A580b will not use M6 **A** to **B** due to extra driving distance; instead will use either: via **A** to A49e via **B** and **Y** then use A49d to **X** or use A572 to **B**; or on A580b continue pass **A** to **1** via A573b to **B** to either Parkside East or West the shortest driving distance.

HGV traffic to/from Manchester via A580a will use **C** to **B** then either: via A572b to **B**; or at **C** via A579 to **Y**; alternatively use the A580a to **1** then via A573b to **B** to either Parkside East or West the shortest driving distance.

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

HGV traffic to/from Leigh, Bolton via A572c to **B** to **Y** then either: via A572b to **B**; or at **C** via A579 to **Y**; alternatively use the A580a to **1** then via A573b to **B** to either Parkside East or West the shortest driving distance.

HGV traffic to/from Wigan via A573c to **1** then via A573b to **B** to either Parkside East or West the shortest driving distance.

HGV traffic to/from Wigan (alternate route) via B5207 to **2** to **4** then either: via A572b to **B**; or at **C** via A579 to **Y**; alternatively use the A580a to **1** then via A573b to **B** to either Parkside East or West the shortest driving distance.

HGV traffic to/from Warrington A49a to **D** to **0** then either: via A49c to **B** to **Y**; or at **D** via A573a to **B**; or at **D** via A49b to **X** to either Parkside East or West the shortest driving distance.

With regards to WBC with the PLR proposal and the impact upon the Local Road Network I refer to my previous submissions, But with the amended EIA 2019 I point to two roads: first the A49 and second the A573.

6.2 The A49

The A49 runs approximately in a north south direction from Warrington over the junction with the motorway M62, past the Township of Winwick, past the former entrance to Parkside colliery, through the Township of Newton-le-Willows across the junction of the motorway M6 and the East Lancs Road A580 then heads to the Township of Ashton in Makerfield.

The A49 along this stated portion of the A49 Trunk Road runs parallel to the Motorway M6. But this stated section in Publicly advertised in the London Gazette where the Minister of Transport gave notice that he has made the order to detrunk this section under several separate orders. The details are as follows:

1. London Gazette pages 3439 - 3440 17 March 1978

“HIGHWAYS ACTS 1959 TO 1971

The Winchester-Preston Trunk Road (From the former Warrington County Borough Boundary to the Merseyside County Boundary) (Detrunking) Order 1978.

The Secretary of State for Transport hereby gives notice that he has made an Order under section 7 of the Highways Act 1959, the effect of which is to provide that roads about 3.42 miles in length being ((a) that length of road from the former Warrington County Borough boundary 164 yards north of Sandy Lane West to the Merseyside County boundary at Red Bank known locally as Winwick Road, Winwick and Newton Road, Winwick (2.32 miles in length) and (b) that length of road from the junction of Winwick Road, Winwick and Newton Road, Winwick to the Merseyside County boundary at its roundabout junction with the M6 (junction 22) known locally as Winwick Link, Winwick (1.10 miles in length) all in the Borough of Warrington), shall cease to be a trunk road as from 1st April 1978 when the Cheshire County Council will become the highway authority responsible for those lengths....

2. London Gazette page 10186 10 August 1979

“HIGHWAYS ACTS 1959 TO 1971

The Shrewsbury—Whitchurch—Warrington—Preston Trunk Road (from, the Merseyside County Boundary to its Junction with A580/M6, Haydock (Detrunking) Order 1979.

The Minister of Transport hereby gives notice that he has made an Order under section 7 of the Highways Act 1959, which will provide that a length of the A49 about 0.65 miles in length (measured along the route of the trunk road) (from the Merseyside County Boundary at a point - 27 yards north of the entrance to Haydock Racecourse, Haydock, to its junction with A580/M6, Haydock, and known locally as Roman Road, and Lodge Lane, Haydock in the Borough of St. Helens) shall cease to be a trunk road as from 1st September 1979 when the Merseyside County Council will become the highway authority responsible for that length....”

3. London Gazette page 10187 10 August 1979

“HIGHWAYS ACTS 1959 TO 1971

The Shrewsbury—Whitchurch—Warrington—Preston Trunk Road (from its junction with AS8Q/M6, Haydock to the Merseyside County Boundary) (Detrunking) Order 1979.

The Minister of Transport hereby gives notice that he has made an Order under section 7 of the Highways Act 1959, which will provide that a length of the A49 about 2.40 miles in length (measured along the route of the trunk road) (from its junction with A580/M6, Haydock to the Merseyside County Boundary at its junction with Hermitage Green Lane, Winwick and known locally as Roman Road, and Lodge Lane, Haydock; Ashton Road, Newton-le-Willows; High Street, Newton-le-Willows; Church Street, Newton-le-Willows; Mill Lane, Newton-le-Willows; and Winwick Road, Winwick in the Borough of St. Helens) shall cease to be a trunk road as from 1st September 1979, when the Merseyside County Council will become the highway authority responsible for that length....”

As the Minister for Transport gave his order, this is a legal issue, his decision shows that the A49 is “detrunked” in the PLR scheme area and therefore, can not be disputed. Thus SHC must know as being the Highways authority for the stretch of the A49 in the borough. Accordingly, SHC also know the A49 in Warrington area is also detrunked as WBC is the Highways Authority.

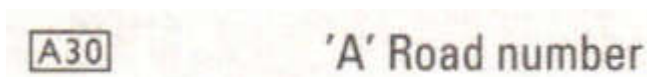
In the submitted EIA for the A49 entrance clearly shows that this is not the case. SHC has shown the A49 to Winwick and to Warrington that from the A49 entrance to Phase 1, Phase 2 and PLR the A49 as a Trunk Road:

“trunk road, trunk highway, or strategic road is a major road, usually connecting two or more cities, ports, airports and other places, which is the recommended route for long-distance and freight traffic. Many trunk roads have segregated lanes in a dual carriageway, or are of motorway standard.”

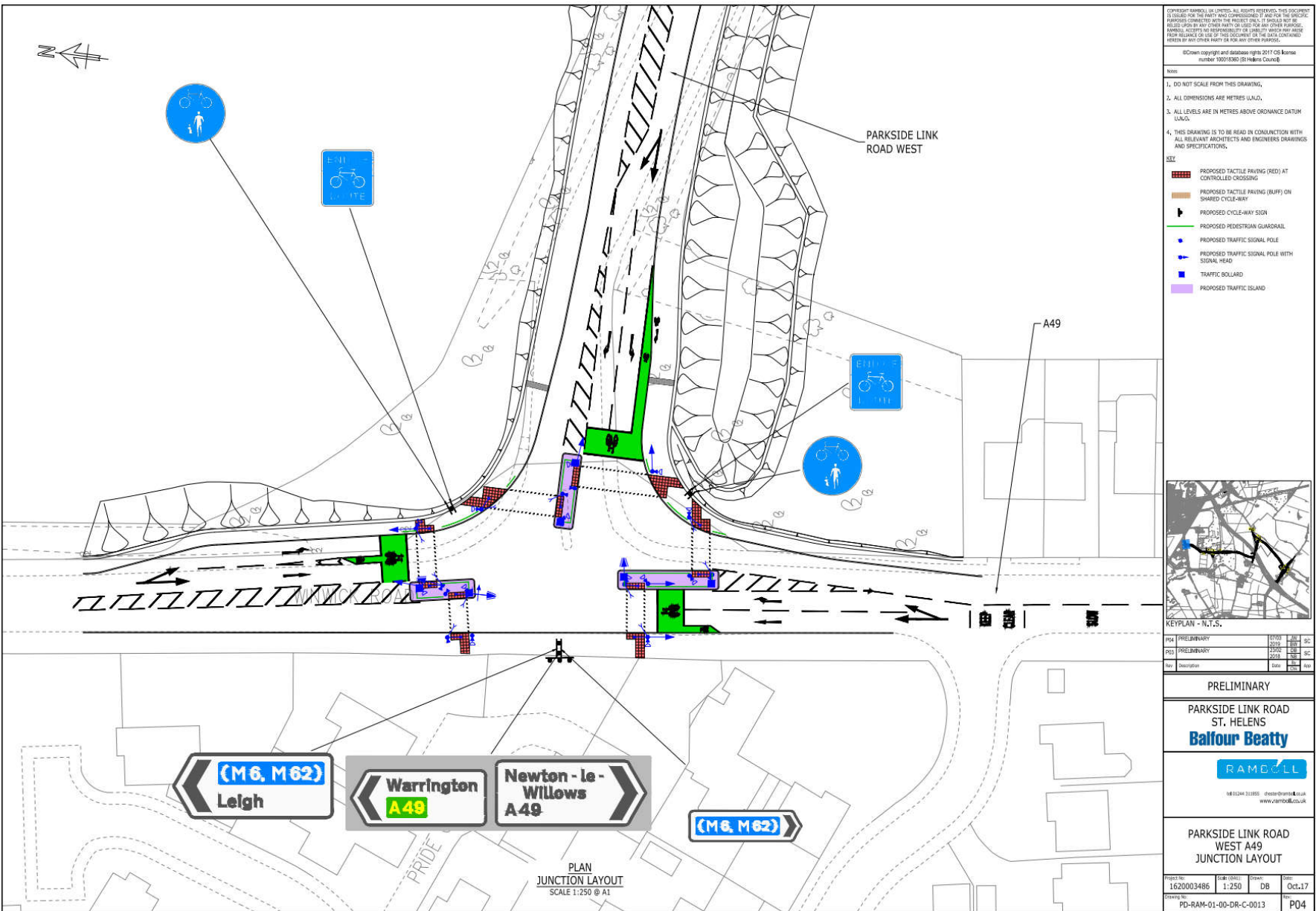
A Trunk Road has the Map symbol:



A detrunked road has the Map symbol:

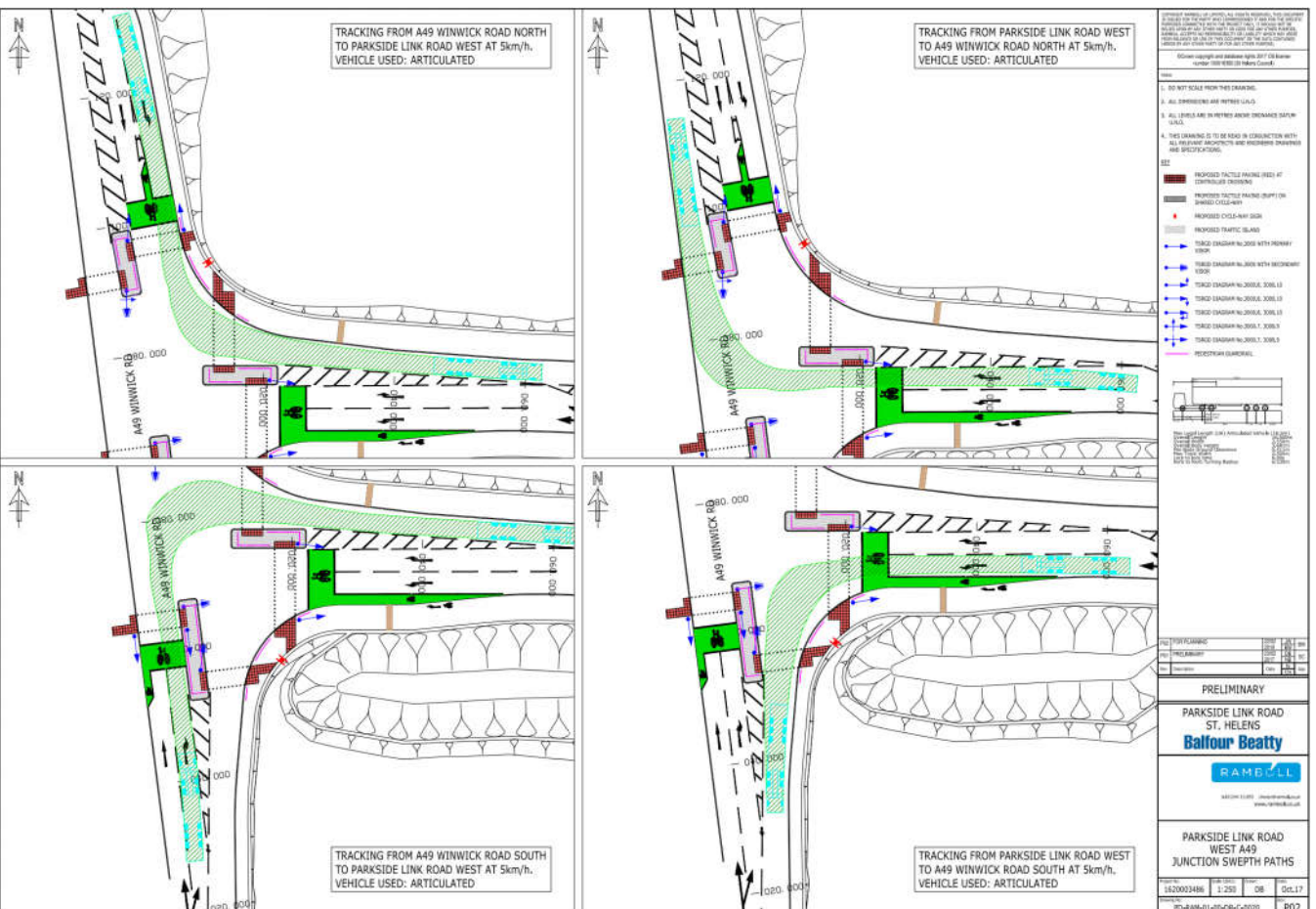


The document PARKSIDE LINK ROAD WEST A49 JUNCTION LAYOUT, Drawing number PD-RAM-01-00-DR-C-0013 rev P04 clearly shows that the A49 is a Primary Route Trunk Road from the PLR A49 entrance towards Warrington:



This A49 Primary route signage at the entrance, SHC know, as SHC approved the drawing before release. In doing so then the A49 is intended to direct the Phase 1, 2 and 3 (SRFI) Commercial Heavy Goods Vehicles towards Winwick. WBC Development Management Committee decided on 06 June 2018. Objection to WBC planning number 2018/32247 (decision on SHC Phase 1 application P/2018/0048/0UP). Conversely, the signage to Newton-le-Willows is correctly shown the A49 as a detrunked road.

This confirmed SHC decision to include this A49 Primary route from the PLR A49 entrance is in the amended EIA (second) 2019, so not a mistake, as this confirms the traffic flows along the A49 to Winwick as shown in the first EIA 2018. So the Commercial Traffic SHC still intend to travel via Winwick.



Conclusion

On 6 June 2018 WBC Development Management Committee has already publicly objected the Phase 1 proposal. So the Committee must also make the same decision and refuse the application 2018/32514

6.3 The A573

The A573 junction is more serious as this concerns not only the settings of listed buildings of Woodhead Farmhouse and Barn as well as St Oswald's Well, but the traffic gridlock that will ensue. In the first EIA I commented upon the gridlock that would ensue by having a crossover of the motorway M6 that is still open to the local roads. To which have numerous amounts of signage in an attempt to direct vehicles left in stead of right. But signs do not override the now standard Satellite Navigation System virtually all cars and commercial vehicles have fitted as standard today. I showed in my last EIA objection a scheme that would ensue around the Parkside West and East proposed development site to which I show again now:

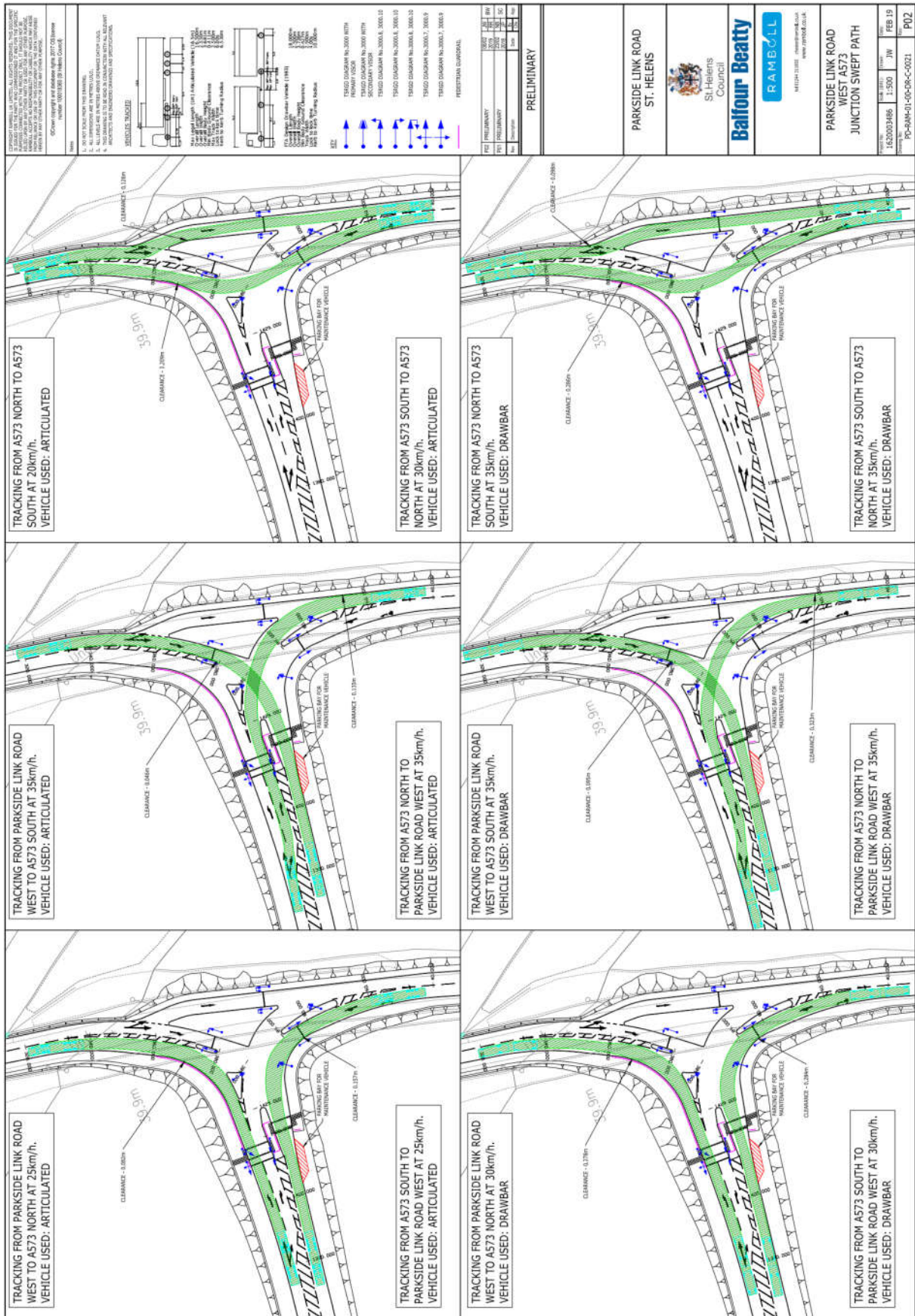


Schematic view of congestion grid-lock at the Hermitage Green “S” Bend on Golborne Road/Parkside Road if the Proposed Parkside Link Road goes ahead.

It is clear that if two commercial 40 tonne+ vehicles, as shown as Vehicle Tracked of length 16.5m or as Drawbar vehicles of length 18m, approach the Hermitage Green 'S' Bend in opposite directions, the Traffic model in the EIA do not discount, or provide any solution with Satellite Navigation systems in mind. The resultant grid lock will occur with no means of relief without destruction of property.

In the amended EIA 2019 for the PLR new A573 junction clearly confirms that these large commercial vehicles will enter and exit via the Hermitage Green 'S' Bend. The Traffic Model fails to accommodate the frequency or the resultant effects at the Hermitage Green 'S' Bend with Satellite Navigation System. Especially as the A573 road is at least 1400 years in existence as a horse and cart road due to circumventing the monument to the place of the martyrdom of King Oswald in 642AD. To which Hermitage Green is named after from the intervening centuries of religious protection, that must and will be maintained of the setting of this site and track that circumvents this religious place of worship, as written by the Venerable Bede, some 60 years later.

Studying the amended EIA this new junction shows that Commercial vehicles are expected to use this proposed junction with the commercial Vehicle Tracked of length 16.5m or as Drawbar vehicles of length 18m via Hermitage Green 'S' Bend as the SHC EIA 2019 drawing clearly shows:



Conclusions

It is clear from the First EIA 2018 that the A573 junction has not been addressed by the second amended EIA. To SHC it is clear that the problem exists, but SHC will not do anything with their first “cheap” solution to cross the motorway M6, by using the existing road network to try to solve the Traffic problem that has not been solved for over 26 years to encompass the former Parkside Colliery in Newton Park as a Rail Freight Terminal. SHC solution is to place the gridlock with the other boroughs This A573 is clear that SHC intends to do if this PLR through the borough of Warrington is to be approved. The traffic problem was given in the 1996-97 Public Inquiry where a direct link to the motorway M6 was shown by the inspector. This SHC have failed to accommodate by thinking that an indirect link to the motorway M6 is the bees knees solution.

WBC Development Management Committee must not support the PLR access through the borough of Warrington as they have already objected to the A49 entrance for Phase 1 and as the access via the A49 is in EIA proposal for Phase 1 WBC 2018/32247 (SHC P/2018/0048/OUP), and also the access via the A49 is in EIA proposal for PLR WBC 2018/32514. WBC Development Management Committee to approve the PLR when the WBC Development Management Committee have already objected to a part of the PLR, is legally not allowed.

6.4 The A573 and A49 Winwick Junction

The document

“APPENDIX 3 OPERATIONAL ASSESSMENT OUTPUTS”

shows several junctions with operational data describing particular junctions.

JUNCTION 4 A49 NEWTON ROAD/A573 GOLBORNE ROAD on page 289/1000 has several data miss-anomalies in the figures without any explanation:

A49 Newton Rd / Golborne Rd - Do Minimum 2031											
Stream B-C	18.37	157.17	1.18	190.04	F	-16 % [Stream C-B]	188.16	6095.72	999999999.00	2638.66	F
Stream B-A	6.94	255.77	1.07				127.31	6115.37	999999999.00		
Stream C-A	-	-	-				-	-	-		
Stream C-B	30.44	198.75	1.09				98.32	619.69	1.31		
Stream A-B	-	-	-				-	-	-		
Stream A-C	-	-	-				-	-	-		
A49 Newton Rd / Golborne Rd - Do Something 2021											

The data of 9999999999.00 is a meaningless number therefore flawed, having the report data errors like this means the whole report is invalid.

File summary

Title	A49 Newton Road / Golborne Road
Location	St Helens
Site Number	
Date	26/10/2018

This junction/road does not exist in SHC then the whole data is flawed especially as this document having been double checked and confirmed to be correct by the applicant SHC before the PLR being published for public consultation with SHC and WBC.

Queue Variation Results for each time segment

Queue Variation results: (08:00-08:15)

Stream	Mean (PCU)	Q05 (PCU)	Q50 (PCU)	Q90 (PCU)	Q95 (PCU)	Percentile Message	Marker Message	Probability Of Reaching Or Exceeding Marker	Probability Of Exactly Reaching Marker
B-C	0.87	-1	-1	-1	-1	Percentiles could not be calculated. This may be because the mean queue is very small or very big.		N/A	N/A
B-A	0.31	-1	-1	-1	-1	Percentiles could not be calculated. This may be because the mean queue is very small or very big.		N/A	N/A
C-A	-	-	-	-	-	-	-	-	-
C-B	1.33	?	?	?	?	Percentiles could not be calculated. This may be because the mean queue is very small or very big.		N/A	N/A
A-B	-	-	-	-	-	-	-	-	-
A-C	-	-	-	-	-	-	-	-	-

Queue Variation results: (08:15-08:30)

Stream	Mean (PCU)	Q05 (PCU)	Q50 (PCU)	Q90 (PCU)	Q95 (PCU)	Percentile Message	Marker Message	Probability Of Reaching Or Exceeding Marker	Probability Of Exactly Reaching Marker
B-C	1.41	0.00	0.00	2.00	3.00			N/A	N/A
B-A	0.49	-1	-1	-1	-1	Percentiles could not be calculated. This may be because the mean queue is very small or very big.		N/A	N/A
C-A	-	-	-	-	-	-	-	-	-
C-B	2.41	0.00	0.00	5.00	7.00			N/A	N/A
A-B	-	-	-	-	-	-	-	-	-
A-C	-	-	-	-	-	-	-	-	-

Queue Variation results: (08:30-08:45)

Stream	Mean (PCU)	Q05 (PCU)	Q50 (PCU)	Q90 (PCU)	Q95 (PCU)	Percentile Message	Marker Message	Probability Of Reaching Or Exceeding Marker	Probability Of Exactly Reaching Marker
B-C	3.59	0.00	0.00	7.00	13.00			N/A	N/A
B-A	1.11	0.00	0.00	0.00	3.00			N/A	N/A
C-A	-	-	-	-	-	-	-	-	-
C-B	7.82	0.00	2.00	20.00	28.00			N/A	N/A
A-B	-	-	-	-	-	-	-	-	-
A-C	-	-	-	-	-	-	-	-	-

Queue Variation results: (08:45-09:00)

Stream	Mean (PCU)	Q05 (PCU)	Q50 (PCU)	Q90 (PCU)	Q95 (PCU)	Percentile Message	Marker Message	Probability Of Reaching Or Exceeding Marker	Probability Of Exactly Reaching Marker
B-C	3.98	0.00	0.00	5.00	14.00			N/A	N/A
B-A	1.23	0.00	0.00	1.00	4.00			N/A	N/A
C-A	-	-	-	-	-	-	-	-	-
C-B	9.65	0.00	1.00	25.00	38.00			N/A	N/A
A-B	-	-	-	-	-	-	-	-	-
A-C	-	-	-	-	-	-	-	-	-

Queue Variation results: (09:00-09:15)

Stream	Mean (PCU)	Q05 (PCU)	Q50 (PCU)	Q90 (PCU)	Q95 (PCU)	Percentile Message	Marker Message	Probability Of Reaching Or Exceeding Marker	Probability Of Exactly Reaching Marker
B-C	1.56	0.00	0.00	3.00	5.00			N/A	N/A
B-A	0.56	0.00	0.00	0.00	1.00			N/A	N/A
C-A	-	-	-	-	-	-	-	-	-
C-B	2.85	0.00	0.00	5.00	10.00			N/A	N/A
A-B	-	-	-	-	-	-	-	-	-
A-C	-	-	-	-	-	-	-	-	-

Queue Variation results: (09:15-09:30)

Stream	Mean (PCU)	Q05 (PCU)	Q50 (PCU)	Q90 (PCU)	Q95 (PCU)	Percentile Message	Marker Message	Probability Of Reaching Or Exceeding Marker	Probability Of Exactly Reaching Marker
B-C	0.91	0.00	0.00	1.00	2.00			N/A	N/A
B-A	0.33	-1	-1	-1	-1	Percentiles could not be calculated. This may be because the mean queue is very small or very big.		N/A	N/A
C-A	-	-	-	-	-	-	-	-	-
C-B	1.43	0.00	0.00	1.00	4.00			N/A	N/A
A-B	-	-	-	-	-	-	-	-	-
A-C	-	-	-	-	-	-	-	-	-

Why is this data not available when this is purporting to show traffic flows at peak rush hour time?

6.5 Village Green

If the Applicant is purporting to signalise this junction, the Winwick Green Village Green will be affected. Any land that is occupied by anything that harms the soil or obstructs the public exercising their right of enjoyment and does not comply with the Inclosure Act 1857 and the Commons Act 1876 will be classed as a nuisance. Any signalling at the junction at the A49/A573 must not be placed on the Winwick Green village green, or any reduction of the village green land will be classed as a nuisance.

The Commons Act 1876 Article 29 states:

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

An encroachment on or inclosure of a town or village green, also any erection thereon or disturbance or interference with or occupation of the soil thereof which is made otherwise than with a view to the better enjoyment of such town or village green or recreation ground, shall be deemed to be a public nuisance, and if any person does any act in respect of which he is liable to pay damages or a penalty under section twelve of the M5 Inclosure Act 1857, he may be summarily convicted thereof upon the information of any inhabitant of the parish in which such town or village green or recreation ground is situate, as well as upon the information of such persons as in the said section mentioned.

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

The Inclosure Act 1957 Article 12 states:

“12 Protecting from nuisances town and village greens and allotments for exercise and recreation.

And whereas it is expedient to provide summary means of preventing nuisances in town greens and village greens, and on land allotted and awarded upon any inclosure under the said Acts as a place for exercise and recreation: If any person wilfully cause any injury or damage to any fence of any such town or village green or land, or wilfully and without lawful authority lead or drive any cattle or animal thereon, or wilfully lay any manure, soil, ashes, or rubbish, or other matter or thing thereon, or do any other act whatsoever to the injury of such town or village green or land, or to the interruption of the use or enjoyment thereof as a place for exercise and recreation, such person shall for every such offence, upon a summary conviction thereof before two justices, upon the information of any churchwarden or overseer of the parish in which such town or village green or land is situate, or of the person in whom the soil of such town or village green or land may be vested, forfeit and pay, in any of the cases aforesaid, and for each and every such offence, over and above the damages occasioned thereby, any sum not exceeding [F8level 1 on the standard scale]; and it shall be lawful for any such churchwarden or overseer or other person as aforesaid to sell and dispose of any such manure, soil, ashes, and rubbish, or other matter or thing as aforesaid; and the proceeds arising from the sale thereof, and every such penalty as aforesaid, shall, as regards any such town, or village green not awarded under the said Acts or any of them to be used as a place for exercise and recreation, be applied in aid of the rates for the repair of the public highways in the parish, and shall, as regards the land so

*awarded, be applied by the persons or person in whom the soil thereof may be vested in the due maintenance of such land as a place for exercise and recreation; and if any manure, soil, ashes, or rubbish be not of sufficient value to defray the expense of removing the same, the person who laid or deposited such manure, soil, ashes, or rubbish shall repay to such churchwarden or overseer or other person as aforesaid the money necessarily expended in the removal thereof; and every such penalty as aforesaid shall be recovered in manner provided by the **M3** Summary Jurisdiction Act 1848; and the amount of damage occasioned by any such offence as aforesaid shall, in case of dispute, be determined by the justices by whom the offender is convicted; and the payment of the amount of such damage, and the repayments of the money necessarily expended in the removal of any manure, soil, ashes, or rubbish, shall be enforced in like manner as any such penalty.”*

Note: “No Scheme of Management” under the Commons Act 1899 pertains to the Winwick Green village green, so no Section 38 applies. A Section 38 does not generally apply to registered town or village greens.

As the Winwick Green village Green has a defined boundary, the above Acts apply.

Also as the modification at the Winwick Green Village Green A49/A573 is also a part of the Phase 1 application P/2018/0048/OUP that WBC Development Management Committee have already objected to in public to the A49 entrance for Phase 1 and as the access via the A49 (this includes the A49 at Winwick Green) is in EIA proposal for Phase 1 (SHC P/2018/0048/OUP) under WBC planning number 2018/32247 then any modification under the PLR application to this A49/A573 Winwick Green Village Green junction must also be rejected.

6.6 Overall Conclusions

The intended junctions at the A49 at the former Parkside Colliery, Newton Park, The A573 Parkside Road and the A49/A573 Winwick Village Green, fail to take in to account the normal use of Satellite Navigation Systems fitted to cars and 16m to 18m commercial vehicles, using the local roads. Where the roads through Winwick are ancient narrow roads around Winwick Church a Grade I listed building, that can not take the proposed commercial vehicles, especially at Hermitage Green either in two directions, or in convoys of one or more in two directions. The ingress upon Winwick Green village green by any road modifications will be treated as a nuisance under the said: Article 29 of the Commons Act 1876 and Article 12 of the Inclosure Act 1857.

With the declared use of the Local roads through Winwick, it is clear that the reason for the PLR by the Applicant SHC in promoting the Phase1, Phase2 and Phase 3 (SRFI) as a reduction of commercial vehicles off the local roads on to the PLR motorway indirect access fails to work as the Commercial vehicles access to the Phased site can be accessed via any local road. The action of opening up a new access off the A579 and a new access off the A573 only heightens the use of more of the local roads than at present. The PLR scheme has not been fully thought through to be in line with the Public Inquiry Inspectors report 1996-7 where a direct access to the Motorway M6 was discussed in the inspector’s report.

WBC Development Management Committee must not support the PLR access through the borough of Warrington as they have already objected to the A49 entrance for Phase 1 and as the access via the A49 is in EIA proposal for Phase 1 WBC 2018/32247 (SHC P/2018/0048/OUP), and

also the access via the A49 is in EIA proposal for PLR WBC 2018/32514. WBC Development Management Committee to approve the PLR when the WBC Development Management Committee have already objected to a part of the PLR, is legally not allowed.

7. Climate Change emission eCO₂

The Proposal to construct a declared road which is 100% only to facilitate and benefit the bringing forward of the declared phases: Phase 1, Phase 2, Phase 3 (SRFI); The PLR as a stand-alone road where none of these phases are developed will have no public benefit apart from the Ratepayers of the borough of St Helens having to pay for the PLR to reimburse the Liverpool City Authority Funding grant to St Helens Council (SHC).

With the advent of the recent Government document with regards to Air Quality or pollution the “Clean Air Strategy 2019”, by The Department for the Environment, Food and Rural Affairs, published 14 January 2019, the application must take this document in to account. This document is for the first time a governmental document that realises the sources of Air Pollution parameters and giving a table of significance to each. Not just from the emissions of air pollution as well as carbon dioxide (CO₂). Carbon emissions (CO₂ and CO) are well understood to be a climate change pollutant not just to the atmosphere but also to human health as Carbon emissions are interlinked with air pollution, and a particular issue towards the Phase1 application (and Phase 2, Phase 3 (SRFI) and the Parkside Link Road).

The details of this governmental publication is detailed in Section 4 of the document that accompanies this objection:

“PAG (R Ward) Response to Parkside Phase 1 Planning Application P_2018_0048_OUP Jan 2019. pdf”

This document shows the eCO₂ of the declared developments Phase 1 and Phase 2 as declared in the SHC application P/2018/0048/OUP the calculation from the information supplied by SHC to be 3,580,995 tonnes of eCO₂ just to construct the Phase 1 (including the Phase 2 and Link Road to the border of Phase 1 to the east being approximately 700m) as shown in the masterplan:

P_2018_0048_OUP-ILLUSTRATIVE_MASTERPLAN_REV_E-1052084.pdf

This figure of 3,580,995 tonnes of eCO₂ does not include the preparatory earthworks for the Phase 1 masterplan and will also have a climate change eCO₂ and air quality of PPM. NO_x, SO_x figure curing the construction.

7.1 Parkside Link Road details

From the applicants submitted Drawings:

Sheet 1 PD-RAM-01-00-DR-C-0120 Rev P02

Sheet 2 PD-RAM-01-00-DR-C-0121 Rev P02

Sheet 3 PD-RAM-01-00-DR-C-0122 Rev P02

Together with the statement from the applicants submitted Document:

PARKSIDE LINK ROAD A PROPOSED LINK ROAD BY ST. HELENS COUNCIL
TRANSPORT ASSESSMENT 2019

“The proposed Scheme extends from the A49 in Newton-le-Willows to Junction 22 of the M6 motorway and is 3.3km in length.”

The length of the Parkside Link Road (PLR) is 3,300m in length

From the drawings these show the cross-sectional construction of the PLR. Where it is clear that vast amounts earthworks are required before the road foundations and associated furniture can be constructed.

The now declared topographic and PLR construction details shown in the diagrams of the road from the A49 to the motorway M6. As the figure of 3,580,995 tonnes of eCO₂ has been stated to calculate the eCO₂ of the road in Phase 1 from the A49 to the Phase 1 boundary, this has already been calculated. Therefore the part of the PLR inside the Phase 1 area is approx 700m. So the distance under consideration is 3,300m minus 700m equals 2,600m.

From the diagrams show the roads to be a mixture of varying styles of single and dual carriageway. For ease of producing an approximate eCO₂ figure, assume the carriageway style for the whole length is taken from Diagram Sheet 1 as

Two Cycle/Footpaths of dimensions 3.5m wide by 0.3m depth; and
One carriageway on dimensions 10.8m wide by depth 0.75m

These to be constructed of concrete to produce an estimated CO₂.

From Internet sources for eCO₂ (eCO₂ = emitted CO₂) carbon emissions for Concrete
1 m³ concrete emits 2,406 kg of CO₂

Therefore, to calculate the PLR eCO₂

The Cycle/Footpaths emissions CO₂ calculation is

$2 \times 2,600\text{m} \times 3.5\text{m} \times 0.3\text{m} \times 2,406\text{Kg of CO}_2 = 13,136,760\text{Kg eCO}_2 = 13,137\text{tonnes eCO}_2$

The Carriageway Road emissions CO₂ calculation is

$2,600\text{m} \times 10.8\text{m} \times 0.75\text{m} \times 2,406\text{Kg of CO}_2 = 50,670,360\text{Kg eCO}_2 = 50,670\text{tonnes eCO}_2$

This totals $13,137 + 50,670 = \mathbf{63,807 \text{ tonnes of eCO}_2}$ emitted by the proposed PLR development.

7.3 Conclusion

Therefore, the PLR climate change carbon emissions (eCO₂) that will be emitted during construction will be **63,807 tonnes of eCO₂**. This figure does not include the earthworks that will be required to level the topography The earthworks will also have an unknown eCO₂ figure during the construction phase.

Also as the Parkside east Phase 3 (SRFI) details of the declared Warehouse/Shed 8 to Warehouse/Shed 16 and SRFI Terminal have not been shown as the sizes the eCO₂ **will be greater** that of the declared Phase 1 masterplan for the 7 warehouses/sheds for Phase 1 and Phase 2, where the calculation shown is the figure of 3,580,995 tonnes of eCO₂.

So therefore, the total estimate minimum to construct the Phase 1, Phase 2, Phase 3 (SRFI) and PLR is

Phase 1/Phase 2 = 3,580,995 tonnes of eCO₂.

PLR = 63,807 tonnes of eCO₂

Phase 3 (SRFI) minimum = 3,580,995 tonnes of eCO₂.

7,225,797 tonnes of eCO₂ will be emitted, just to construct the Phase 1, Phase 2, Phase 3 (SRFI) and PLR plus the Air quality and pollutants PM2.5, NOx, NMVOCs into the atmosphere as detailed in the publication “Clean Air Strategy 2019” see Section 4 of the document that accompanies this objection:

“PAG (R Ward) Response to Parkside Phase 1 Planning Application P_2018_0048_OUP Jan 2019. pdf”.

But if the proposed development(s) are constructed the associated additional contribution of eCO₂ from the commercial vehicles to use the proposed development will add drastically to this figure each and every year.

The PLR proposed development and associated developments as shown in the Masterplan(s) does not comply with the current government guidelines as detailed in the “Clean Air Strategy 2019”. So on the grounds of the Air quality assessment the development PLR as shown in the Masterplan(s) is not a sustainable development.

8. Designated Heritage Assets

8.1 Heritage Assets Affected

The current application 2018/32514 under consideration with WBC is the PLR road, but as the application description of the proposals concerns the area that resides in the area known as Parkside West. Though the submitted PLR information with regards to the boundary cover the Parkside east as well. The PLR as already stated in the earlier sections of this objection shown that the PLR is intrinsically linked to the other developments that are to occupy the Parkside West and Parkside East. The other developments are stated in the PLR documentation details of the warehousing/sheds that each development contain. This information also state the PLR being an intrinsic part of the Parkside west and Parkside east to facilitate the Phase 1 sheds, the Phase 2 sheds and the Phase 3 (SRFI) sheds and terminal, without the PLR these phases can not be brought forward. It is also noted that the Phase 1 application was submitted before the PLR application. This seems strange for the applicant of the PLR application to state ‘The PLR facilitates the Phase 1 development. I refer back to the separate applicants application proposals for the Phase 1 and PLR where both application proposal for the respective Environmental Impact Assessment (EIA), both confirm that as part of the application work is to be carried out at the A49 junction and associated roads. Together with the Phase 1 application from the two EIA’s submitted in 2018 and 2019 for public consultation under the same application P/2018/0048/OUP in several of the masterplans, it is clearly shown the Phase 1 incorporates:

- The PLR road infrastructure as part of the Phase 1
- The surface water drainage for the PLR as part of the Phase 1
- The associated other utilities for the PLR as part of the Phase 1
- The Phase 2 road infrastructure linking to the PLR or is it the Phase 1 road
- Incidentally, The Phase 1 masterplans (P_2018_0048_OUP-ILLUSTRATIVE_MASTERPLAN_REV_E-1052084.pdf) state: The Newton Park Farm and Barn (both being designated Heritage Assets Listed Buildings) and associated other dwellings, are linked into the PLR or Phase 1 and Phase 2 road network. Due to having had Newton Park Drive removed to accommodate the Phase 3 (SRFI) Rail spur line, without this Rail Spur Line the Phase 3 (SRFI) on Parkside East can not be developed with the detail PLR Scheme under the current application. (See Appendix section)
- The Phase 1 masterplan shows the Newton Park Farm and Barn Listed Buildings as stated in the Phase 1 masterplans is surrounded by the Phase 1, Phase 2 sheds and Phase 3 (SRFI) that are linked to the Phase 1 or PLR road network, this affects the setting of Listed Buildings. (See Appendix section)

- The PLR application proposal boundary is an intrinsic part of the Phase 1 application proposal boundary though both the PLR and Phase 1 have separate EIA that assess the same land. (See Appendix section)
- The Phase 1 also occupies the same land as the Designated Heritage Asset Registered Battlefield to which the Phase 1 development intends to total destroy. (See Appendix section)
- The PLR also occupies the same land as the Designated Heritage Asset Registered Battlefield to which the PLR development scheme intends to total destroy. (See Appendix section)
- The Phase 1 application has a separate EIA covering the Designated Heritage Asset Registered Battlefield concerned with the Phase 1 area only
- The PLR application has a separate EIA covering the Designated Heritage Asset Registered Battlefield concerned with the PLR only.
- The Designated Heritage Asset Registered Battlefield, therefore has three separate EIA in three separate applications.
- The PLR affects the settings of Woodhead Farm and Barn Listed buildings and St Oswald's Well listed building and Scheduled Monument.

Therefore, the Designated Heritage Assets that are affected by the PLR and Phase 1 applications on Parkside West can not be assessed separately under separate EIA. These Designated Heritage Assets must be assessed under one EIA for the Whole Project: Phase 1, Phase 2, Phase 3(SRFI) and PLR.

8.2 Registered Battlefield Approval

In October 2017 the national planning authority Historic England submitted for a public consultation period, the planning application Case Number: 1412178 to assess the site of the Battle of Winwick, also known as the Battle of Red Bank (1648), for registration.

On 31 January 2018 the national planning authority Historic England publish their decision:

“List Entry Summary

This battlefield is registered within the Register of Historic Battlefields by Historic England for its special historic interest.

Name: *Battle of Winwick (also known as Battle of Red Bank) 1648*

List Entry Number: *1412878*

Location: *Winwick, Warrington.*

The battlefield may lie within the boundary of more than one authority.

County	District	District Type	Parish
	St. Helens	Metropolitan Authority	Non Civil Parish
	Warrington	Unitary Authority	Winwick

National Park: *Not applicable to this List entry.*

Grade: *Not Applicable to this List Entry*

Date first registered: *31 January 2018*

Date of most recent amendment: *Not applicable to this List entry.”*

In the decision it gave details of how the national planning authority Historic England came to the decision. The decision showed several Respondents from the consultation who had commented upon the proposal and gave their response. It is noted that St Helens Council; The Parkside Regeneration Group (St Helens Council and Langtree plc); and Warrington Borough Council, all objected to the proposal. Follows are these comments and responses:

The following is taken from the planning approval document to register the location known as the battle of Winwick Pass. It is interesting that St Helens Council (SHC); The Parkside Regeneration Group (SHC and Langtree plc); and Warrington Borough Council, all submitted documentation to the National Planning Authority Historic England which the same arguments and documentation were submitted in the subsequent Phase 1 application SHC P/2018/0048/OUP, and subsequent Parkside Link Road application SHC P/2018/0249/FUL and subsequent Parkside Link Road application WBC 2018/32514.

Where all objected to the national planning application to register the Winwick Pass Battlefield. To which their information submitted by them has been judged and considered by the National Planning Authority Historic England in their decision 'not to reject' the Registration approval. The following is an extract from the approval decision:

Assessment

CONSULTATION

Invitations to comment were sent to all of the 26 landowners identified on the Land Registry within the proposed designated area. Invitations were also sent to the Battlefields Trust, the applicant (an advisor to the trust), the two local planning authorities (Warrington Borough Council and St Helens Council), Winwick Parish

Council and the local historic environment record (HER), in this case, Merseyside.

Advertisements were published on 25 October 2017 in both the events and classified sections of the two local newspapers (Warrington Guardian and St Helens Star) providing details of a webpage being published on 30 October and how to respond, and contact details were also provided on the webpage itself. The Warrington Guardian also published a news article on 5 November based on the content of the consultation webpage. Posters providing the same details were also placed in the village shop, leisure/community centre and the parish council's noticeboards, and on the interpretation board near Red Bank farm. Following representations on behalf of the owners of the former Parkside colliery, the deadline for their response was extended by one week. The deadline for St Helens council was also extended by the same amount, as the council is a joint-venture partner with the colliery owners. A request by Warrington council for an extension of time was refused as no justification for the request was provided.

The report and map were downloaded 142 and 160 times respectively. We received comments from fourteen consultees. The HER provided a copy of their entry for the battlefield, highlighting the fate of the prisoners taken. The Diocese of Liverpool, which is responsible for St Oswald's church and the rectory, and is also believed to be the owner of the cemetery, responded that it did not wish to make any comments. Culcheth and Glazebury Parish Council confirmed that it wished to support the proposed registration but made no detailed comments. Three local people sent broadly supportive responses, and one provided details of two swords found in the brook in the 1980s, one now thought to be in Warrington Museum.

Detailed comments were received from several consultees and are discussed below.

St Helens Council

COMMENT: acknowledged the national significance of the outcome of the battle, and its location at Winwick, specifically near Red Bank. It also identified some topographical changes since the battle took place, namely: the widening of Hermitage Green Lane; the truncation of the sandstone outcropping during the turnpiking of the Warrington to Wigan road (A49); the culverting of St Oswald's Brook (also known as Hermitage Brook) beneath the road; the widening of the brook during the operation of the colliery, and the disturbance of land within the colliery site. These changes, and [the results of archaeological survey](#),

were offered in support of a [request to exclude all of the former colliery land from the proposed registered area](#).

RESPONSE: these comments have been taken into account in the advice below and the revised proposed Register entry.

Agents for the owners of the former colliery site (Parkside Regeneration LLP) Provided an archaeological assessment based on metal detector survey, magnetometry survey and trial-trenching within the majority (but not all) of the former colliery site that falls within the proposed registered area. They requested that if Winwick is registered, the former colliery site should be excluded. Specific points included:

COMMENT: that Winwick formed part of a series of skirmishes rather than a battle in its own right.

RESPONSE: the strife in Lancashire of 17-19 August 1648 can be viewed as a single, drawn out engagement in several parts, of which Winwick is only one. However, Winwick clearly meets the scope of registration as set out in the Selection Guide: that is, a battle fought on land involving wholly or largely-formed bodies of armed men, deployed and engaged on the field under formal command. Rather than one of a series of skirmishes, Cromwell himself identified it as a separate engagement, saying, 'we could not engage the enemy until....the enemy made a stand at a passe near Winwicke', and calling it and Preston, 'two great fights'.

COMMENT: the more significant, decisive, battle of Preston is unregistered, implying that Winwick cannot be of sufficient significance to warrant registration.

RESPONSE: the significance of Winwick is not diminished by the mooted greater significance of the battle at Preston. [The battlefield at Preston remains unregistered not due to low significance, but because it is much more severely degraded than Winwick.](#)

COMMENT: Winwick was not the end of the war and lacks national significance.

RESPONSE: Preston, although a clear victory, was not decisive. The force retained afterwards by the royalists still outnumbered Cromwell's and the threat of continued war remained. [Only the defeat at Winwick made this an unrealistic prospect and it was the last battle of the Second English Civil War, effectively dooming any further military action to failure.](#)

COMMENT: the boundaries of the event are uncertain.

RESPONSE: the lack of contemporary diagrams of the disposition of forces is not surprising, and means that some judgement has to be applied in estimating the extent of the battlefield. Such boundaries are rarely precise to begin with, and our guidance is clear that reasonable proposed boundaries are sufficient. For clarity and ease of management, we generally use existing land boundaries.

COMMENT: there is no evidence of fighting between Red Bank and the area near the church.

RESPONSE: the guidance is clear that areas of pursued retreat and where troops drew up can also form part of a battlefield, as well as those where pitched fighting took place.

Contemporary accounts describe the pursuit from Red Bank towards the church. This area may reasonably be assumed to have formed part of the disorganised southward flight of a force comprising several thousand men previously engaged in a battle at its northern end.

COMMENT: topographical change within the former colliery precludes its inclusion.

RESPONSE: the parts of the former colliery included within the proposed registered area display similar topography today to that shown on the earliest available maps post-dating the battle, and in aerial photographs pre-dating mining activity. Parts, but not all, have been disturbed and reinstated following mining operations. Following our guidance, modern boundaries are used but they extend close to the former line of the Coppice Wood brook, which was a significant obstacle at the time. Where the topography is much altered, other parts of the former colliery which did form part of the battlefield (such as the possible parliamentary flanking manoeuvre) have been omitted, as the actual extent of the military activity is uncertain and difficult to reasonably define within this altered area.

COMMENT: lack of archaeological potential within the former colliery precludes its inclusion.

RESPONSE: registration is essentially a landscape designation rather than an archaeological one. Archaeological potential is a factor which can support registration, but its absence from a small part of the battlefield does not justify the exclusion of that part, if it still forms a coherent part of a battlefield which meets the principal considerations.

COMMENT: the degree of development north of the church undermines registration.

RESPONSE: the current leafy, sparsely-developed character of the area to the north of the church retains edge-of-settlement qualities in line with the area's probable use at the time of the battle. The inclusion of this area enhances the overall coherence of the landscape within which the principal elements of the battle took place. These points and the detail within the archaeological assessment have been taken into account in the advice below and the revised proposed Register entry.

Warrington Council

COMMENT: suggested that the engagement did not comprise a battle but one of a series of skirmishes between the battle of Preston and the surrender of the royalist infantry at Warrington. It also suggests that Winwick was secondary in significance to the earlier battle of Preston, and that its historical significance does not merit registration. It also suggested that the extent of later development in the former colliery site and to the north of St Oswald's church has reduced the topographical integrity and archaeological potential such that registration is not justified.

RESPONSE: these points repeat some of those made by the colliery owners' agent. They have been addressed above and taken into account in the detailed advice below and the revised proposed Register entry.

[Blue text change by R. Ward to emphasis these points have not altered the registration approval

Red Text change by R. Ward to emphasis that the Archaeology has already been discounted as not a factor in the National Planning authority Historic England approval for Winwick Pass battlefield registration]

SHC and the Agents for the owners of the former colliery site (Parkside Regeneration LLP) and WBC all objected to the registration approval and as consultee had the opportunity under the Aarhus convention to challenge the decision within the allotted time-scale but SHC, the Agents for the owners of the former colliery site (Parkside Regeneration LLP) or WBC did not challenge the registration. The evidence submitted and referenced by SHC, the Agents for the owners of the former colliery site (Parkside Regeneration LLP) or WBC to the National Planning Authority Historic England, the same evidence can not be used against the Registered Battlefield in subsequent application to develop the same site by a lower local planning authority, only a national planning authority can make the decision when the evidence concerned is the same as at registration.

Above the evidence submitted is shown and the Historic England's response is as follows:

SHC comment

*These changes, and **the results of archaeological survey**, were offered in support of a request to exclude all of the former colliery land from the proposed registered area.*

RESPONSE: these comments have been taken into account in the advice below and the revised proposed Register entry.

Agents for the owners of the former colliery site (Parkside Regeneration LLP)

*Provided an **archaeological assessment based on metal detector survey, magnetometry survey and trial-trenching** within the majority (but not all) of the former colliery site that falls within the proposed registered area. They requested that if Winwick is registered, the former colliery site should be excluded.*

*COMMENT: **lack of archaeological potential** within the former colliery precludes its inclusion.*

*RESPONSE: **registration is essentially a landscape designation rather than an archaeological one. Archaeological potential is a factor which can support registration, but its absence from a small part of the battlefield does not justify the exclusion of that part, if it still forms a coherent part of a battlefield which meets the principal considerations.***

Warrington Council (WBC)

*It also suggested that the extent of later development in the former colliery site and to the north of St Oswald's church has reduced the topographical integrity and **archaeological potential** such that registration is not justified.*

RESPONSE: these points repeat some of those made by the colliery owners' agent. They have been addressed above and taken into account in the detailed advice below and the revised proposed Register entry.

Therefore the archaeology aspect of the Registered Battlefield has already been judged by a national planning authority. Any subsequent Local Planning Authority can not use the same evidence to overrule where that same evidence has already been rejected. Only a subsequent national planning authority can judge the same information. So the same Archaeological evidence must be rejected as not applicable.

The main argument used by the applicant(s) is the same archaeological evidence for the PLR application(s) and for the Phase 1 application, this evidence has already been judged by a national planning authority:

“Archaeological potential is a factor which can support registration, but its absence from a small part of the battlefield does not justify the exclusion of that part,”

Conclusion

The fact that the Archaeological evidence being applicant(s) main evidence, the applicant fails to show the proposal over and above the conservation of the Designated Heritage Asset Registered Battlefield Winwick Pass 1648. Therefore the WBC Development Management Committee must either reject the application 2018/32514, or call-in all the applications to be assessed by the national planning authority; as both WBC and SHC have both been shown to have already objected and declared against the registration of Winwick Pass as a Designated Heritage Asset Registered Battlefield using the current stated Applications (as a whole) as their objection reasons, in order not to subvert the proper operation of planning controls.

8.3 WBC and SHC Local Plan

St Helens Council (SHC) adopted Local Plan 31 October 2012 and Warrington Borough Council (WBC) adopted Local Plan July 2014, both plans do not show policies concerning the Historic Environment are up-to-date (SHC Policy CAS 3.2 or Policy CQL 4 or associated other sections; WBC Policy QE 8 or associated other sections). Therefore, both SHC and WBC must follow the NPPF paragraph 11 decision-taking in connection to the Designated Heritage Asset as follows:

“For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”**

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

As both SHC and WBC Local Plans became out-of-date on the 31 January 2018 with respect to the Designated Heritage Asset Registered Battlefield, when the Battle of Winwick Pass was approved by the National Planning Authority Historic England. With respect to applications WBC 2018/32514 and SHC P/2018/0249/FUL as the PLR proposed development, both application proposals being situated on the same land as the designated registered battlefield. These two

applications WBC 2018/32514 and SHC P/2018/0249/FUL, together with the SHC application P/2018/0048/OUP, all three application proposals now intend to destroy that part of the designated battlefield location located in Newton Park.

Therefore, as both SHC and WBC both have out-to-date local plan policies with regards to the Designated Heritage Asset Registered Battlefield, then the NPPF paragraph 11c) does not apply and the NPPF paragraph 11d) i applies to the Registered Battlefield.

The court judgment **[Forest of Dean]** [2016] EWHC 421 (Admin) when a local plan is not- up-to-date then the relevant policy under the decision-taking limb test must be applied and decided upon first, before the second limb test, NPPF paragraph 11d)ii, can then be applied.

But the NPPF can not perform paragraph 11d)i for the Designated Heritage Asset for application proposal PLR WBC 2018/32514 as not all the Environmental Impact Assessment (EIA) documentation has been provided; and as the Parkside West section of road is an integral part of another separate application proposal Phase 1 P/2018/0048/OUP EIA that affects not only the same land the PLR occupies, but more of the registered battlefield land. Therefore the NPPF paragraph 11d)i can not show a clear reason for refusing/approving the development proposed due to the land having three separate application proposal EIA's for the same designated heritage asset. Therefore, WBC Development Management Committee must reject the application 2018/32514.

In addition to this, as the PLR application proposal 2018/32514 and SHC application proposal P/2018/0048/OUP are linked by the application proposal description A49 junction and road which both affect the designated heritage asset registered battlefield. Where on 06 June 2018 WBC Development Management Committee under application number 2018/32247 publicly objected to the SHC 20180048/OUP (subsequently re-submitted under the same application proposal in 2019). As the WBC Development Management Committee have already objected to the application proposal SHC 20180048/OUP having the A49 junction and road; Drainage; and Designated Heritage Asset Registered Battlefield as part of the EIA, then as the PLR EIA(s) pertain to have those same items included (some only in part) then the WBC Development Management Committee under the NPPF paragraph 11d)i must also reject the application 2018/32514 due to their former 2018/32247 decision for the same land.

8.4 Aarhus Convention

As the Application proposal for WBC 2018/32514 and SHC P/2018/0249/FUL, the A49 road section, Drainage and Heritage is an intrinsically linked part of the Phase 1 application SHC P/2018/0048/OUP. The PLR by consequence of the Environmental Impact Assessment submitted documents for public inspection is incomplete and is in contravention of the Aarhus convention Article 6, for the parties failing to make available the environmental information for the public to participate in the consultation.

To this point I again refer to the Aarhus Convention Article 6: In the Environmental Impact Assessment on WBC website not all the documents are available, although the PLR Environmental Impact Assessment main document PARKSIDE LINK ROAD ENVIRONMENTAL STATEMENT ADDENDUM VOLUME 1 – ENVIRONMENTAL STATEMENT ADDENDUM, Date March 2019, Ref PD-RAM-02-00-REP-EN-1004 references the Appendix A6.1 Heritage Impact Assessment several times. The missing document is Appendix 6.1 which is not on the WBC website, but the document with title: "BATTLE OF WINWICK REGISTERED BATTLEFIELD WINWICK, WARRINGTON HERITAGE IMPACT ASSESSMENT", is on the SHC website for the PLR application P/2018/0249/FUL submitted on 22 March 2019 as the document:

"P_2018_0249_FUL-ADDENDUM_VOLUME_2_-_APPENDIX_A6.1-1067945.pdf"

This omission clearly means that the Application WBC 2018/32514 re-submitted Environmental Impact Assessment March 2019 is incomplete for public participation and the said parties are in breach of the Aarhus Convention Article 6.

8.5 NPPF

The Heart of the NPPF paragraph 11 decision-taking has been shown above that the Designated Heritage Asset under 11d)i must be assessed.

8.5.1 The Registered Battlefield Winwick Pass 1648

The Concise Oxford Dictionary defines “battlefield” as ‘*Scene of battle*’.

The Ancient Monuments and Archaeological Areas Act 1979, Article 32B(2) defines a “battlefield” as follows:

*“(2) In this section, “battlefield” means—
(a) an area of land over which a battle was fought; or
(b) an area of land on which any significant activities relating to a battle occurred (whether or not the battle was fought over that area).”*

This Act of Parliament gives a governmental ‘legal’ definition of a battlefield.

This definition can be applied to the NPPF paragraph 184 “*Heritage assets range from sites and buildings of local historic value to those of the highest significance*”. Therefore in interpreting sites as a Designated Heritage asset Registered battlefield the term **site** equals the above definition.

Also from the Registration of Winwick Pass the approval states the battlefield “**Grade: Not Applicable to this List Entry**”.

Due to the WBC and SHA current adopted Local Plans not having policies with regards to the registered battlefield the NPPF paragraph 11d)i applies. This means that as detailed under footnote 6 designated heritage assets must be tested before any other NPPF policies as shown in the **[Forest of Dean]** judgment. The designated heritage assets are covered in the NPPF chapter 16. Where the paragraphs that must be tested are: 184, 189, 190, 192, 193, 194 and 195 (Note paragraph 196 does not apply due to paragraph 195b).

As the Applications WBC 2018/32514 and SHC P/2018/0249/FUL and SHC P/2018/0048/OUP show the designated heritage asset in Newton Park will be lost by the ground-works and the warehousing/sheds covering the area. Then the NPPF paragraph 195 applies and not paragraph 196.

8.5.2 Analysis of these NPPF paragraphs

[Blue text changed by R. Ward to emphasise reasoning]

8.5.2.1 Analysis of paragraph 184

184. 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 Value⁶¹. 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 generations⁶².

First, paragraph 184 state heritage assets range from local historic value to those of the highest significance. It goes on to state that all assets are an irreplaceable resource and conserve in a manner according to their significance. This means the higher the significance the greater protection. Further the Historic England registration approval states that the Battlefield of Winwick Pass grading as: not applicable. So this means the battlefield can not be graded with any level as the battlefield is related to a particular location of an area of land over which a battle was fought, or on which any significant activities relating to a battle occurred (whether or not the battle was fought over that area). Therefore being a particular area of land that pertains solely to the heritage asset registered battlefield Winwick Pass is totally unique to this location and no where else. The battlefield is an event that occurred in that unique location due to the topography of the land that the two armies assembled and engaged in battle.

This unique battlefield event can not be physically judged, the unique event is a series of actions that occurred at that unique location.

One can not preserve this area of land by dismantling the land and move the asset to a purpose built Heritage Park, like could be achieved to a registered listed building.

Therefore, this is why paragraph 184 states:

“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 generations.”

Where later paragraphs of the NPPF emphasise:

“alteration or destruction, or from development within its setting shall (present tense as this is the case in hand at present) require clear and convincing justification.... to assets of the highest significance registered battlefield shall (present tense as this is the case in hand at present) be wholly exceptional”

8.5.2.2 Analysis of paragraph 189

189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

8.5.2.2.1 Analysis of paragraph 189 first part

Paragraph 189 requires the applicant SHC to describe the significance of any heritage assets affected. To which the applicant SHC has failed to correctly inform, the consequence of this means that the subsequent Environmental Impact Assessment has been based and therefore the information is flawed:

The Heritage Impact Assessment document submitted for the PLR amended EIA 2019, shown in the SHC application P/2018/0249/FUL as document (P_2018_0249_FUL-ADDENDUM_VOLUME_2_-_APPENDIX_A6.1-1067945) but this Heritage Impact Assessment document is not in the WBC website application documents section for application WBC 2018/32514.

**BATTLE OF WINWICK REGISTERED BATTLEFIELD
WINWICK, WARRINGTON
HERITAGE IMPACT ASSESSMENT**

3.5 For designated assets (Listed Buildings (LB), Scheduled Monuments (SM), Registered Parks and Gardens, Registered Battlefields, World Heritage Sites and Conservation Areas), the importance is 'high' or 'very high' as these assets meet the national criteria for designation under the relevant legislation. Listed Buildings and Registered Parks and Gardens are graded (I, II* and II) according to relative significance.

Table 1: Criteria for Determining Heritage Significance

Significance	Description
Very High	Internationally and nationally important resources: World Heritage Sites, Grade I and Grade II Listed Buildings and Registered Parks and Gardens. Some Scheduled Monuments, especially those associated with a World Heritage Site.

Significance	Description
High	Nationally important resources: Grade II listed buildings, Conservation Areas, Scheduled Monuments, Grade II Registered Parks and Gardens, Registered Battlefield.
Moderate	Regionally important resources: Non-designated heritage assets and landscape features with high or moderate evidential, historical, aesthetic and/or communal values
Low	Locally important resources: Non-designated heritage assets and landscape features with low evidential, historical, aesthetic and/or communal values.
Negligible	Assets with very low or no evidential, historical, aesthetic and/ or communal values, or where remains are known to have been significantly altered or destroyed.
Unknown	Assets with very low or no evidential, historical, aesthetic and/ or communal values, or where remains are known to have been significantly altered or destroyed.

The Applicant SHC has changed the classification of the NPPF by changing the significance of registered battlefields as stated in paragraph 194:

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 exceptional**

Especially, as the Applicant SHC stated in the PLR scoping report summer 2017, before the Battlefield of Winwick Pass was registered on 31 January 2018 and the NPPF 2012 was updated in 2018, revised February 2019 were published as:

Date

June 2017

PARKSIDE LINK ROAD ENVIRONMENTAL IMPACT ASSESSMENT SCOPING REPORT

- 6.6.8 For designated assets (Listed Buildings, Scheduled Monuments, Registered Parks and Gardens and Conservation Areas), the importance will be recorded as 'high' or 'very high' as these assets meet the national criteria for designation under the relevant legislation. Listed Buildings and Registered Parks and Gardens are graded (I, II* and II) according to relative significance.
- 6.6.9 The relative importance of each non-designated heritage asset within the historic environment baseline will also be determined to provide a framework for comparison. These categories do not reflect a definitive level of significance or value of a heritage asset, but a provisional one based on the asset's heritage values to provide an analytical tool that can inform later stages of assessment and the development of appropriate mitigation, where needed. The degree of survival is also taken into account in determining receptor importance. Assets where there is likely to be very limited physical evidence because they have been destroyed or extensively damaged are of low or negligible heritage significance. Determining heritage significance is a professional judgment made with reference to Conservation Principles.

Receptor Importance	Description
Very High (International)	Internationally important resources and designated heritage assets of the highest significance: Grade I and II* listed buildings, Grade I and II* registered parks and gardens, scheduled monuments, World Heritage Sites, registered battlefields.
High (National)	Nationally important resources: Grade II Listed Buildings, Conservation Areas, Grade II Registered Parks and Gardens, some scheduled monument (particularly older designations with dual designation that are also grade II listed buildings).
Moderate (Regional)	Regionally important resources: Non-designated heritage assets and landscape features with high or moderate evidential, historical, aesthetic and/or communal values.
Low (Local)	Locally important resources: Non-designated heritage assets and landscape features with low evidential, historical, aesthetic and/or communal values.
Negligible (minor)	Assets with very low or no evidential, historical, aesthetic and/ or communal values, or where remains are known to have been significantly altered or destroyed.

Table 6.1 – Criteria for determining relative heritage significance

Conclusions paragraph 189 first part

The two Criteria for determining Heritage Significance shown above differ.

Reading these significance tables it is clear, before Winwick Pass was registered the Scoping Report correctly showed designated heritage assets as Very High (International)

Very High (International)	Internationally important resources and designated heritage assets of the highest significance: Grade I and II* listed buildings, Grade I and II* registered parks and gardens, scheduled monuments, World Heritage Sites, registered battlefields .
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The Scoping significance table was confirmed in the NPPF 2012 paragraph 132:

*“132. 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of **designated heritage assets of the highest significance**, notably scheduled monuments, protected wreck sites, **battlefields**, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, **should be wholly exceptional.**”*

The Scoping significance table I also confirmed in the NPPF 2019 paragraph 194 states:

*“**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 exceptional**”*

But once Winwick Pass became a registered battlefield on 31 January 2018, and that the [Forest of Dean] 2015 judgment showed how to use the NPPF 2012 paragraph 14, subsequently replaced by the NPPF 2018, revised 2019, paragraph 11d)i due to the local plans for SHC and WBC being not up-to-date. Then the designated Heritage Asset Registered Battlefield Winwick Pass 1648 became a prime aspect of consideration for the applicant for the PLR (and the applicant(s) for Phase 1). The manipulation of the “significance table” in the PLR EIA document:

P_2018_0249_FUL-ADDENDUM_VOLUME_2_-_APPENDIX_A6.1-1067945,

Shows for registered battlefields, the Significance is wrong and has been manipulated to denigrate the significance of all registered battlefields (not all battlefields are the Battle of Winwick Pass (Historic England (HE) no 47), there are 46 other HE registered battlefields, therefore all have the equal status of wholly exceptional as per the NPPF (see paragraph 184/194). Registered Battlefields are International/National not just National.

The NPPF does not classify registered battlefields, they are grouped all as one classification very high (highest significance). This is a legal point to which reading various judgments, the judge always relies on the wording of the NPPF authors. The judge interprets the NPPF as the author intended. If the author had sub qualified the paragraph 194 then it would have been written accordingly for the judge to be a guide in his/her Lordship’s judgment. The NPPF paragraph 194 states that Registered Battlefields are the same status as World Heritage sites:

To declassify a designated heritage asset registered battlefield Winwick Pass 1648, just to fit a need is not legally done and has been show and proven the significance has been changed in the EIA. Therefore the submitted PLR applications EIA with WBC and SHC are both flawed. Therefore, WBC Development Management Committee under the NPPF paragraph 11d)i must also reject the application 2018/32514 or call-in all the applications to be assessed by the national planning authority. SHC Local Planning Authority must also reject the application P/2018/0249/FUL and application P/2018/0048/OUP, or call-in all the applications to be assessed by the national planning authority.

8.5.2.2.2 Analysis of paragraph 189 second part

Paragraph 189 second part reads:

“Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest”

So is a Registered Battlefield a heritage asset with archaeological interest?

This answer is in the hands of the National Planning Authority Historic England, where the decision stated, in particular to Newton Park as shown in the registration document:

“registration is essentially a landscape designation rather than an archaeological one. Archaeological potential is a factor which can support registration, but its absence from a small part of the battlefield does not justify the exclusion of that part, if it still forms a coherent part of a battlefield which meets the principal considerations.”

This being stated by the National Planning Authority decision and overrides all Archaeological arguments placed by the applicant also as WBC have also submitted an objection to the registration as shown in the registration document. WBC state:

“...It also suggested that the extent of later development in the former colliery site and to the north of St Oswald’s church has reduced the topographical integrity and archaeological potential such that registration is not justified....”

“RESPONSE: these points repeat some of those made by the colliery owners’ agent.”

This means the Archaeology can be discounted as SHC and the Agents for the owners of the former colliery site (Parkside Regeneration LLP) and WBC all objected to the registration approval and as consultee had the opportunity under the Aarhus convention to challenge the decision within the allotted time-scale but SHC, the Agents for the owners of the former colliery site (Parkside Regeneration LLP) or WBC did not challenge the registration. The evidence submitted and referenced by SHC, the Agents for the owners of the former colliery site (Parkside Regeneration LLP) or WBC to the National Planning Authority Historic England, the same evidence can not be used against the Registered Battlefield in subsequent application to develop the same site by a lower local planning authority, only a national planning authority can make the decision when the evidence concerned is the same as at registration.

So paragraph 189 regarding Archaeological evidence is not a factor that overrules, historical significance or location in favour of the development(s) PLR (and Phase 1).

Therefore, WBC Development Management Committee under the NPPF paragraph 11d)i must also reject the application 2018/32514 or call-in all the applications to be assessed by the national planning authority. SHC Local Planning Authority must also reject the application P/2018/0249/FUL and application P/2018/0048/OUP, or call-in all the applications to be assessed by the national planning authority.

8.5.2.3 Analysis of paragraph 190

190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.

The significance of the Designated Heritage Asset Registered Battlefield Winwick Pass 1648 shows in the two PLR application EIA's to SHC application P/2018/0249/FUL in the "BATTLE OF WINWICK REGISTERED BATTLEFIELD WINWICK, WARRINGTON HERITAGE IMPACT ASSESSMENT", but the WBC application 2018/32514 does not show this document to be considered under the public participation and as a consequence this document is also not available for WBC Development Management Committee to assess the application 2018/32514, so as to, not subvert the proper operation of planning controls. Therefore, WBC Development Management Committee must refuse the PLR application.

To avoid or minimise any conflict is impossible as the proposed PLR and Phase1 development will totally destroy the significance of the battlefield interpretation, especially as the NPPF places the registered battlefields as assets of the highest significance. The loss of the Parliamentary army position totally destroys the setting of the battle. With over 3 metres of earth and 22m high warehouse/sheds covering the Parliamentary position being the main location and reason for the battle, as the Scots having made a stand at this location totally destroys the whole setting of the battle. The impact is the battle is lost forever. With the Applicant stating that the reason for the destruction of the parliamentary position will be to make way for:

"the unknown end users of the future development units for the full PRD site".

This aspect of *unknown end users of the future development* is no criteria to warrant the heritage asset destruction, as the development totally impacts the asset totally fails to avoid any conservation of said asset. The EIA fails to show any conservation of the registered battlefield Parliamentary position in Newton Park the site that the PLR application EIA and Phase 1 application EIA for the same area both will totally destroy. Therefore, WBC Development Management Committee under the NPPF paragraph 11d)i must also reject the application 2018/32514 or call-in all the applications to be assessed by the national planning authority.

8.5.2.4 Analysis of paragraph 192

192. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

To determine the application paragraph 11 d)i must be shown as SHC and WBC do not have an up-to-date Local Plan that covers the Designated Heritage Asset since 31 January 2018 when the National Planning authority Historic England approved registration status the Winwick Pass battlefield.

With regards to part a) and b) as the applicant have show the heritage significance has been changed to show the registered battlefield from the NPPF legally stated very high significance, to a lower significance in the document P_2018_0249_FUL-ADDENDUM_VOLUME_2_-_APPENDIX_A6.1-1067945, so this means the significance as stated in 192a) can not be judged by either WBC Development Management Committee as they are not privy to this document, and neither is the Public who read only the WBC documents for the application 2018/32514.

The conservation see paragraph 190 above, as the applicant can never conserve the registered battlefield with the proposal Phase 1 and PLR burying the site with 3 metres and 22m high warehouse/sheds on the Parliamentary battle position in Newton Park.

With respect to c) the proposed development PLR and Phase 1 can never make a positive contribution to local character and distinctiveness. As the proposed development will imposed vast numbers of commercial vehicles, changing the local character with excessive noise, air pollution and congestion on a 24/7/365 basis through Newton and Winwick. The purported use of Rail to move the freight will impact upon the traffic through the centre of Newton, with the effect that does not reduce the eCO₂ emissions and associated pollutants.

So the application WBC 2018/32514 and SHC P/2018/0249/FUL both fail the NPPF paragraph 11d) therefore the application must be refused, and as these application are intrinsically linked to SHC P/2018/0048/OUP must be called-in due to part of a much larger project being some deliberate plan to “salami-slice” the application so as to subvert the proper operation of planning control.

8.5.2.5 Analysis of paragraph 193

“193. 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.”

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

Registered battlefield has only one correct class of registered battlefield due to being an event at a particular location that is irreplaceable, unique and only one of a kind being the battle of Winwick Pass. The location of the battlefield can not be moved to another location to preserve the battlefield, just to move it as it is in the way. It is not a building that can be disassembled stone by stone and rebuilt elsewhere.

It is stated there is a need to destroy the battlefield, what is the need when it has been clearly declared by the applicant SHC: The document “PARKSIDE LINK ROAD A PROPOSED LINK ROAD BY ST. HELENS COUNCIL TRAFFIC FORECASTING REPORT 2019” states:

Definition: PRD = Parkside Regeneration Development, Phase 1, Phase 2, Phase 3(SRFI)

“For the purpose of assessment, and due to the unknown end users of the future development units for the full PRD site, it has been agreed with SHMBC that 80% of Phase 1 and 2 will be used for B8 land use (storage or distribution) with the remaining 20% for B2 land use (general industrial). Phase 3 will facilitate the development of a Strategic Rail Freight Interchange (SRFI) and will be used 100% for B8 land use.

The need for the development stated by SHC for “unknown end users”, this is to be the criteria that is under consideration that will destroy the last remaining Parliamentary position in Newton Park surviving nearly intact for over 370 years. This means the significance of the Registered Battlefield Where the PLR and Phase 1 development is located on the same area of land as the Parliamentary Army assembled and deployed in the first three hours of the battle and the subsequent two hours of the battle from Newton Park. Where the significance when considered as a whole, the loss of this part of the battle completely destroys the significance of the whole battle.

The applicant fails to show in the EIA's of the PLR (and Phase 1) the great weight of the area of land under the threat from these proposed developments PLR and Phase 1. As the proposed development impact upon destroying and total loss of the Parliamentary position in Newton Park the setting of the remaining registered battlefield will be seriously affected, that the heritage significance will be lost. This loss is stated to accommodate use of the proposed development from unknown end users.

As the Applicant has failed to show the full impact the proposed development in the PLR EIA and Phase 1 EIA, will have on the significance of the designated heritage asset registered battlefield Winwick Pass 1648. The application WBC 2018/32514 and SHC P/2018/0249/FUL both fail the NPPF paragraph 11d)i therefore the application must be refused, and as these application are intrinsically linked to SHC P/2018/0048/OUP must be called-in due to part of a much larger project being some deliberate plan to “salami-slice” the application so as to subvert the proper operation of planning control.

8.5.2.6 Analysis of paragraph 194

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should 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 exceptional.

Though the statement in paragraph 196 regarding a classification of substantial harm to designated heritage assets.

As the Applications WBC 2018/32514 and SHC P/2018/0249/FUL and SHC P/2018/0048/OUP show the designated heritage asset in Newton Park will be lost by the ground-works and the warehousing/sheds covering the area. Then the NPPF paragraph 195 applies and not paragraph 196.

Substantial harm applies to all heritage assets not just Registered Battlefields and this paragraph applies to all classes of designated heritage assets as detailed in paragraph 194. A listed building can have a classification of Grade I, Grade II* or Grade II as clearly shown in the NPPF. Listed buildings can have a classification, as these are man-made structures of varying importance and rarity.

Whereas, a Registered Battlefield is a record of an event that changes/changed the course of history and is not a physical man-made structure like a listed building. A registered battlefield is the location of where an event took place and due to the nature of a battle event means the archaeology whether preserved or not is dependant upon so many factors.

Did the victorious side clean up the site of any or all weaponry: In the case of the Battle of Winwick Pass: All the Muskets, Pikes and ammunition were collected under the explicit instructions of Lt-Gen Oliver Cromwell:

“To the Honourable William Lenthall, Esquire, Speaker of the House of Commons: These.

'Warrington,' 20th August, 1648.

..... charging very home upon them, beat them from their standing; where we killed about a thousand of them, and took, as we believe, about two thousand prisoners; and prosecuted them home to Warrington Town; where they possessed the Bridge, which had a

strong barricado and a work upon it, formerly made very defensive. As soon as we came thither, I received a message from General Baillie, desiring some capitulation. To which I yielded. Considering the strength of the Pass, and that I could not go over the River 'Mersey' within ten miles of Warrington with the Army, I gave him these terms: That he should surrender himself and all his officers and soldiers prisoners of war, with all his arms and ammunition and horses, to me; I giving quarter for life, and promising civil usage. Which accordingly is done: and the Commissioners deputed by me have received, and are receiving, all the arms and ammunition; which will be, as they tell me, about Four thousand complete arms; and as many prisoners: and thus you have their Infantry totally ruined. What Colonels and Officers are with General Baillie, I have not yet received the list.....

*Your most humble and faithful servant,
OLIVER CROMWELL."*

So only small remnants of weaponry that were missed may have been overlooked in 1648. It is known that such artefacts have been found over the following three centuries, but not where they were precisely found. The Applicant is expecting that the survey did not find hoards of musket or cannon balls scattered over the site and appears pleased that none were found, hence using archaeology as their main argument I point to the definition of the term battlefield means:

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

So to expect archaeological finds just because the armies were there is no reason to dismiss the area or importance of the battlefield just because in that survey none were found at the time of that survey.

Reality at the time was that a Musket or Pike and other associated weaponry, regardless of which side had discarded or misplaced them was an expensive item and these were handed-in to the appointed commissioners (maybe the Sheriffs of Newton and/or Warrington or high ranking officials) deputed by Cromwell, to clear the site.

Therefore, the physical archaeology that would have been left in 1648 would point only to limited musket and cannon shot that had impacted the ground or small items of clothing: buckles, rings, badges, spurs or other non-rusting personal items that were misplaced during the heat of battle, that time has preserved. These items would be few and far between and would only have been later discovered during the normal agricultural practices.

The final and sadder archaeological aspects is the battle of Winwick Pass, it is written that between 1000 (Cromwell's letter) and 1600 (Sanderson letter) were killed. But no-one knows where or how these unfortunate persons were treated.

One thing that is recorded is that under the terms of the "Solemn League and Covenant" September 1643 between the English Parliament and the Scottish Parliament, to which Oliver Cromwell swore an oath to uphold and signed, is that under article 4:

" IV. We shall also, with all faithfulness, endeavour the discovery of all such as have been or shall be incendiaries, malignants, or evil instruments, by hindering the reformation of religion, dividing the King from his people, or one of the kingdoms from another, or making any faction or parties among the people, contrary to this League and Covenant; that they may be brought to public trial, and receive condign punishment, as the degree of their

offences shall require or deserve, or the supreme judicatories of both kingdoms respectively, or others having power from them for that effect, shall judge convenient.”

The Scots invaders under the Duke of Hamilton were classed as “malignants” and the English Parliament declared on Friday 14 July 1648:

“A letter this day came from Major-General Lambert the 10th Instant, from Penrith, informing this House, ‘That Duke Hamilton is advanced into the Kingdom, with an Army consisting of about 10000 Horse and Foot; with whom Sir Marmaduke Langdale hath joined, and their Army is near Carlisle, and thereabouts. The House had much Debate concerning this Business, and at last came to this Resolution by Way of Declaration, ‘That the Forces that are now come out of Scotland into England in a hostile manner, being without the Authority of the Parliament of England, are Enemies To the Kingdom of England: And that all Such Persons, either of this Kingdom, or the Kingdom of Ireland, that do or shall hereafter adhere unto, voluntarily aid, assist, or join with them, are Rebels and Traytors to the Kingdom of England, and shall be proceeded against, and their Estates Confiscated, as Traytors and Rebels.”

So those Scots that had fallen could have been treated as “malignants” and buried accordingly without any recognition.

To date no trace has been discovered to where these unfortunate souls lay. To search for these unfortunate though, would give a late peace to their resting place, but official approval would have to be sort, only where proof was known; to be discovered by accident is different as the official authorities would be informed as to the next steps. Therefore, this is why the registration battlefield process places the importance of the event that is the heritage asset, through the historic significance and location and not to rely on the archaeology. The written evidence at the time pin-points of where the location is on the ground.

Archaeology contributes but is not an overriding factor when applying to a designated heritage asset registered battlefield as the Primary consideration is the Historical significance and location. A part of the historical significance is the actual two armies and the events and actions that took place at that location. The location is why a defending army decided to make a stand at that particular place in order to defeat the opposing army; and the opposing army stand and position at that location, aim is to see how the location can turn the situation in to their favour to defeat the defending army. This after 3 hours at Winwick Pass the location was in favour of the Scots defending Army, the following 3 hours after the opposing Parliament army gained information of the location landscape turned the location to their advantage to break the Scots defensive stand. The main point of overpowering the Scots defensive stand was first from Newton Park that saw a charge of Parliament Horse to the east on to the Scots rear; with a simultaneous charge of Parliament Horse and Pike from Newton Park across the valley that broke the Scots defence where Hermitage Green Lane rose from the valley floor to the Scots defensive position.

The only true archaeology of the battle are to those souls wounded and killed in battle that would have bleed as they fell, so it is to the ground that contains their blood that is the archaeology of the Battle of Winwick Pass. It is the ground that has the blood of those fallen and wounded that is the important feature and character of the battlefield in archaeological terms. The blood of 1000 to 1600 Scots and Parliamentarians that died and the many that were wounded are in these fields that we honour and must be preserved, for this and future generations.

With respect to paragraph 193.

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

Registered battlefield has only one correct class of registered battlefield due to being an event at a particular location that is irreplaceable, unique and only one of a kind being the battle of Winwick Pass. The location of the battlefield can not be moved to another location to preserve the battlefield, just to move it as it is in the way. It is not a building that can be disassembled stone by stone and rebuilt elsewhere.

It is stated there is a need to destroy the battlefield, what is the need when it has been clearly declared by the applicant SHC: The document “PARKSIDE LINK ROAD A PROPOSED LINK ROAD BY ST. HELENS COUNCIL TRAFFIC FORECASTING REPORT 2019” states:
On page 7 [Blue text changed by R. Ward to emphasise anomalies]

Definition: PRD = Parkside Regeneration Development, Phase 1, Phase 2, Phase 3(SRFI)

“For the purpose of assessment, and due to the unknown end users of the future development units for the full PRD site, it has been agreed with SHMBC that 80% of Phase 1 and 2 will be used for B8 land use (storage or distribution) with the remaining 20% for B2 land use (general industrial). Phase 3 will facilitate the development of a Strategic Rail Freight Interchange (SRFI) and will be used 100% for B8 land use.

The need for the development stated by SHC for “unknown end users”, this is to be the criteria that is under consideration that will destroy the last remaining Parliamentary position in Newton Park surviving nearly intact for over 370 years.

This is why the heritage asset of the Registered Battlefield is classed at the highest significance in the NPPF paragraph 194b).

8.5.2.7 Analysis of paragraph 195

195. *Where a proposed development will lead to substantial harm to (or total loss of significance of) 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:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

With respect to the test paragraph 195 is crucial to the test:

“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent”

In 195 it states “will” this is a very strong legal word, but this sentence is a question of two parts separated by “OR” and must be seen thus:

- Where a proposed development will lead to*
- *substantial harm to a designated heritage asset;*
- or*
- *total loss of significance of a designated heritage asset*

local planning authorities should refuse consent”

Therefore, to apply paragraph 195 has either to answer one or the other. But as paragraph 193 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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

But as paragraph 194 states:

“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 exceptional.”*

The designated heritage asset Registered battlefield being an event of an action of armies is nothing like a listed building. Significance requires the interpretation of both armies to understand the significance. One does not just look at the outcome to grade significance the significance is with respect to a battle what both parties did from the start to the finish. As the registered battlefield location stands at present is the main actions that occurred along the Post Road (A49) and the actions that occurred from Newton Park across the Hermitage Green Lane valley. This is shown in the following sources:

Source update

In the National planning Authority Historic England Registration approval dated 31 January 2018 for the battle of Winwick Pass 1648 as a registered battlefield, I the Sources section I, Richard Ward was listed as one of the source references in the planning authorities decision-taking process.

The PLR EIA document with title: “BATTLE OF WINWICK REGISTERED BATTLEFIELD WINWICK, WARRINGTON HERITAGE IMPACT ASSESSMENT”, is on the SHC website for the PLR application P/2018/0249/FUL submitted on 22 March 2019 as the document:

“P_2018_0249_FUL-ADDENDUM_VOLUME_2_-_APPENDIX_A6.1-1067945.pdf

But the following documentation has not been considered in the second PLR EIA submitted in March 2019.

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

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

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

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

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

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

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

8.5.2.8 Analysis of paragraph 196

“196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

Paragraph 196 is not a consideration as explained above an event of a designated heritage asset registered battlefield where the location is the prime reasoning behind the event can not be classed with a level of harm, except the harm will be only of the highest level as a battle and in this case, the Battle of Winwick Pass is unique and a one-off. True the English Civil War had many other battles each battle has their own uniqueness and cannot be classed as listed buildings. So paragraph 196 by the fact that paragraph 194 states a registered battlefield (in the current present tense) shall be wholly exceptional and that paragraph 193, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. So paragraph 196 does not apply to Registered battlefields assets of the highest significance, due to their individual uniqueness of an event at a particular location.

As the Applications WBC 2018/32514 and SHC P/2018/0249/FUL and SHC P/2018/0048/OUP show the designated heritage asset in Newton Park will be lost by the ground-works and the warehousing/sheds covering the area. Then the NPPF paragraph 195 applies and not paragraph 196.

8.5.3 Designated Registered Battlefield and Drainage/Flooding

As part of the Designated Heritage Asset Registered Battlefield and is a key area of the land of the battle, that due to the valley to which the Hermitage Brook flows is recognised by Historic England as a key factor of the location. The valley and Hermitage Brook is where the Parliamentary Army charged across with Cavalry and Infantry from to north in Newton Park to attacked the Scots defence on the southern side of the valley over a period of 3 to 5 hours. This fact is clearly shown in the information submitted above.

It must be noted that none of the Applicants EIA documentation in any of the three Applications mention the Parliamentary Army assembled in Newton Park, and attacked the Scots from Newton Park as being one on the main areas that won the day for the Parliamentarians over the Scots.

The consequential numerous charges and attacks over a 3 to 5 hour period across the valley from Newton Park by the Parliament Army crossed the Hermitage Brook.

It is to the damage that will be caused to the Hermitage Brook due to being used as the declared outlet for the surface water drainage system for the three applications proposals that interlink Phase1, Phase 2, Phase 3(SRFI) and the PLR from Parkside West.

It has previously been shown in submitted objection to the three applications that currently the Hermitage Brook floods on a regular basis to to point of nearly breaching the banks of the brook. But since the culvert was “modified” in November 2017, the flooding of the Hermitage Brook has become worse. Now the Hermitage Brook after an overnights rain burst its banks and floods the valley, see the ‘Drainage Strategy & Flood Assessment’ section photographs taken 16 March 2019.

The consequential damage is becoming apparent the bushes and trees are dying from having over saturated roots due to the continual flooding every-time it rains. The effect of the over-saturated valley is the A49 embankment foundations are now permanently under a saturated condition. With the three Application proposals to use the Hermitage Brook as an outlet surface water drainage system of the warehouse/sheds and associated roads, will increase the flooding of the Brook and Valley.

The proposed increase in the traffic of 40+tonne commercial vehicles to service the tree application proposals, the continual pounding on the A49 foundations as it crosses the Valley and Hermitage Brook by these extra vehicles could undermine the A49 foundations.

As the Brook and Valley is a part of the Registered Battlefield the effects of continual flooding on numerous time per year, will be a detrimental effect to the battlefield over time, if the Application Proposals are allowed to use the Hermitage Brook as a solution to the Proposals surface water problem of dealing with 7 vast warehouse/sheds roof water problem and associated roads.

Also as the roads are vehicle based contamination and pollution from oil spillage and wash that the road and hard-stands as well as from the associated “unknown end users” activities. This contamination has been stated in the EIA will be directed to the outlets that enter the Hermitage Brook. This pollution will cause also damage to the flora and fauna of the valley.

So when the NPPF paragraph 11d)i examines the designated Heritage asset registered battlefield the drainage and flooding is also to be a part due to the effect the drainage will have on the Registered battlefield.

Therefore, WBC Development Management Committee under the NPPF paragraph 11d)i must also reject the application 2018/32514 or call-in all the applications to be assessed by the national planning authority.

8.6 Designated Listed Buildings

The Application PLR Proposal and EIA for WBC 2018/32514 and the Application PLR Proposal and EIA for SHC P/2018/0249/FUL and the Application Phase1 Proposal and EIA for SHC P/2018/0048/OUP all state the proposal is from the A49 and road.

Further the two Application PLR Proposals and EIA show that the PLR is and integral part that facilitates the Phase 1, Phase 2 and Phase 3 (SRFI) and Application Phase1 Proposals and EIA show that the Phase 1 incorporates in the application that the PLR, Phase 2 and Phase 3 (SRFI) as an integral part as shown in the Phase 1 masterplan(s). Noting that the Phase 1 application was submitted before the two PLR applications in 2018, and this process was repeated in 2019 for the re-submitted three application with the same planning numbers to the respective planning authorities.

8.6.1 Newton Park Farm Complex

The action of some deliberate plan to “salami-slice the application so as to subvert the proper operation of planning controls means in the aspect of Designated Listed Buildings (and also the above Designated Registered Battlefield) located where the three application proposals co-exist namely in the area known as Parkside West. The Listed buildings that co-exist across the three application proposals are Newton Park Farmhouse 18thC and Newton Park Barn 17thC, that the setting of these listed buildings are seriously affected and impacted on by these three application proposals. The setting of these listed buildings can not be assessed by separate assessments, first by the Phase 1EIA, then by the Phase 2 EIA, then by the Phase 3 (SRFI) EIA with the associated PLR EIA due to being the new access road for the Listed Buildings located in the Newton Park Farm Complex. The impact and consequential effect upon the setting of the Listed Buildings located in the Newton Park Farm Complex, as a whole under the Planning (Listed Buildings and Conservation Areas) Act 1990 Article 66:

Special considerations affecting planning functions

66 General duty as respects listed buildings in exercise of planning functions.

(1) In considering whether to grant planning permission [F151 or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

(2) Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provisions of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.

(3) The reference in subsection (2) to a local authority includes a reference to a joint planning board F152.

[F153(4) Nothing in this section applies in relation to neighbourhood development orders.]

There have been several UK court cases where judgments on proposed developments that affect the setting of designated listed buildings have been made. In my earlier representations I have stated several judgments.

The three Application proposals that will affect the setting of Newton Park Farmhouse and Barn designated listed buildings are shown in diagram(s) in the Appendix. Where the setting of these listed buildings can not be assessed by separate assessments, first by the Phase 1EIA, then by the Phase 2 EIA, then by the Phase 3 (SRFI) EIA with the associated PLR EIA due to being the new access road for the Listed Buildings located in the Newton Park Farm Complex. The impact and consequential effects upon the setting of the Listed Buildings located in the Newton Park Farm Complex will be seriously affected.

Therefore, WBC Development Management Committee must reject the application 2018/32514 or call-in all the applications to be assessed by the national planning authority.

8.6.2 Woodhead Farm and St Oswald's Well

There are also three listed buildings that co-exist as part of the two PLR Application proposals on Parkside West that reside in the borough of Warrington. These are Woodhead Farmhouse, Woodhead Barn and St Oswald's Well.

The impact and consequential effect from the PLR application proposal upon the setting of the Listed Buildings located near to the A573 junction will be under the Planning (Listed Buildings and Conservation Areas) Act 1990 Article 66. This the re-submitted PLR EIA 2019 have not addressed

the objections I made to the first PLR EIA in 2018 to which I have re-stated in this document.

Therefore, WBC Development Management Committee must reject the application 2018/32514 or call-in all the applications to be assessed by the national planning authority.

8.7 WBC EIA documents

8.7.1 WBC document PARKSIDE LINK ROAD PROJECT NEWTON-LE-WILLOWS PLANNING STATEMENT ADDENDUM

In paragraph 7.147 discussed the NPPF paragraph 11d)i, the Applicant has shown that the current Local Plan is out-of-date with respect to the Designated registered battlefield.

In paragraph 7.148 states:

“The Application Site is partially within the boundary of a registered battlefield”

By stating “The Application site is partially within the boundary” clearly shows the NPPF paragraph 11d)i is only analysing only that part that is the road, where as due to the drainage scheme and the Application Phase 1 the effect upon the designated registered battlefield is far larger area.

This clearly shows the EIA has been taken in part of some deliberate plan to “salami-slice” the applications so as to subvert the proper operation of planning controls.

In 4.36 states:

“The Proposed Scheme would have a negligible effect on the registered battlefield of Winwick during its construction. Archaeological mitigation or landscape reinstatement would neutralise this effect.”

and in 7.149 states:

“As described in the March 2018 ES Chapter 6 (Paragraph 6.7.3) the Proposed Development during its construction would have a negligible effect on the registered battlefield of Winwick. Archaeological mitigation or landscape reinstatement would neutralise this effect.”

This only refers to the PLR and not to the destruction that Phase 1 warehouse/sheds will cause by covering the site with a minimum of 3 metres of earth totally destroying any Archaeology or landscape re-instatement that the PLR EIA is stating. This again clearly shows the EIA has been taken in part of some deliberate plan to “salami-slice” the applications so as to subvert the proper operation of planning controls.

Though Archaeological Assessment has been decided already by the national planning Authority Historic England in the Winwick Pass registration approval that archaeology does not affect the registration or effect the principle considerations. Therefore, as the same archaeology information used in the registration of the Winwick Pass battlefield at national level the same archaeology information has been used in the PLR application at local level. Therefore, the Local Authority can not over-rule National decision when the information used is the same. So decision with regard to NPPF paragraph 11 d)i can only be address by the Secretary of State at national level.

Especially as this important section of the NPPF paragraph 11d)i is the key planning stage that must be addressed first. The PLR EIA is not addressing the Designated Heritage Asset on ALL the Environmental Impacts of the project as a whole as, the EIA has already stated that the PLR is to facilitate the Phase 1, Phase 2 and Phase 3 (SRFI) to come forward. Together with the Application Proposals for Phase 1 EIA and PLR EIA both state the A49 junction and road are to be

constructed under each of the applications on a separate basis. This means that the PLR and Phase 1 application are part of some deliberate plan to “salami-slice” the applications so as to subvert the proper operation of planning controls.

In 7.150 states:

“In the context of the NPPF paragraph 11 D i) assessment less than substantial harm should be considered in the context of paragraph 196 of the NPPF”

This shows the applicant is uncertain with respect to substantial harm under NPPF paragraph 196, when paragraph 193 states:

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

and paragraph 194 states:

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from a development within its setting, should require clear and convincing justification.... Assets of the highest significance notablyRegistered battlefields should be wholly exceptional”

It is to this context the registered battlefield must be address on a whole basis as the setting must also be address upon the impact the development will cause. The applicant states only the PLR part that is situated on the registered battlefield then the rest must be address on the setting with respect to the whole battlefield and the consequences of the events of the battle. By stating the setting the as the Phase 1 application was submitted first before the PLR then the PLR under NPPF paragraph 11d)i must consider the Phase 1 application that is also under NPPF paragraph 11d)i as well. So this clearly shows to be part of some deliberate plan to “salami-slice” the applications so as to subvert the proper operation of planning controls.

As the Applications WBC 2018/32514 and SHC P/2018/0249/FUL and SHC P/2018/0048/OUP show the designated heritage asset in Newton Park will be lost by the ground-works and the warehousing/sheds covering the area. Then the NPPF paragraph 195 applies and not paragraph 196.

Therefore, WBC Development Management Committee must reject the application 2018/32514 or call-in all the applications to be assessed by the national planning authority.

8.7.2 WBC document PARKSIDE LINK ROAD ENVIRONMENTAL STATEMENT ADDENDUM VOLUME 1 – ENVIRONMENTAL STATEMENT ADDENDUM

The document states a document has not been submitted by the applicant SHC, for public to study under the public consultation period or that the WBC Development Management Committee has in order to make a decision under the proper operation of planning controls. The omission of this information means the environmental impact assessment

There are several references to:

Technical Appendix A6.1: Heritage Impact Assessment – Battlefield

and several references to:

This is detailed in full in Technical Appendix A6.1 and A6.2

This document is not available on the WBC website for application 2018/32514.

Therefore, this omission clearly means that the Application WBC 2018/32514 re-submitted Environmental Impact Assessment March 2019 is incomplete for public participation and the said parties are in breach of the Aarhus Convention Article 6. WBC Development Management Committee must reject the application 2018/32514 or call-in all the applications to be assessed by the national planning authority.

This means due to the omission of information the Public can not study all the information for the planning application WBC 2018/32514. Whereas SHC have the said missing document(s) in the application P/2018/0249/FUL.

As these applications have been placed separately the Public can not assess the application together. The only way the two PLR applications can be studied under Aarhus is for the applications to be called-in together with the PLR declared facilitating bringing forward of Phase 1, Phase 2 and Phase 3(SRFI) in the documentation for the PLR.

To analyse this document PARKSIDE LINK ROAD ENVIRONMENTAL STATEMENT ADDENDUM VOLUME 1 – ENVIRONMENTAL STATEMENT ADDENDUM further can not be realised under the Aarhus Convention Article 6.

8.7.3 PARKSIDE LINK ROAD ENVIRONMENTAL STATEMENT VOLUME 3: NON-TECHNICAL SUMMARY

In this document under 3.2 Cultural Heritage it states:

“This is a Registered Historic Battlefield associated with the Battle of Winwick (1648), with high heritage significance in the form of landscape views, topography and potential for archaeological deposits (e.g. ordnance, weaponry).”

This confirms that the classification in the NPPF paragraph 194 b) has not been followed in order to subvert the proper operation of planning controls.

The NPPF states:

“assets of the highest significance notably.... registered battlefields.... Should be wholly exceptional”

As the Applications WBC 2018/32514 and SHC P/2018/0249/FUL and SHC P/2018/0048/OUP show the designated heritage asset in Newton Park will be lost by ground-works and warehousing/sheds covering the area. Then the NPPF paragraph 195 applies and not paragraph 196.

In the document under 3.2 Cultural Heritage it states:

“any disturbance to the landscape within the designated boundary of the historic battlefield will be fully reinstated”

To re-instate the battlefield fully when in the EIA it confirms that the PLR facilitates the PRD (Phase 1, Phase 2, Phase 3 (SRFI)) development therefore as the PLR clearly knows the Application has been submitted before the PLR application the Applicant knows the battlefield can never be fully reinstated. So the Environmental Impact Assessment is flawed. Therefore the Designated Heritage Asset Registered Battlefield Winwick Pass 1648 is and has been not fully assessed under the proper operation of planning controls.

WBC Development Management Committee must reject the application 2018/32514 or call-in all the applications to be assessed by the national planning authority. SHC Local Planning Authority must also reject the application P/2018/0249/FUL and application P/2018/0048/OUP, or call-in all the applications to be assessed by the national planning authority.

9. Drainage Strategy & Flood Assessment

9.1 Purpose

The Drainage document Ref PD-RAM-05-ZZ-REP-D-0002 updated 05/03/2019, opens with the purpose:

“The purpose of this document is to outline the drainage strategy for the proposed Parkside Link Roads and to assess the level of Flood Risk”.

The other documents that concern the Drainage Strategy & Flood Assessment are:

- PARKSIDE LINK ROAD ENVIRONMENTAL STATEMENT ADDENDUM VOLUME 1 – ENVIRONMENTAL STATEMENT ADDENDUM Date: March 2019, Ref: PD-RAM-02-00-REP-EN-1004;
- PARKSIDE LINK ROAD ENVIRONMENTAL STATEMENT VOLUME 3: NON-TECHNICAL SUMMARY, Date: March 2019, Ref: PD-RAM-02-00-REP-EN-0006

9.2 Legal

The Proposal Parkside Link Road (PLR) application proposal categorically states that the A49 entrance and road, also the Phase 1 application proposal categorically states that the A49 entrance and road to which the drainage has had in both application an Environmental Impact Assessment (EIA) for Drainage Strategy & Flooding. Therefore there has been two separate EIA's. This means that this assessment is against the Directive 2011/92/EU and Directive 2014/52/EU, and as the Phase 1 Drainage Strategy & Flooding assessment has not been made available to the public under the current public consultation period under the WBC PLR application 2018/32514 (this also applies to the SHC PLR application P/2018/0249/FUL), consequently, this Drainage Strategy & Flooding assessment contravenes the Aarhus Convention Article 6. Therefore, WBC Development Management Committee must reject the PLR application (also SHC Local Planning Authority must reject the PLR application for the same reason).

9.3 Observation

Reading through the documents the level of flood risk is only to the PLR and not the effects the road surface water in combination with the proposed developments, Phase 1 and Phase 2 warehouses and road surface water. Despite the PLR surface water drainage is intrinsically linked to the Phase 1 development construction for surface water drainage. Also the Phase 2 warehousing

9.4 Analysis of PD-RAM-05-ZZ-REP-D-0002

The Applicant SHC has checked and approved these documents as being correct as being the up-to-date EIA for the PLR

In 2.2 West of the M6 states:

“Drainage records show there is a significant amount of existing drainage within the site which is indicated as draining to Oswald’s Brook to the south or Newton Brook to the east.”

“A site visit confirms a number of existing highway gullies on the A49 at the junction with the existing Parkside access. The outfall of these gullies is unknown.”

Section 3

“Land to the north and south of Parkside Link Road (ch 0 and ch750) will be developed in the future. Initial discussions regarding the future development drainage has identified potential discharge of surface water to Oswald’s Brook. It has been agreed that a cross drain shall be included within the Parkside Link Road West to accommodate this future need.”

“3.2 Proposed Parkside Link Road West Highway Drainage Networks

Parkside Link Road West can be separated into four highway drainage networks.

Highway Network 1 - A49 Junction and PLR_W Ch. 18 - 200 – **(H-1)** Will be drained via a series of gullies and kerb drains to a swale. The restricted run-off will be attenuated in the swale prior to discharge into the existing United Utilities (UU) surface water sewer in the A49. Flow will pass through a catchpit prior to connection to the Public Sewer to provide silt protection.

Highway Network 2 Ch. 200 – 992 – **(H-2)** Will be drained via a series of gullies and kerb drain to a new carrier drain or adjacent swale. The restricted run-off will be attenuated by swales and a pond prior to out-falling to Oswald’s Brook via a new outfall.

Highway Network 3 Ch. 992 – 1075 **(H-3)** - Will be drained via a series of gullies and kerb drains to a new carrier drain. The restricted run-off will be attenuated in a below ground tank prior to out-falling to discharge to the Ordinary Watercourse upstream of Oswald’s Brook.

Highway Network 4 Ch. 1075 – 1440 **(H-4)** - Will be drained via a series of gullies and kerb drains to a new swale adjacent to the link road. The restricted run-off will be attenuated by a swale prior to out-falling to the Ordinary Watercourse upstream of Oswald’s Brook.”

Highways Network 1 (H-1) intends to use the A40 network but it is stated *“the A49 at the junction with the existing Parkside access. The outfall of these gullies is unknown.”* So how can this assessment justify the A49 as an outlet? From the drawing **PD-RAM-01-00-DR-C-0551** – Parkside Link Road Drainage Strategy shows that there is an alternative drainage outlet to Hermitage Brook that runs parallel to the Houses along Winwick Road A49. So this means Highways Network 1 (H-1) to out-falling to Oswald’s Brook via a new outfall.

3.4 Assessment of Catchments and discharge rates

H-1 states:

“The proposed discharge in to the public sewer will not be limited to GRF but set to not exceed existing highway drainage flows as agreed with United Utilities.”

This confirms that the A49 Drainage is questionable, so the new drainage outlet to Hermitage Brook is necessary.

The discharge rates described in section 3.4 and section 3.5 is only for the surface water from the new PLR road for sections H-1, H-2, H-3 and H-4. But do not include the drainage surface water outfall from the Phase 1 and Phase 2 developments as detailed in the Phase 1 Application. So the PLR EIA predicting discharge rate that are flawed for failing to show the Phase 1 (and Phase 2) discharge rates from the seven Warehouse roofs and associated road network (and the Newton Park Farm complex) as shown in the Phase 1 application masterplan(s).

Conclusion

These four drainage outlets on Parkside west for the PLR, Phase 1 and Phase 2 all use the same drainage outlets intended to use the Hermitage Brook.

The A49 outfall is unknown so H-1 must as a conclusion of this EIA be reliant on a new outlet to Hermitage Brook; H-2, H-3 and H-4 are declared in this EIA to be reliant on three outlets to Hermitage Brook. This is clearly shown in the drawing PD-RAM-01-00-DR-C-0551 – Parkside Link Road Drainage Strategy. These four PLR all outlet to Hermitage Brook.

Stated earlier and the previous responses: the Phase 1 development application show the same drainage outlets to Hermitage Brook will be constructed as shown in the Phase 1 EIA and the Phase 2 developments as shown in the Phase 1 application masterplan(s), also use these drainage outlets through the Phase 1 development to Hermitage Brook.

But, the drainage outlets to Hermitage Brook will be constructed as shown in the PLR EIA. This means that the drainage outlets have had two EIA's in two separate applications for the same works under the environmental assessments. Directive 2011/92/EU and Directive 2014/52/EU do not permit two separate environmental assessments under two separate applications under Article 2 (1). This means the applications can be said to be some deliberate plan to "salami-slice" the applications so as to subvert the proper operation of planning controls. WBC Development Management Committee must reject the PLR application 2018/32514, or submit the application, along with the Phase 1 SHC P/2018/0048/OUP and SHC P/2018/0249/FUL to be called-in by the Secretary of State, (this also applies to SHC Local Planning Authority to do the same).

9.5 Assessment of Flood Risk

The section on flooding assessment states:

"A review of The Environment Agency Flood Map For Planning identifies that both Parkside Link Road West and Parkside Link Road East are entirely within Flood Zone 1.....The distance of Flood Zone 3 from the Parkside Link Road West indicates that road is not at risk of fluvial flooding.

5. EFFECT OF PROPOSALS ON FLOOD RISK

5.1 Parkside Link Road West

The proposed drainage strategy for Parkside Link Road West will not increase the level of surface water run-off that enters the watercourses as a result of the flow control and attenuation measures provided with the design. As such the road will not adversely affect the existing flooding issues of Oswald's / Newton Brook.

The proposed route of Parkside Link Road West is within Flood Zone 1 and so it neither affects nor is affected by the current extents of flooding in the area.

6.1 Conclusions

The proposed link roads are within Flood Zone 1 and so are not adversely affected by fluvial flooding and do not impinge on any flood plain."

It is clear that the flood risk only assesses the PLR application and not the Phase 1 application. To the point that the applicant SHC states: *"The proposed link roads are within Flood Zone 1 and so are not adversely affected by fluvial flooding and do not impinge on any flood plain."*

But what the FLOOD ASSESSMENT does not take into account that the PLR (and Phase 1 and Phase 2) are reliant upon, that is the impact on the "The Hermitage Green Valley" and the Hermitage Brook that flows along the base? This confirms that the Environmental Impact assessment is flawed and incomplete. The clue to the applicant in EIA is the word IMPACT. The impact on Hermitage Brook has not been shown on the cumulative EIA for the whole Project that resides on the area known as Parkside West.

The cumulative effects of the Surface Water Drainage and consequential flooding of Hermitage Brook is not a 100 year or a 30 year or even a 1 year; it is an "every-time it rains" flooding

assessment that is required. The EIA states that Hermitage Brook is a main river – it is a brook not a river the brook has a flood risk as Flood zone 3. Since the modification, November 2017, of the culvert entrance under the A49 Winwick Road/Newton Road (the Hermitage Brook is the boundary between the Borough of St Helens and the Borough of Warrington), the Brook now floods worse and on a regular basis than it has done in the previous 40 years. The brook now floods every-time it rains.

In the previous submissions to the applications: WBC 2018/32514, SHC 2018/0249/FUL and SHC 2018/0048/OUP pictures of the flooding of the brook were shown.

The causal effect of continual flooding of the “The Hermitage Green Valley” is:

- e) The tree/shrub roots being continually being saturated these plant will die;
- f) The continual flooding of the valley ground next to the A49 embankment across the valley will cause the A49 foundations to become unstable. The more heavy weight traffic use the A49, the more the saturated foundations will be stressed, caused by the heavy weight traffic vibrations and flood waters.

9.6 Analysis of PD-RAM-02-00-REP-EN-1004

The environmental assessment addendum in Section 12 refers to the ROAD DRAINAGE AND THE WATER ENVIRONMENT.

12.1.4 Road drainage and the water drainage was covered in the March 2018 ES, the key outcomes that were noted comprised:

- Potential for pollution, river catchment changes, surface water runoff and/or construction damage to Cockshot Brook and its tributaries;
- Potential for pollution, river catchment changes, surface water runoff and construction damage to St Oswald’s Brook and its tributaries along with risks to downstream receptors (people and property) and to construction workers;

12.7.4 The proposed St Oswald’s Brook outfall will result in elevated stream discharge during storm events and a probable increase in pollutant loading. However, the cascading gabions and vegetated rock mattresses that are include in the developed design will help control runoff velocity and encourage infiltration along the channel, mitigating impact and inhibiting the delivery of mobilised pollutants. Based on these designs, there is no reason to conclude there will be any further potentially significant effects on St Oswald’s Brook beyond those discussed in section 12.5 of the March 2018 ES.

This is an interesting addendum that the application intends to deliberately flood the Hermitage Brook and Hermitage Green Valley, as well as releasing pollutants in to the Hermitage Brook, the consequence will flow in to Newton Brook and Sankey Brook. The applicant is aware that there are licences for water extraction downstream that the water extracted will be now be through this admission by the applicant SHC be polluted.

The Applicant SHC admits that Hermitage Brook will be damaged.

This is from this PLR EIA for Drainage and Flooding only, The assessment does not show the causal impacts caused by the Phase 1 and Phase 2 drainage and consequential flooding as a whole. Thus confirming this is part of some deliberate plan to “salami-slice” the applications so as to subvert the proper operation of planning controls.

9.7 Analysis of PD-RAM-02-00-REP-EN-0006

The Non-technical summary document shows:

“3.8 Road Drainage and Water Quality

In line with SHMBC and WBC planning policy, where applicable, new drainage infrastructure will be incorporated into the Proposed Scheme

Parkside Link Road West will have four drainage networks discharging to a ditch forming a tributary to St Oswald’s Brook, and St Oswald’s Brook itself.....

The drainage system for all networks will be designed to ensure that there is no flooding within the Proposed Scheme area for up to the 1-in-30-year storm return period. In addition, exceedance flow routes will be designed to ensure there is no flooding to downstream receptors for in excess of the 1-in-100-year storm return period.....

To manage pollution and spillage risk, including from potential major accidents and hazards, the ground levels across the Proposed Scheme area will be designed as such to direct any spills into the new drainage infrastructure and therefore prevent flows from entering surface water features.”

This clearly confirms that both SHC and WBC are prepared to use Hermitage Brook for the proposed scheme: Phase 1, Phase 2, Phase 3 (SRFI) and PLR (including the Newton Park Farm Complex having to utilise the Drainage system due to the declared consequences of the Phase 3 (SRFI) as detailed in the Phase 1 masterplan(s)), without showing the Full Environmental Impact Assessment for the Whole Project on Parkside West.

Both SHC and WBC confirm that there will be four PLR west drainage networks discharging into Hermitage Brook, with no mention of the discharge from Phase 1, Phase 2, Phase 3 (SRFI) and PLR (including the Newton Park Farm Complex having to utilise the Drainage system due to the declared consequences of the Phase 3 (SRFI) as detailed in the Phase 1 masterplan(s)), without showing the Full Environmental Impact Assessment for the Whole Project on Parkside West.

Both SHC and WBC confirm *“The drainage system for all networks will be designed to ensure that there is no flooding within the Proposed Scheme area”* but do not show the resultant flooding in Hermitage Green Valley, caused by the Proposed Scheme area (Phase 1, Phase 2, Phase 3 (SRFI) and PLR (including the Newton Park Farm Complex having to utilise the Drainage system due to the declared consequences of the Phase 3 (SRFI) as detailed in the Phase 1 masterplan(s)), without showing the Full Environmental Impact Assessment for the Whole Project on Parkside West.

Both SHC and WBC confirm the *“pollution and spillage, including from potential major accidents and hazards, the ground levels across the Proposed Scheme area will be designed as such to direct any spills into the new drainage infrastructure and therefore prevent flows from entering surface water features.”*. This means by directing these spillages etc into the new drainage infrastructure will enter Hermitage Brook. This will poison and Flora and Fauna of the Hermitage Green Valley, caused by the Proposed Scheme area (Phase 1, Phase 2, Phase 3 (SRFI) and PLR (including the Newton Park Farm Complex having to utilise the Drainage system due to the declared consequences of the Phase 3 (SRFI) as detailed in the Phase 1 masterplan(s)), without showing the Full Environmental Impact Assessment for the Whole Project on Parkside West.

9.8 The flooding of Hermitage Green Valley with no development

Here now I submit photographs taken by R. Ward on 16 March 2019 at 08.10am after a nights rain. Further, I reported the flooding of Hermitage Brook to the Winwick Parish Council meeting on 26 March 2019.

The flooding of Hermitage Brook and the valley has worsened since the works were carried out on the A49 Hermitage Brook culvert in November 2017.

The photographs tell there own story of Hermitage Brook and Valley as follows:

















9.9 Conclusion on Drainage and Flooding

It is clear that EIA Drainage and Flooding assessment for the Parkside Link Road application submitted by SHC to WBC under application 2018/32514 shows that the cumulative effects of the other developments have not been shown to the Public consultation period. Where the PLR has been categorically shown to be an intrinsic part of a much larger project that the area known as Parkside west, the phases all use the same surface water drainage and sewage systems.

The applicant did not show the cumulative full EIA of the Phase 1, Phase 2, Phase 3 (SRFI) and PLR (including the Newton Park Farm Complex) having to utilise the development utilities including Drainage system due to the declared consequences of the Phase 3 (SRFI) as detailed in the Phase 1 masterplan(s)) that all intend to use three Surface Water Drainage outlets into Hermitage Brook.

Together, the EIA does not show the consequential flooding effects to the Hermitage Green Valley that will result on top of the known and current Valley flooding every time it rains. It is clear that the PLR EIA Drainage assessment is part of some deliberate plan to “salami-slicing” the applications so as to subvert the proper operation of planning controls.

Therefore, WBC Development Management Committee must reject the PLR application 2018/32514, or submit the application, along with the Phase 1 SHC P/2018/0048/OUP and SHC P/2018/0249/FUL to be called-in by the Secretary of State, (this also applies to SHC Local Planning Authority to do the same).

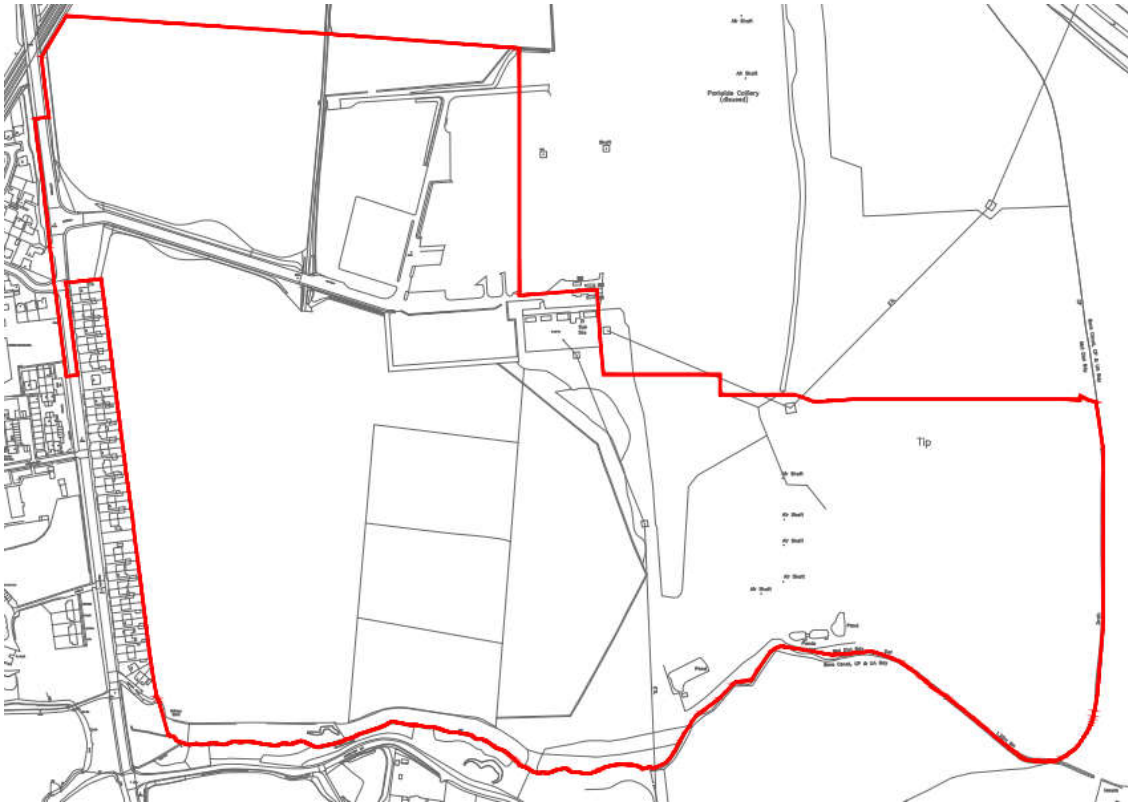
10. Ground for Objection

It shows that the whole project Phase 1, Phase 2, Phase 3 (SRFI) and Parkside Link Road must be called in for the Secretary of State to oversee under a public inquiry for ALL the Project Phases assessed as a whole. Else, it is salami-slicing under the terminology of the EIA Directive 2011/92/EU, amended by Directive 2014/52/EU Article 2(1).

11. Appendix
Parkside West Parkside Link Road (PLR) application boundary map



Parkside West Phase 1 Application boundary map



Designated Heritage Asset Registered Battlefield – Battle of Winwick Pass 1648 registration area located inside the PLR application proposal boundary area and inside the Phase 1 application proposal boundary area

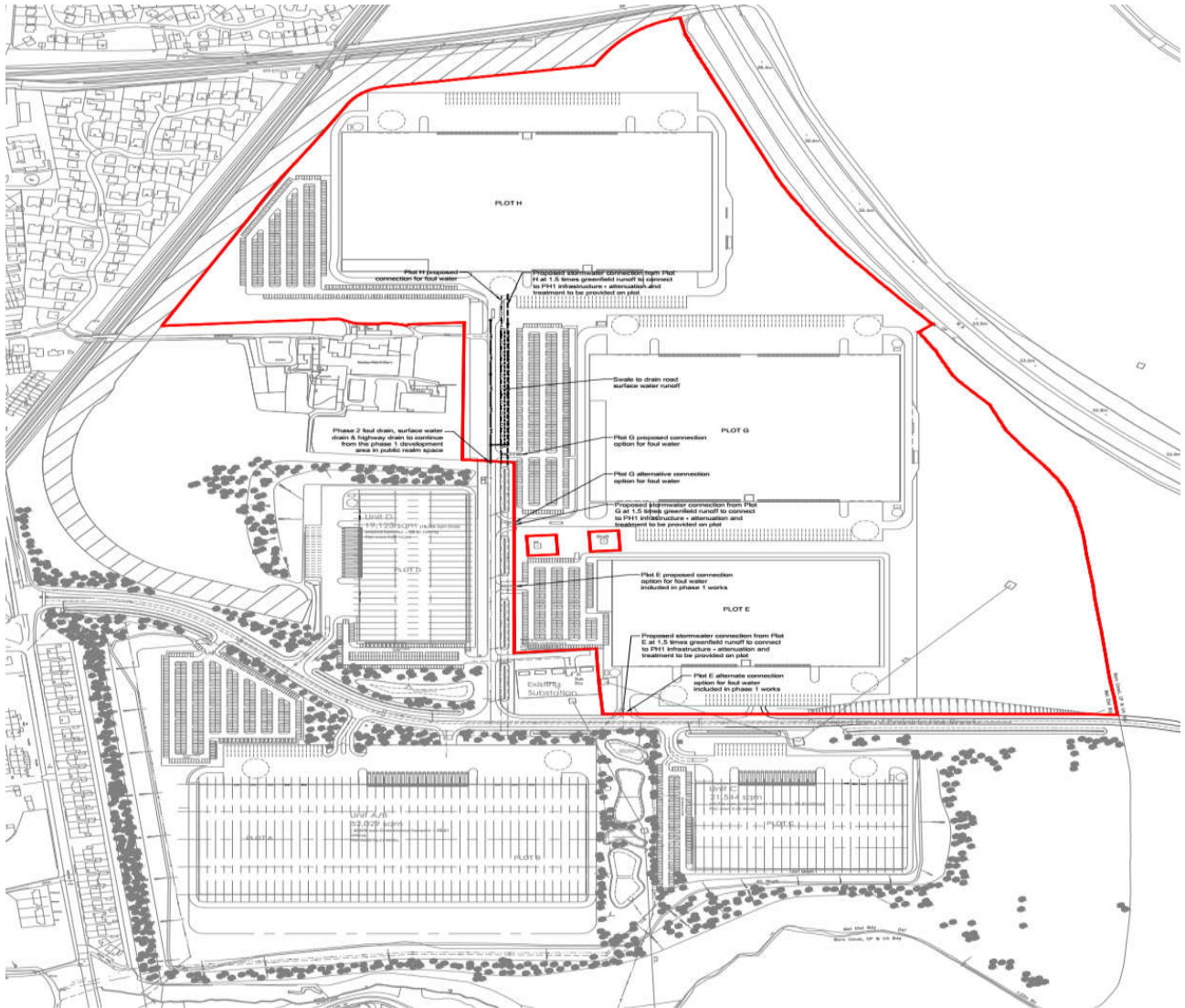


**Phase 1 masterplan
(P_2018_0048_OUP-ILLUSTRATIVE_MASTERPLAN_REV_E-1052084.pdf)**



The Newton Park Farm access and utilities alteration in order to accommodate the Phase 3 (SRFI) rail spur line in the Phase 1 masterplan (P_2018_0048_OUP-ILLUSTRATIVE_MASTERPLAN_REV_E-1052084.pdf) prove the phases: Phase 1, Phase 2, Phase 3 (SRFI) and Parkside Link Road (PLR) are developments of a much larger project. And must be treated as a whole and not as an individual series of developments.

P_2018_0048_OUP-AMENDED_DRAINAGE_STRATEGY-1052075 Drawing No CLXX(52)4210



The Phase 1 masterplan shows how the Drainage and associated utilities are required for Phase 1, Phase 2, Phase 3 (SRFI), PLR and the Newton Park Complex for Access via the PLR A49 entrance as the other Phase 1 masterplan shows the Phase 3 (SRFI) requires to occupy the land where Newton Park Drive resides.

The Diagram that follows shows the Newton Park Farm Complex in detail:

Details of Listed buildings conflict with Phase 1, Phase 2 and Phase 3 (SRFI)

