

It is entirely unclear from the UPSVLP and accompanying proposals map whether the site is designated as 'Green Infrastructure' or 'Open Space' and therefore whether draft Policy DC3 applies to the site or draft Policy DC5. One would expect, and it is not unreasonable for a landowner to want to be able to identify the specific designation that applies to their land. However, the documents available on the Council's website and those pertaining to be "*the evidence base documents which informed the updated Proposed Submission Version Local Plan*" do not contain any information or evidence regarding the designation of the land as 'green infrastructure' or 'open space'. As such, it is impossible for anyone reviewing the UPSVLP to know which part of the designation applies and why and on what basis the Council have designated a particular parcel of land as 'green infrastructure' or 'open space'. This is entirely unacceptable and in our view renders the draft Plan wholly unjustified and thus unsound. In order to rectify this situation, the Council should make all evidence that informs the 'green infrastructure' and 'open space' designation readily available for public scrutiny and the Council should then go out to further consultation on this matter. To not do so is prejudicial to interested parties.

Notwithstanding the above, it is not in our view appropriate to combine 'green infrastructure' and 'open space' designations. The designations are entirely different and subject to differing policies. For the Plan to be justified and sound, it should be very clear and immediately obvious whether a particular parcel of land comprises 'green infrastructure' or 'open space'. In the case of our client's land to the rear of The Plough, it is not possible to determine from the evidence base which designation applies and thus which policies are applicable to the land.

Notwithstanding the comments above, following a prolonged and detailed trawl of the Council's website, we have identified that the Council have undertaken several Open Space Audits in 2006, 2012 and most recently in 2015 (published in 2016). At the end of the supporting text to draft Policy DC5, the Council list the 'Key Evidence' on which the policy and presumably the designations are based. Within this list is the 'Open Space Audit 2016'. However, this document cannot be found within the Evidence Library. Aside from this failure, the document does helpfully clarify that the land to the rear of The Plough is designated as 'open space' rather than 'green infrastructure' under the combined designation.

A review of the Open Space Audit 2015 identifies that all sites that are designated as such have been categorised into one of seven open space typologies. No information is however available as part of the UPSVLP evidence base or elsewhere on the Council's website as to what typology each individual site designated as open space falls into. By not doing so it is impossible to understand the reason for the designation. In the absence of this information being available for public scrutiny, the Plan cannot be considered to be justified and thus sound.

On request, the Council have provided a spreadsheet (which is attached to these representations) which shows that they have identified our clients land (Site ref. 246 on the Popular & Hulme table) as open space within the '*natural / semi natural green space*' typology. The companion guide to the now superseded PPG17, provides a definition of this typology and its purpose which is "*wildlife conservation, biodiversity and environmental education and awareness*".

The land in question is none of the above and is nothing more than a field used for grazing on the edge of the urban area. Furthermore, it is simply not the type of land that the document intended be categorised as '*natural / semi natural greenspace*'. The site is used for grazing and has no special wildlife conservation or biodiversity value. It is a clearly defined parcel of land on the edge of the main urban area of Warrington bounded by built development on all sides. It also provides no role as a wildlife



link to and from other land. It is no different to any other field used for grazing within the area. There is therefore absolutely no justification for treating this parcel of land differently to other similar parcels of land and to designate it as protected 'open space'. Indeed, if all similar and comparable parcels of land were treated in the same way then every field across the entire Borough would receive a protected open space designation, which is clearly inappropriate and nonsensical.

Having reviewed the Council's Open Space Audit 2015 it is clear that there is an expectation that most areas of land designated as open space will have some public access, although paragraph 2.6 does indicate that some land that does not have public access can still be identified as public open space. Paragraph 2.6 states "sites without public access are included where they are deemed to make an important and identifiable contribution in terms of their size and character to the settlement form or an important contribution to one or a number of wider benefits that open spaces are recognised to entail". The document does not set out what these wider benefits are making it impossible to robustly assess whether a particular parcel of land should be designated open space on this basis.

Turning firstly to whether the site makes an identifiable contribution to the settlement form, it is our view that it has no purpose in this respect. It is a small and modest parcel of grazing land with no valuable landscape attribute or value for nature. Indeed, it is entirely unremarkable in all respects. It is also tucked away and sandwiched between built development, the motorway and Mill Lane and the only public vantage point of it is from Mill Lane. In terms of its contribution to one or a number of the wider benefits of public open space, it is unclear what these benefits are as they are not set out in the audit. However, one can only assume they are sport and recreation or amenity benefits. The land provides no benefits in this regard. It does not serve any sport and recreation purpose and it has no public access. It also serves no visual amenity purpose.

The Open Space Audit goes on to state that each area of designated open space will be subject to a quality audit which it is assumed would contribute to justifying a particular site's open space designation. To our knowledge no such assessment has been undertaken (and if it has it is not publicly available), which further highlights the lack of evidence provided by the Council to justify our client's land being designated as open space and specifically 'Natural / semi natural green space'. The Audit does provide (at Table 3) a list of the criteria that will be used to assess the quality of open space. It is noteworthy that the criteria clearly assume that designated open space will have a level of public access. Our client's land has no public access and if scored against the quality criteria would likely score 'very poor'. This is further evidence that the site should not be designated 'open space' and that the designation is entirely inappropriate and unjustified and should be deleted.

The NPPF provides a robust and clear definition of open space and indeed, this definition is replicated within the glossary to the UPSVLP. Open space is defined as "*All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity*". It is unequivocal that in order to comprise open space, the NPPF requires land to (a) have public value and (b) to provide important opportunities for sport and recreation. It can also have an additional visual amenity role, but this is not an 'or' but an 'and'.

The tests to be applied to land to determine whether it constitute 'open space' are therefore whether the land has public value and whether it provides opportunities for sport and recreation. Furthermore, according to the definition of open space in the NPPF, both tests must be satisfied for land to meet the description of 'open space'. Our client's land provides no opportunity for sport and recreation and therefore it immediately fails the test for open space. It also has no public access or public value.



Whilst it has some visual amenity value as an undeveloped parcel of land, it is no different to any other parcel of grazing land. Notwithstanding this fact, a parcel of land's visual amenity value is not a test in its own right.

The Council's attention is also drawn to paragraph 98 of the NPPF, which clearly sets out the requirement for 'open space' land to have access and public value. This states that "Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and wellbeing of communities...". Having regard to this information, it is clear that the designation of the site as 'open space' is not only unjustified and not evidenced, but it is also inconsistent with national planning policy contained in the NPPF.

To conclude, it is clear based on the information set out above that there is no planning justification or basis for our client's land to the rear of the Plough being designated as open space within the 'Green Infrastructure/ Open Space' designation in the UPSVLP. The designation should therefore be deleted.

We would also point out that by designating the site as 'open space' the Plan is not positively prepared. This is because the effect of the designation is to prevent what is a suitable and sustainable site coming forward for housing.

Housing Policies

Draft Policy DEVI 'Housing Delivery' sets out a minimum housing requirement for Warrington of 14,688 new homes over the 18-year plan period. It is our view however that the Council's approach to housing delivery is fundamentally flawed and that there is a high risk that the Council's housing requirement for the Plan period will not be met under the current draft housing policies. Our client considers the housing policies within the UPSVLP to be not positively prepared, inconsistent with national policy, not justified and not effective and thus entirely unsound.

Paragraph 68 of the NPPF sets out an obligation on strategic policy-making authorities to have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. It goes on to require that "planning policies identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability" to identify "a supply of: a) specific, deliverable sites for years one to five of the plan period; and b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan."

The NPPF goes on to set out at paragraph 69 the important contribution that small and medium sized sites make towards meeting an area's housing requirements and the document is prescriptive in requiring Councils' identify, through both the development plan and brownfield registers, "land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved". In addition, paragraph 69 requires that policies support the development of windfall sites, "giving great weight to the benefits of using suitable sites within existing settlements for homes".

Addressing the requirements of paragraph 68 first. Whilst the Council have undertaken a Strategic Housing Land Availability Assessment and they present this document as evidence to support the draft housing policies and that the Borough's housing requirement can be met, the plan fails to comply with the requirements of paragraph 68 of the NPPF as it does not allocate any specific sites for housing within the main urban area of Warrington (other than Peel Hall which has now received planning permission). A handful of allocations are made on the edge of outlying villages, which the Plan states will deliver 801 dwellings (5.4% housing requirement) and a further 4020 dwellings (27% of the housing



requirement) are proposed via allocations on the edge of Warrington. However, all these allocations require the removal of land from the Green Belt. This means the Plan is currently proposing that circa 33% of the Council's housing requirement could come from land currently designated Green Belt.

According, notwithstanding the fact that the Council are currently subject to the Housing Delivery Test and cannot currently demonstrate a five-year supply of land for housing, the Plan relies very heavily on the housing requirement (67%) being met from sites identified in the SHLAA and thus windfalls and in relation to housing in the main urban area of Warrington, almost entirely on windfalls. Policy DEV1 'Housing Delivery' Section 2 'Housing Distribution' states '*the majority of new homes will be delivered within the existing main urban area of Warrington, the existing inset settlements and other sites identified in the Council's Strategic Housing Land Availability Assessment (SHLAA), which together have identified deliverable capacity for a minimum of 11,785 new homes*'

By reference to Policy DEV1, it is very clear that for the main urban area of Warrington, which is the location to which the majority of new housing should be directed, it is proposed that pretty much all new housing should come from housing windfalls and sites within the SHLAA. It is our client's view that this approach is wholly inappropriate and inconsistent with government guidance contained in the NPPF.

Furthermore, we are aware of sites, such as our clients land at The Plough, which the SHLAA notes as being suitable, available and viability, but which is subject to a restrictive policy within the draft Plan. The Council is thus seemingly arguing that its SHLAA demonstrates that they can deliver a specified number of new houses and thus that the Borough's housing requirement can be met, with no need for allocations in the main urban area of Warrington. However, some of these sites are potentially not deliverable due to significant policy constrains. This demonstrates that the draft housing policies are not justified or effective and the plan is wholly unsound.

The Plan also fails to comply with the NPPF requirement to identify a number of small and medium sized sites to meet at least 10% of the areas housing requirement. In order to meet this requirement, the Plan should allocate a number of sites of less than 1 hectare, which together accommodate at least 1469 dwellings. It is our client's view that land at The Plough should be allocated for housing as a small to medium sized site as part of this requirement. The reasons for this are set out below.

Finally, our client considers the plan to be unsound as it does not contain a policy setting out how and against what criteria a windfall site will be considered. This is inconsistent with the approach advocated in paragraph 69 of the NPPF, which requires development plans to contain policies to support windfall sites. Without such a policy, it is likely to be unclear which site are likely to be acceptable. The absence of such a policy also renders the plan highly ineffective.

For the reasons set out above, it is our client's view that the housing policies have not been positively prepared, are inconsistent with government guidance and are not justified and ineffective and therefore that the Plan is fundamentally flawed and wholly unsound with regard to housing policies.



Allocation for housing

It our client's view that land to the rear of The Plough on Mill Lane, Houghton Green should be allocated for housing as a small/ medium sized housing site in the emerging Local Plan in accordance with paragraph 69 of the NPPF. The reasons for this are set out below.

The site is located in a highly sustainable location and is not subject to any constraints other than the current proposed 'green infrastructure / open space' designation, which as has been explained above, our client considers is inappropriate and unjustified and should be deleted. Development of the site for housing would provide much needed additional housing in a highly accessible and sustainable location well served by local facilities within Houghton Green. The site is within the main built up / urban area of Warrington and is located directly adjacent to existing residential development. The site is in Flood Risk Zone 1 and is not subject to any ecological or heritage constraints. Whilst it is close to the M62 motorway, it is considered that any noise can be addressed with appropriate mitigation. Some work has been undertaken on a potential layout for the site, which we have enclosed with this letter. This shows one way in which the site could be developed.

The site's location formed the basis for its promotion as a residential site in the 2017 Call for Sites exercise. Notwithstanding this fact, a residential land use is entirely compatible with surrounding uses and would make a positive contribution to the Council's deliverable housing land supply. The Council agreed with this proposition and formally recognised the site as a suitable, available, and achievable site within the SHLAA (2020), under reference 3309.

Policies within the draft UPSVLP provide support for the development of the site for housing. Draft Policy DEV 1 'Housing Delivery' sets the minimum number of new homes required over the plan period. Section 2 of the draft policy states that 'the majority of new homes will be delivered within the existing main urban area of Warrington, the existing inset settlements and other sites identified in the Council's Strategic Housing Land Availability Assessment (SHLAA), which together have identified deliverable capacity for a minimum of 11,785 new homes'. Delivering homes on land within the main urban area is particularly importance and should be given priority, given that the Plan continues to propose the release of some land from the Green Belt in order to meet the Plan housing requirement.

We are also aware that the neighbouring land has been identified within the SHLAA as a suitable, available and achievable site (reference 1647) and that the Council are currently considering an application for outline planning permission to development the site for 27 dwellings (reference 2021/39462). From the information available, no statutory consultees have raised any fundamental objection to the scheme and therefore the application appears to have a good prospect of success. It is also highly relevant and material to these representations that land immediately to the west of The Plough known as Peel Hall, which is allocated a 'Main Development Area' under Policy MD4 in the draft UPSVLP, has recently secured planning consent at Appeal for a mixed use development of up to 1200 dwellings.

This consent, together with the pending application on the neighbouring site confirms that Warrington Borough Council see the urban area abutting the M62 motorway as being suitable for residential development and this adds significant weight to our case that land to the rear of The Plough should be allocated for housing in the emerging Plan. Additionally, granting planning permission for the development of the neighbouring sites for housing would further isolate my client's land and render the designation of the site as 'open space' even more inappropriate and unjustifiable.



Conclusion

To conclude, our client objects very strongly to the proposed designation of land to the rear of The Plough on Mill Lane, Houghton Green as 'Green Infrastructure and open space' on the Proposals Map accompanying the UPSVLP and considers that given the sustainable location of the site and local context, the land should be allocated for housing within the Plan.

It is our view that there is a strong case for the allocation of the site for housing, not least because of the difficulties the Council is facing in identifying sufficient land to meet housing need over the Plan period and the overreliance on windfall sites, which may or may not come forward. In addition, the Plan currently proposes the release of large swathes of land from the Green Belt in order to meet housing need. Planning policy at all levels is clear that this should only be done in exceptional circumstances. Exceptional circumstances cannot exist in our view whilst there is land outside of the Green Belt which is suitable and appropriate for residential development and could be developed over the Plan period. The need for land in sustainable locations within the urban area of Warrington for housing in order to minimise the loss of land from the Green Belt should also override and take precedent over any unjustifiable and unevidenced designation of land as open space which unnecessarily protects it from development.

We trust that the information contained in this letter will be taken into account and changes made to the Plan in advance of its submission. Specifically, our client seeks the deletion of the current draft 'Green infrastructure and open space' designation from their land to the rear of The Plough public house and the allocation of the site for housing.

Our client would welcome the opportunity to discuss matters further with the Council. If there are any queries or you require any additional information in the meantime, please do not hesitate to contact me.

Yours faithfully

[Redacted signature]

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Enc Site location Plan
Indicative site layout plan

Cc Owen Ellender, Greene King Brewing and Retailing Ltd
Richard Tole, James A baker



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