



Ashall Property Limited

Local Plan
Planning Policy and Programmes
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15th November 2021

Issued via email: localplan@warrington.gov.uk

Dear Sirs

Updated Proposed Submission Version Local Plan: Representations submitted on behalf of Ashall Property Limited

1.1 Ashall Property Limited has prepared the enclosed representations in response to the current consultation on Warrington Borough Council's (WBC hereafter) Updated Proposed Submission Version Local Plan (UPSVP hereafter).

Background

1.2 Ashall Property is a private property investment and development company that focuses on creating investment value through property development and asset management. We were established in Warrington in the 1930s and, as such, have strong local connections, interest and experience of development across the Borough.

1.3 We own the Freehold interest of 8.18 hectares (20.21 acres) of land to the south of Chester Road (A56), Walton. We also have a property interest in approximately 30 hectares (75 acres) of land north of Chester Road (A56), Walton. Two location plans illustrating these land interests is included at **Annex 1**.

1.4 We submitted a Call for Sites form to WBC on 5th December 2016, which included a comprehensive Development Prospectus and location plan for our Freehold land interest to the south of Chester Road (A56). The submitted Call for Sites information confirmed that our site to the south of Chester Road, Walton is a suitable, viable, available/achievable and sustainable site for residential development, which could deliver approximately 200 new homes within the first five years of the Local Plan period, including affordable homes to directly assist WBC in meeting its significant housing need requirement over the Plan period.

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- 1.5 Further to this, and because our two land interests were included within the site area of the 2019 Proposed Submission Version Local Plan draft allocation MD3 Warrington South West Urban Extension (SWUE), we have engaged and collaborated with the other main landholdings interests across the SWUE, namely Peel L&P Investments (North) Limited and Story Homes, to positively promote the SWUE for allocation within the Local Plan under the title of the SWUE Consortium
- 1.6 The SWUE Consortium submitted representations to WBC's 2019 Warrington Proposed Submission Version Local Plan where the SWUE was included as a draft site allocation under policy MD3 South West Urban Extension. The output of these representations was four-fold:
1. A Development Prospectus for the whole of the SWUE that sets out a vision and concept masterplan to demonstrate that the site represents a sustainable opportunity for accommodating much needed new homes in a desirable and high quality new neighbourhood.
 2. Detailed representations on policy MD3 South West Urban Extension and suggested amendments to the policy wording to assist the Council in making sure that the policy meets the tests of soundness set in national policy and the site is deliverable within the timescales anticipated within the Local Plan.
 3. Detailed representations on the Local Plan Viability Assessment.
 4. The preparation of supporting technical surveys and evidence that supplements the evidence base that the Council prepared in order to demonstrate that the SWUE is deliverable, i.e. available now, offer a suitable location for development now, and is achievable with a realistic prospect that housing will be delivered on the site within 5 years¹, and could deliver around 1,800 new homes. Furthermore, and subject to obtaining planning permission, there are no insurmountable obstacles to immediate housing delivery on the SWUE.
- 1.7 We also submitted our own representations to the Council's 2019 Warrington Proposed Submission Version Local Plan with the specific objective of confirming our commitment to the SWUE Consortium and our full support for the Consortium's representations, as well as providing further detailed site specific information in support of residential led development on our landholdings south of Chester Road, Walton that formed part of the SWUE.
- 1.8 In August 2021, we received a letter from WBC that identified that they were proposing a number

¹ NPPF paragraph 67 footnote 32 and Glossary

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of significant changes to the previous Proposed Submission Version Local Plan (2019) due in large part to a reduction of the Plan's housing requirement and the allocation of the Fiddlers Ferry site for employment and housing following the closure of the power station in March 2020. As a result of this, the Council advised that not all of the land proposed for allocation in the previous version of the Plan is now required, and following the completion of a further options assessment process, the SWUE was no longer proposed to be allocated in the Local Plan.

1.9 We are extremely disappointed in the Council's change in stance on housing need and growth that has resulted in the SWUE inclusive of our landholding south of Chester Road being removed from the Local Plan, particularly as we have worked collaboratively with WBC for a number of years on the delivery of the SWUE, which has previously been agreed to be acceptable in principle. We consider that this removal is unjustified and unsound. We are very concerned that the Council has decided to move away from a Plan that was aspirational but realistic in its ambitions to facilitate growth, to a plan that is not sound and does not meet the requirements of ss. 19 and 20 Planning and Compulsory Purchase Act (2004). This sudden contradiction is deeply concerning and is not considered to be (a) positively prepared; (b) justified, (c) effective; or (d) consistent with national policy, contrary to NPPF para 35.

1.10 Despite WBC's decision, we can confirm we are firmly committed to continuing to promote the SWUE as a sustainable urban extension to the main urban area of Warrington providing a new community in a high quality residential setting. This is because it presents an opportunity to deliver a significant scale of new housing and associated infrastructure which will benefit both existing and new residents, and in light of challenges to WBC's 2021 housing requirement and housing land supply that are presented later in these representations, will be critical to WBC delivering an appropriate level of housing and economic growth based on the needs and demands of the Borough over the next 18 years and beyond (consistent with the NPPF).

1.11 We can also confirm that we are still a committed member of the SWUE Consortium comprising Peel L&P Investments (North) Limited, Story Homes Limited, and Riley Properties Ltd. Together, the SWUE Consortium members control the majority of land across the SWUR and are committed to working together to develop the SWUE to ensure that development is comprehensive and coordinated. To demonstrate this, a Development Prospectus supported by Technical Appendices (**Annex 3**) has been prepared and agreed by all SWUE Consortium members to demonstrate how the site could be brought forward for development in a comprehensive manner. This documentation demonstrates how the individual and collective land ownerships are complementary and can contribute towards meeting the housing needs of Warrington that will be demonstrated later in these representations to be significantly greater than currently identified in

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the UPSVLP. There are no barriers to deliverability.

1.12 The Consortium members have also jointly prepared and signed a Memorandum of Understanding to formalise this commitment, which is submitted in support of our representations and contained in **Annex 3**.

1.13 The Consortium members have also separately undertaken significant work to ensure that, subject to obtaining planning permission, there are no insurmountable obstacles to immediate development on land within their own control. Early delivery would align with the Government's imperative to 'boost significantly' housing land supply (NPPF para 58) and meet WBC's housing requirement, which will be demonstrated later in this letter to be significantly greater than currently identified in the Local Plan 2021.

1.14 In relation to our landholdings and to support our aspirations to bring forward a retirement village (circa 79 x 1 and 2 bed apartments and 60 x 1 bed maisonettes), circa 37 affordable homes (policy compliant), circa 38 open market homes (mix of 3, 4 and 5 bed), and 8 self build housing plots that will complement proposals across the wider SWUE, as well as directly meeting specific Borough housing needs, we have instructed a number of technical studies and surveys as follows:

- Stonecroft Development Statement – escape urbanists November 2021
- Vehicular Access Appraisal – Eddisons October 2021
- Landscape & Visual Overview – Taylor Grange November 2021
- Preliminary Ecological Appraisal – Taylor Grange November 2021
- Arboricultural Appraisal – Taylor Grange November 2021
- FRA & Drainage Strategy – KRS Environmental November 2021
- Air Quality Assessment – Bureau Veritas November 2021
- Phase 1 Geo-environmental Assessment – Earth Environmental and Geotechnical September 2016
- Utilities Review Report – BWB September 2016
- Soils And Agricultural Use & Quality – Land Research Associates August 2016
- Heritage Statement – Wardell Armstrong November 2021
- Social and Community Infrastructure Analysis – Hatch 2021
- Social Needs Report Supporting the Development of Further Specialised Accommodation for Older People – Contact Consulting November 2021
- Site Specific Viability Statement – Tim Claxton November 2021

1.15 These reports and surveys are provided in supporting **Annex 2** with the objective of

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demonstrating that land to the south of Chester Road is suitable, viable, available and deliverable (in the terms of the NPPF).

Representations

Matters of Soundness

- 1.16 We have significant concerns in relation to the strategic approach being taken by WBC to their UPSVLP and its associated evidence base. The current 2021 approach does not comply with the requirements of ss. 19 and 20 Planning and Compulsory Purchase Act (2004) and is not sound.
- 1.17 This significant change in approach is deeply concerning, particularly in relation to the Local Plan's housing requirement which we will demonstrate ***does not meet the test of being positively prepared*** and ***cannot be deemed to be robustly justified***. Furthermore, we will demonstrate that the housing land supply that is identified to meet the Local Plan's current housing requirement is ***not effective, justified or consistent with national policy***. Further, there are issues of legal compliance arising out of the process of strategic environmental assessment and sustainability appraisal.² There are issues in terms of (i) the quantum of development (area of developable land); (ii) its overall composition e.g. density, mix and type of homes; and (iii) the stepped delivery that appears to be geared explicitly towards making it easier for WBC to defend its 5YHLS positions at future appeals rather than any practical difficulties in bringing forward additional Green Belt sites and providing the housing so desperately needed by households throughout the Borough.
- 1.18 We consider that without substantial changes the UPSVLP is not sound (legally and in terms of NPPF para 35). It can, however, be found sound through Main Modifications, which comprise:
- (i) The Local Plan is working to an 18-year timeframe (2021/22 to 2038/39), and therefore should cover the period 2021 to 2039.
 - (ii) Boost the housing requirement to 1,015dpa over the extended Plan period (2021 – 2039).
 - (iii) Remove the stepped housing requirement from part 7 of Policy DEV1 – Housing Delivery.
 - (iv) Remove at least 2,448 dwellings from the housing land supply (table 1 Land Requirements over the Plan period page 39 of the UPSVLP) and be replaced by alternative sources of supply including the South West Urban Extension. This land should be identified now and safeguarded to meet the needs beyond the Plan period and ensure that the Green Belt boundaries endure beyond the Plan period too. The land to be identified as Safeguarded

² In respect of WBC's SA of Fiddlers Ferry

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Land should be varied in size and be capable of coming forward in the short term, should the need arise at any point in the plan period. This would allow any future Local Plan Review to allocate the safeguarded sites for development and ensure they are capable of delivering units in the first 5 years post adoption of the Review.

- (v) Land south of Chester Road, Walton should be removed from the Green Belt and included within the Local Plan, either as part of the SWUE or as a stand alone allocation/safeguarded site or white land because it serves none of the purposes of the Green Belt³ and should be removed from it.
- (vi) In respect of Fiddlers Ferry (policy MD3) provide additional evidence to justify its allocation, including:
 - updating the incorrect and underplayed impacts it will have in the Sustainability Assessment, which as a consequence will also require WBC to reconsider its UPSLVP strategy to ensure that they have identified the most appropriate sites for release from the Green Belt;
 - provide robust evidence to counter the delivery concerns that are identified in the representations; and
 - ensure that sufficient land is provided in alternative locations to account for any shortfall in provision at Fiddlers Ferry and ensure the housing requirement is met.
- (vii) Additional housing typology viability testing needs to be undertaken for housing schemes in higher value areas because this type of development can deliver policy compliance in terms of affordable housing, Section 106 contributions, and additional policy costs. Additional testing in this regard would enable plan makers to identify where development, and in what form, should take place to meet policy requirements and achieve affordable housing delivery.

1.19 We reserve the right ahead of the UPSVLP Examination Hearing sessions to precisely define the nature of the Main Modification we seek, which will include tracked changes to existing policy and explanatory text as appropriate and new policy wording.

1.20 These representations have therefore been prepared to assist WBC by setting out what are considered to be the key soundness issues regarding the UPSVLP, supported by suggested solutions to these issues, such that the Plan can be found sound at Examination. We are willing to work with the LPA in addressing such issues.

1.21 In summary, we consider that the ***UPSVLP is unsound***. WBC has not recognised the exceptional circumstances for inclusion of (i) the SWUE; and/or (ii) land south of Chester Road, Walton, both

³ National Planning Policy Framework Paragraph 138

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of which will make a significant and positive contribution to meeting the Borough's acute market and affordable housing needs. To substantiate this statement the remainder of our representations address the following matters:

- (i) The Local Housing Need (LHN) derived from the Government's Standard Methodology⁴ should only be the starting point for determining WBC's housing target. There are clear and indisputable arguments to increase the LHN figure significantly. The UPSVLP's housing target is not positively prepared or justified and must therefore be revisited and robustly adjusted upwards.
- (ii) The quantum and composition of WBC's identified housing land supply is not justified or effective, so that;
 - (a) the Council will not be able to demonstrate a 5YHLS at Examination,
 - (b) the need for housing (generally) and affordable housing (in particular) will not be met. Acute affordability issues will not be addressed across the Plan period, and
 - (c) there is a need for additional land to be allocated and/or safeguarded for new homes to address (a) and (b) and to protect the long term integrity and permanence of the GB boundaries (NPPF para 143).
- (iii) The SWUE would immediately provide WBC with land capable of accommodating around 1,800 new homes, which represents a significant proportion of the identified shortfall in housing land supply (see later). The Council's reasons for removing the SWUE as an allocation from the Local Plan are not justified.
- (iv) Further or alternatively, Land south of Chester Road, Walton should be removed from the Green Belt and included within the Local Plan, either as part of the SWUE or as a stand alone allocation/safeguarded site or white land because it serves none of the purposes of the Green Belt⁵ and should be removed from it. It is a sustainable and deliverable residential development site.

Matters of Soundness – Local Housing Need and Housing Target

1.22 In demonstrating that WBC's approach to assessing local housing need and arriving at a housing target of 816 dwellings per annum is not sound, we have collaborated with a consortium ('the consortium') of leading developers and housebuilders operating in the North West housing market including Barratt Developments (Barratt Homes and David Wilson Homes), Metacre Limited, Satnam Group, Story Homes, and Wainhomes. 'The consortium' has instructed Lichfields to consider key issues of soundness in relation to the UPSVLP and to substantiate these concerns

⁴ National Planning Policy Framework Paragraph 61

⁵ National Planning Policy Framework Paragraph 138

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to the Planning Inspector examining this Plan.

1.23 Lichfields' instruction includes an analysis of the housing need issues arising from the UPSVLP, which are set out in their Housing Requirement Technical Note (Appendix 1 to their Warrington Local Plan Issues Report). This Issues Report and its associated appendices are submitted in support of our representations (**Annex 4**).

1.24 Lichfields Housing Requirement Technical Note concludes that the UPSVLP and its housing evidence base does not meet the test of soundness as they are **not positively prepared, not justified, not effective** and **not consistent with national policy** (contrary to NPPF 35) for the following reasons:

- (i) **816 dwellings per annum is insufficient to meet housing needs⁶**: the Local Housing Need (LHN) target derived from the standard methodology only represents the *minimum* starting point for deriving a housing requirement figure for their whole area. Lichfield' evidence⁷ demonstrates that there are compelling arguments to increase the overall housing need which have been totally ignored and (frankly) misinterpreted by WBC and its housing consultants. These include (a) the misalignment with the Plan's very high employment land target; and (b) the very high levels of affordable housing need across the Borough. WBC's approach is **not justified**.
- (ii) **Inconsistencies in the UPSVLP policies and its own evidence base⁸**: there are multiple failures, but one of the most relevant is the fact that WBC's own housing evidence (the 2021 LHNAU) and the Local Plan have different timeframes. The UPSVLP is working to an 18-year timeframe (2021/22 to 2038/39), and therefore should be running from 2021 to 2039, not 2038. In contrast, GL Hearn's housing need assessment is over a 17-year timeframe, running from 2021 to 2038. This error is indicative of the extent to which the Local Plan and its own evidence base are fundamentally flawed, unjustified and unsound as a result. This approach is **not justified**.
- (iii) **Ignoring the housing affordability crisis⁹**: the UPSVLP fails to adequately take affordability issues into account. At paragraph 9.2 the UPSVLP notes that affordability remains an issue in

⁶ Annex 4 Lichfields Warrington Local Plan Issues Report: Appendix 1 Housing Requirement Technical Note Section 3 Defining Housing Need in Warrington

⁷ Annex 4 Lichfields Warrington Local Plan Issues Report: Appendix 1 Housing Requirement Technical Note Section 4 Housing Need Assessment

⁸ Annex 4 Lichfields Warrington Local Plan Issues Report: Appendix 1 Housing Requirement Technical Note Section 3 Defining Housing Need in Warrington

⁹ Annex 4 Lichfields Warrington Local Plan Issues Report: Appendix 1 Housing Requirement Technical Note Section 3 Defining Housing Need in Warrington paragraphs and Section 5 Backloading the Need



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the Borough: “Not planning to meet development needs could also worsen the affordability of housing, particularly for young people and could constrain Warrington’s future economic prosperity.” However, the UPSVLP ignores the point by failing to boost housing targets and meet needs in full in the early years of the Plan. The Plan should be increasing the housing requirement and frontloading housing delivery, not backloading it to the end of the Local Plan period. WBC’s current approach is ***not positively prepared, justified, or effective***.

- (iv) **Phasing concerns¹⁰**: The UPSVLP proposes to lower targets over the first 5 years to just 678 dpa (17% below the Standard Methodology LHN). This conflicts with the Government’s aspiration to frontload housing delivery by factoring in a buffer of additional deliverable sites, brought forward from later in the plan period¹¹. It appears to be a mechanism designed to protect WBC from losing 5YHLS arguments at appeal given the availability of sites which the LPA have previously considered to be acceptable in principle, rather than providing homes for local residents in urgent need, which ***cannot be deemed to positively prepared or justified***. The solution to address this concern and for the Plan to be found sound is to frontload housing delivery as required by the NPPF.
- (v) **Failure to provide an appropriate mix, size and type of housing¹²**: Lichfields’ analysis identifies serious flaws in the supply of sites in Warrington, which will not deliver the mix of homes identified in the emerging Local Plan. Given the extremely high density being advocated in the Town Centre Masterplan document (240 dph), it is impossible to understand how any larger 3 and 4 bedroomed family homes will be delivered of the 8,000 homes identified in this area to 2040. The members of the Consortium are very experienced developers and housebuilders; yet they have never seen town houses or family homes being delivered at an average density of 240dph. As such, the UPSVLP (as drafted) will fail to deliver 65% of dwellings as larger properties. Providing larger houses and other specialist housing products is vital, as they can act as a mechanism for people to move around within the market and free up housing along the housing ladder. This is an approach that is ***not positively prepared, justified, or effective***. The solution is to provide more greenfield sites capable of delivering the larger and specialised property types set out in the Council’s own housing need assessment.

1.25 If the Council fails to address these concerns the plan will be found unsound. Lichfield’s

¹⁰ Annex 4 Lichfields Warrington Local Plan Issues Report: Appendix 1 Housing Requirement Technical Note Section 5 Backloading the Need

¹¹ NPPF paragraph 74

¹² Annex 4 Lichfields Warrington Local Plan Issues Report: Appendix 1 Housing Requirement Technical Note Section 6 Assessing Future Needs by Size and Type





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Technical Note set out a series of recommendations¹³ that must be addressed. The most fundamental recommendation, that goes right to the heart of soundness of the Local Plan, is that **the Council should be planning for at least 1,015 dpa**, which would address realistic economic growth targets and help to deliver over 70% of its affordable housing need.

- 1.26 We fully endorse Lichfield' evidence and support their conclusions wholeheartedly, and alongside the members of 'the consortium', we would be happy to meet with the WBC to discuss these concerns and set out our proposed solutions to overcoming them in further detail.

Matters of Soundness – Housing Land Supply

- 1.27 Lichfield have produced two separate Technical Notes (Appendix 2. Housing Land Supply Technical Note and Appendix 3. Fiddlers Ferry Technical Note) that consider the Council's proposed approach to housing delivery over the plan period. These Technical Notes are appended to their Warrington Local Plan Issues Report (**Annex 4**).

- 1.28 In summary, these two Technical Notes demonstrate that WBC has exaggerated the claimed housing land supply in order to reduce the overall proportion of Green Belt release required to meet the identified needs. They also demonstrate that WBC has paid insufficient regard to the definition of "developable" (Annex 2 of the NPPF) and the evidence required to meet this test. Furthermore, from a basic assessment of the 5 Year Housing Land Supply (5YHLS) based on their detailed analysis carried out on a proportion of the Council's supply, Lichfields has considerable concerns in relation to WBC's ability to meet the requirements of NPPF para 74.

- 1.29 Appendix 3 of Lichfields' Issues Report (contained in Annex 4 that support our representations) is a Technical Note that focuses specifically on matters relating to **Draft Policy MD3 – Fiddlers Ferry**. All 'consortium' members have considerable concerns in relation to the delivery of this draft allocation at Fiddlers Ferry and, in particular, the lead in time to the commencement of the development. The Fiddlers Ferry Technical Note undertakes a detailed assessment of the allocation to demonstrate that the Plan is not sound, on the basis that the Council has overestimated the deliverable and developable capacity of the Fiddlers Ferry site in the Plan period. Further allocations are required to address the identified shortfall.

¹³ Annex 4 Lichfields Warrington Local Plan Issues Report: Appendix 1 Housing Requirement Technical Note Section 7 Conclusion
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1.30 The conclusions of the Technical Note¹⁴ is that Local Plan 2021 Draft Policy MD3 – Fiddlers Ferry is unsound *inter alia* for the following reasons:

- (i) **It is not positively prepared and legally compliant:** Given the significant number and complexity of the issues raised *in relation to the developability of the Fiddlers Ferry site*, it is considered that WBC's delivery trajectory is completely at odds with the reality of delivering complex strategic sites. WBC need to identify alternative sites to plug the gap in the supply trajectory. Further, WBC has not followed a logical approach in terms of identifying the most appropriate sites for release from the Green Belt and the loss of this draft allocation would result in the erosion of the strategic gap between Warrington and Widnes. It can only be concluded therefore that ***the WBC's Sustainability Appraisal (SEA) is fundamentally flawed*** in relation to the assumptions made on Fiddlers Ferry, which results in an unsustainable approach to development, meaning that it is not sound nor legally compliant. ***There are other more sustainable greenfield releases to meet the identified need.***
- (ii) **It is not justified: WBC's delivery assumptions are fundamentally flawed, unrealistic and unachievable.** No substantive evidence has been provided to justify WBC's position and given the requirement of Policy MD3 for the landowner to prepare a comprehensive Development Framework in advance of the submission of a planning application will cause significant delays in progressing the site towards a permission.
- (iii) **It is not effective: if the site comes forward, it will not do so before 2033/34** based on the evidence and justification Lichfields' have presented. ***This would result in a shortfall in the Council's proposed trajectory of 595 units***, including the commencement of the delivery of units in years 2025/26.
- (iv) **It is not consistent with national policy:** An expressed intention of the NPPF is to boost the supply of housing being delivered in the country in an effort to address the housing crisis. With this in mind, Lichfields' evidence demonstrates that ***WBC has exaggerated the claimed supply trajectory from the Fiddlers Ferry site and has not grounded their assumptions in reality or evidence.*** Little regard has been paid to the significant technical constraints associated with this site and the implications that they will have on timescales, viability and delivery of dwellings on the site. Warrington has consistently struggled with maintaining an adequate supply of land over the last few years. If the Plan progresses as drafted, ***the main consequence of failing to identify alternatives will result in further housing supply issues.*** The ***failure to identify a sufficient level of housing allocations in the Plan will result in the UPSVLP being found unsound*** at Examination or at the very least it will be subject to substantive changes at the Examination stage which will delay its formal adoption.

¹⁴ Annex 4 Lichfields Warrington Local Plan Issues Report: Appendix 3 Fiddlers Ferry Technical Note Section 14 Conclusions and Section 15 Tests of Soundness
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That is in nobody's interest.

- 1.31 We reserve the right to undertake future detailed analysis of the Fiddlers Ferry site as part of its representations and Matter Papers for the Examination in Public.
- 1.32 In conclusion, we fully endorse Lichfields' evidence and support their conclusions wholeheartedly, and alongside the members of 'the consortium' we would be happy to meet with the Council to discuss these concerns and set out our proposed solutions to overcoming them in further detail.
- 1.33 The second Technical Note that examines the Council's stated housing land supply is included in Lichfields' Issues Report at Appendix 2. This Technical Note is an assessment of all housing sites with capacity of 50 or more units excluding the proposed outlying Green Belt releases. It should be noted at this stage, Lichfield's assessment has not considered any site with capacity of less than 50 but we reserve the right to extend the scope of our analysis to inform our Examination Matter Papers if required.
- 1.34 The conclusions¹⁵ of the second Technical Note in relation to the Council's overall housing land supply identifies a significant number of issues with a number of the sites which were assessed. In particular, the acute lack of information to justify and substantiate WBC's rationale for justifying the sites inclusion is problematic, leading to a conclusion that WBC's approach **is not sound as it is not justified**. Having reviewed the sites in detail, Lichfields' evidence demonstrates that at least **2,448 dwellings needs to be removed from the supply trajectory**, made up of the following reductions:
- (i) At least 595 dwellings from Fiddlers Ferry;
 - (ii) At least 243 dwellings from windfalls;
 - (iii) At least 1,610 dwellings from sites with a minimum capacity of 50 dwellings.
- 1.35 This represents a reduction of 16.5% of the supply from the assessed sites and is (self-evidently) a significant proportion of the total claimed supply. This reduction is purely from the sites with capacity to deliver more than 50 dwellings and it is highly likely that based on the experience with the larger sites, a proportion needs to be applied to sites below 50 dwellings too.
- 1.36 There are also considerable misgivings about WBC's claimed 5-year supply of housing land (set

¹⁵ Annex 4 Lichfields Warrington Local Plan Issues Report: Appendix 2 Housing Land Supply Technical Note
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out fully in paragraphs 6.18 – 6.27 of the Lichfields' Housing Land Supply Technical Note¹⁶). As a best-case scenario, the Council are claiming to have exactly a 5-year supply of housing land. Apart from being forensically implausible, it means that any flaw in their assumptions or slippage results in the failure to demonstrate a 5YHLS, which is a minimum requirement of Government policy. This is a flawed assessment as it relied on an unjustified and illogical stepped housing requirement. In the Consortium's opinion, as a best case scenario, the Council can only demonstrate a **3.64 year supply** but this is likely to be even less if all sites with capacity to deliver fewer than 50 units were assessed (please refer to Table 6.1 page 42 in Lichfields Housing Land Supply Technical Note¹⁷). It is likely that the situation is much worse and at least as acute as that concluded by the Inspector at the recent New House Farm Appeal¹⁸ (3.4 years). As such, the five-year housing land supply position is likely to be much worse than is being envisaged by the Councils, which is **not positively prepared, effective, justified or consistent with national policy**. Further sites, which are deliverable in the early phases of the Plan are required to make the Plan sound.

1.37 Again, we fully endorse Lichfields' evidence and support their conclusions.

Matters of Soundness - Conclusion

1.38 The evidence presented in Lichfields' Housing Need, Fiddlers Ferry, and Housing Land Supply Technical Notes and summarised in these representations demonstrate that Warrington's Local Plan is **not sound** and is **not** therefore **compliant with ss 19 and 20 of the Planning and Compulsory Purchase Act (2004)**. This is because:

- (i) It conflicts with the following national planning policy:
 - Paragraph 32 - it is not considered that the SEA of Fiddlers Ferry meets the relevant legal requirements of this process.
 - Paragraph 60 - it does not significantly boost the supply of homes, it does not provide sufficient amount or variety of land in location where it is needed, and it does not meet the needs of groups with specific housing requirements (affordable housing and elderly care).

¹⁶ Annex 4 Lichfields Warrington Local Plan Issues Report: Appendix 2 Housing Land Supply Technical Note Section 6 Other Supply Considerations

¹⁷ Annex 4 Lichfields Warrington Local Plan Issues Report: Appendix 2 Housing Land Supply Technical Note Section 6 Other Supply Considerations

¹⁸ Appeal Ref: APP/M0655/W/21/3271800, New House Farm, Hatton Lane, Hatton, Warrington, Inspector's Decision (dated 22nd September 2021) paragraph 54





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- Paragraph 68 - the Council's evidence base does not demonstrate a clear understanding of the land available in Warrington and does not therefore identify a sufficient supply (both deliverable and developable) and mix of sites, taking into account their availability, suitability and likely economic viability. This is particularly evident in relation to Draft Policy MD3 – Fiddlers Ferry that is not considered to be available, suitable or viable.
- Paragraph 71 - there is no compelling evidence that the identified windfall sites will provide a reliable source of housing land supply.
- Paragraph 73 - Fiddlers Ferry is currently not considered to be a suitable or sustainable location for residential development because the evidence presented is not compelling that it is suitable as a sustainably located major development site, or that it can be supported by the necessary infrastructure and facilities (including a genuine choice of transport modes), or that the assumptions being applied to likely rates of delivery are realistic.
- Paragraph 74 - the Council's evidence is not convincing in relation to the anticipated rate of development for specific sites in their identified housing land supply, meaning that there can be no confidence in their housing trajectory and that they cannot identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing.
- Paragraph 104(d) - the Council's evidence in relation to the environmental impacts of traffic and transport infrastructure from Fiddlers Ferry is not convincing, including consideration of appropriate opportunities for avoiding and mitigating any adverse effects.
- Paragraph 110(a) (d) - the Council's evidence in relation to Fiddlers Ferry is not convincing in demonstrating that they have adequately considered:
 - appropriate opportunities to promote sustainable transport modes, given the type of development and its location; and
 - significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety.
- Paragraph 111 - the Council's evidence in relation to Fiddlers Ferry is not convincing in demonstrating that the residual cumulative impacts on the road network would not be severe.





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- Paragraph 143 - the Council has not identified areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period.
- (ii) The Council's housing need evidence base is not positively prepared, justified, or effective.
- (iii) Draft Policy MD3 – Fiddlers Ferry is not positively prepared, justified or effective because the evidence does not demonstrate it is achievable, deliverable, viable.
- (iv) The Council's stated housing land supply is not positively prepared, justified or effective because a significant proportion of the deliverable and developable sites are not achievable, deliverable, viable.

1.39 Lichfields' Warrington Local Plan Issues Report draws out the clear recommendations/actions that are made within the supporting Technical Notes that are appended to this note to provide the Council with the direction required to make the Local Plan sound. Fundamentally, the Council must:

- (i) Significantly uplift their housing requirement to plan for at least 1,015 dpa to properly and adequately address the requirements of paragraph 60 of the NPPF and in doing so ensure that this element of the plan is positively prepared and consistent with national policy – this will align the housing requirement with realistic economic growth targets and help to deliver over 70% of the identified affordable housing need.
- (ii) Identify sufficient land to deliver a minimum of 2,448 additional dwellings, meaning that it is inevitable that the Council will need to identify additional sites for allocation and/or safeguarding. We also consider that WBC need to consider whether this minimum additional supply is sufficient to meet the identified needs when pursuing an economically aligned housing strategy, which we have demonstrated would require an additional 6,309 dwellings. This land should be identified now and safeguarded to meet the needs beyond the Plan period and ensure that the Green Belt boundaries endure beyond the Plan period too. The land to be identified as Safeguarded Land should be varied in size and be capable of coming forward in the short term, should the need arise at any point in the plan period. This would allow any future Local Plan Review to allocate the safeguarded sites for development and ensure they are capable of delivering units in the first 5 years post adoption of the Review.
- (iii) The identification, through an appropriate evidence base, of a number of smaller and sustainably located Green Belt releases for residential development (i.e. sites with capacity to deliver 200-500 units). These sites would be able to come forward immediately upon adoption of the Warrington Local Plan and negate the need to backload the housing requirement. It would also seek to tackle the ever-worsening housing crisis in the Borough and would ensure that the Council can demonstrate an adequate 5YHLS position.





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Reinstate the South West Urban Extension

- 1.40 The South West Urban Extension (SWUE) inclusive of land to South of Chester Road would immediately provide the Council with land capable of accommodating around 1,800 new homes, a proportion of which would be able to be delivered early in the plan period. The overall capacity of the SWUE represents a significant proportion of the identified shortfall in WBC's housing land supply.
- 1.41 The SWUE representations that have been separately submitted by Turley on behalf of the SWUE Consortium demonstrate that the SWUE is suitable¹⁹, achievable²⁰, deliverable (and developable)²¹ and that there are no impediments to delivery early in the Plan period. This is something that cannot be disputed by the Council because up until recently it had confirmed this was the case through draft policy MD3 South West Urban Extension that sought its removal from the Green Belt and its allocation as a sustainable urban extension that would support a new community in a high quality residential setting, with ease of access to Warrington's employment, recreation and cultural facilities. In making this assessment, the Council confirmed in their 2019 Development Options and Site Assessment Technical Report that they had engaged with us, SWUE Consortium members and with infrastructure providers to confirm the required infrastructure to support the SWUE allocation and to demonstrate that the allocation as a whole is viable and can be delivered. They also confirmed in the 2019 Technical Report that they had engaged with Natural England and the Environment Agency to address ecological and environmental issues and had prepared a Heritage Impact Assessment for the SWUE, in liaison with Historic England. Furthermore, at paragraph 4.11 of the Council's 2021 Development Options and Site Assessment Technical Report they conclude that having reviewed representations to the previous Proposed Submission Version Local Plan consultation, the South West Urban Extension remained a reasonable option, providing a residential led sustainable urban extension supported by a local centre and new primary school.
- 1.42 As confirmed earlier in these representations, the SWUE Consortium has jointly prepared and signed a Memorandum of Understanding (MoU) to formalise their commitment to bring the SWUE forward for development in a comprehensive manner. The MoU is submitted in support of our representations at **Annex 3**.
- 1.43 Notwithstanding the fact that the SWUE Consortium strongly advocates the inclusion of the

¹⁹ Please refer to separately submitted SWUE Development Prospectus section 06

²⁰ Please refer to separately submitted SWUE Development Prospectus sections 06

²¹ Please refer to separately submitted SWUE Development Prospectus sections 07





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SWUE as a sustainable urban extension to the main urban area of Warrington in the Local Plan to assist the Council in addressing the soundness issues of the Local Plan, we contend that the Council is wrong in its reasons for removing the SWUE from the current Local Plan and that none of the Council's stated reasons are fundamental to the delivery of this land as a sustainable urban extension.

1.44 Having reviewed the Council's Plan 2021 Development Options and Site Assessment Technical Report, particularly Appendix 5 – Options Assessment of Main Development Locations, and the supporting Sustainability Appraisal, the key factors that have led the Council to arrive at the decision not to allocate the SWUE in the Local Plan are as follows:

- (i) Its impact on the Western Link Road that would diminish its benefits of reducing congestion in the Town Centre and freeing up substantial brownfield development capacity.
- (ii) There is insufficient capacity within secondary schools in south Warrington and given the size of the sites, it is unlikely to be able to provide for a new secondary school.
- (iii) South Warrington has limited existing built leisure provision, which would be exacerbated by the SWUE and given its size is unlikely to be able to provide for a leisure hub.
- (iv) It would only provide limited development potential beyond the plan period and there may be the need for safeguarding of additional sites to ensure the long term permanence of revised Green Belt boundaries and to contribute to the Plan's 30 year vision.
- (v) Whilst not exclusive to the SWUE, the Council consider that the urban extension provides only limited opportunity for new homes early in the plan period given the lead in times for infrastructure to support their development.

1.45 As stated previously, we do not agree with Council's judgement in arriving at the decision that the SWUE is no longer to be allocated in the Local Plan and address each of the above points in turn below.

(i) Western Link Road impact.

1.46 Eddisons have considered WBC's highways and transport evidence that supports the UPVLSP in light of WBC's suggestion in Appendix 5 of their Options Assessment of Main Development Locations that the impacts of the SWUE on the Western Link Road would diminish its benefits of reducing congestion in the Town Centre. Eddisons' conclusion, which is contained in their South West Urban Extension, Warrington Transport and Highways Appraisal to Local Plan Process (**Annex 5**), is emphatic that this statement is contrary to the evidence that was submitted to the Local Plan just two years ago and that there is no evidence to justify this change of conclusion within any of the UPSVLP documents. None of the 2021 submission documents include any such modelling results on the basis of the SWUE allocation and there is no transparent consideration of





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the modelling or design of the junctions at either end of the WWL either to be able to conclude that there would be 'significant, engineering, deliverability and viability issues' as a result of the SWUE.

(ii) Secondary school

1.47 The Warrington South Western Urban Extension Secondary School Position report that is included in **Annex 3** demonstrates that in terms of Borough-wide secondary school capacity, there can be no objection to the proposed SWUE development as one of a number of Allocations within the Local Plan on the basis of the following:

- *Forecasts* – it is far from clear that WBC's forecasts are currently as accurate as they could be as forecasts were not collected or published by the DfE in 2020. There are fewer pupils listed on roll at the Borough's schools than were forecast in 2019 and this will undoubtedly have a knock-on effect in forthcoming years. Consequently, it is highly likely that there will be more places available than forecast through to 2025-26.
- *Long-Term Projections* – the ONS-based trajectory for the area shows that the impact from the housing will not all come at once and that the significant reductions in the long term projections will make sufficient places available to meet the housing need through to 2037.

1.48 At a local level Local While the potential for some pressure the southern area is acknowledged, it is not calculated to be of such a scale that should prevent consideration of the SWUE being included within the Local Plan Allocations. This is on the following basis:

- The local position, when focusing on the area south of the Manchester Ship Canal, is that there are fewer children resident there than attend the two local schools. Pupils travel from south central Warrington to attend Bridgewater High School.
- There is also a net gain of 159 pupils travelling in from other Local Authorities to the area. With fluidity of admissions across the Borough, admissions for these pupils will naturally be pushed back to closer to their home area as and when pressures increase in the southern group of schools.
- An assessment of the proposed Allocations together with 1,800 additional dwellings in the SWUE shows that there would be a need for the proposed new school at the SUEU and with this in place there would be sufficient places for all pupils throughout the period.
- Were the SWUE not to progress, or to progress later in the period, and the new 4FE school be delayed, this could create some issues in meeting the need for new pupils particularly in the early part of the period before the ONS Projected decline in numbers starts to take effect. The impact could be as high as approximately 270 pupils in excess of the places available. However, this could be met through the flexible and fluid admissions





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patterns seen across the Borough, with schools just north of the MSC accepting more pupils from the south than currently is the case. An alternative would be for an expansion of Lymm High School to be considered.

1.49 It can be inferred from this information, and the Council's previous approach to secondary school provision when allocating the SWUE through draft policy MD3 (part 16) of the 2019 Local Plan that there is the opportunity to provide additional places through the expansion of existing schools and/or provide new provision. This seems to be further confirmed when considering the Council's assessment of Local Plan Objective W4 against Main Development Location Option 1 contained in Appendix 5 of the 2021 Development Options and Site Assessment Technical Report where they state that through discussions with Council services, external service and infrastructure providers and developers promoting land within the urban extensions (inclusive of the SWUE), the majority of infrastructure requirements can be planned for subject to phasing of development and securing funding.

1.50 It is also considered that the Council are not justified in identifying this as a particular concern with regard to the SWUE when Lichfield's Fiddlers Ferry Technical Note²² identifies that the accessibility of Fiddlers Ferry is a significant issue within WBC's Sustainability Appraisal and given the sites isolated location and limited facilities proposed it will be heavily dependent on existing facilities elsewhere in the Borough, which would include secondary education provision. Lichfields' Technical Note at paragraph 13.26 raises questions of the Council's evidence base in this respect, pointing out that it is not clear whether a secondary school would also be needed and if this has been considered given the scale of the development proposed.

(iii) Built leisure

1.51 The Council's previous approach to the provision of built leisure facilities when allocating the SWUE through draft policy MD3 (part 26) of the 2019 Local Plan was to require development to make a financial contribution towards expanding and enhancing existing or planned built leisure facilities that will serve the residents of the urban extension (principally sports centre/swimming pool provision). This suggests that there is the opportunity to provide additional capacity through the expansion of existing facilities and/or provide new provision. This seems to be further confirmed when considering the Council's assessment of Local Plan Objective W4 against Main Development Location Option 1 contained in Appendix 5 of the 2021 Development Options and Site Assessment Technical Report, where they state that through discussions with Council services, external service and infrastructure providers and developers promoting land within the urban extensions (inclusive of the SWUE), the majority of infrastructure requirements can be

²² Paragraphs 5.1 and 5.2
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planned for subject to phasing of development and securing funding.

1.52 It is also considered that the Council are not justified in identifying this as a particular concern with regard to the SWUE when Lichfield's Fiddlers Ferry Technical Note²³ identifies that the accessibility of Fiddlers Ferry is a significant issue within WBC's Sustainability Appraisal and given the sites isolated location and limited facilities proposed it will be heavily dependent on existing facilities elsewhere in the Borough, which would include built leisure provision.

1.53 Further to this, Policy MD2 - South East Warrington Urban Extension requires that a new leisure facility incorporating health provision is provided, which will add to the capacity of built leisure facilities in South Warrington.

(iv) Green Belt and Limited Development Potential Beyond the Plan Period

1.54 The evidence presented by Lichfields in the Technical Notes appended to their Warrington Local Plan Issues Report (**Annex 4**) demonstrates that WBC must identify sufficient land to deliver a minimum of at least 2,448 additional dwellings, meaning that it is inevitable that the Council will need to identify additional sites for allocation and/or safeguarding. We also consider that WBC need to consider whether this minimum additional supply is sufficient to meet the identified needs when pursuing an economically aligned housing strategy, which we have demonstrated would require an additional 6,309 dwellings.

1.55 The SWUE inclusive of land to South of Chester Road would immediately provide the Council with land capable of accommodating around 1,800 new homes, which represents a significant contribution to meeting an uplifted housing requirement and the identified shortfall in housing land supply. This requirement makes the Council's particular concern around sites such as the SWUE and Thelwall Heys providing limited development potential beyond the plan period to ensure the long term permanence of the Green Belt boundaries a moot point and one that cannot be material in any substantiated decision to remove the SWUE from the Local Plan.

1.56 It is also important to recognise that the Council has already confirmed that releasing the SWUE from the Green Belt would not prejudice the permanence of the revised boundaries in the long term in their assessment of Local Plan Objective W2 against Main Development Location Option 1 contained in Appendix 5 of the 2021 Development Options and Site Assessment Technical Report.

²³ Paragraphs 5.1 and 5.2
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[REDACTED]



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1.57 Further to this, Lichfields' Warrington Local Plan Issues Report²⁴ identifies that the Local Plan makes no allowance for any Safeguarded Land and that it is effectively seeking to claim that some of the larger allocations which will deliver units beyond the plan period are effectively Safeguarded Land but this does not represent a robust or justified approach. The purpose of safeguarding land is to ensure the long-term permanence of Green Belt boundaries beyond the plan period and to offer an alternative source of land in the event of there being an insufficient supply of available housing sites. Within the Plan, this fallback position has not been included and further undermines the soundness of the Plan. It is clear that the Council must rectify this situation to make the Local Plan sound, which removes any particular concern that they may have about the SWUE only providing limited development potential beyond the plan period.

(v) Early Delivery of Homes

1.58 Whilst not exclusive to the SWUE, the Council consider in their 2021 Development Options and Site Assessment Technical Report that the urban extensions provide only limited opportunity for new homes early in the plan period given the lead in times for infrastructure to support their development.

1.59 This is a matter which the SWUE Consortium has previously disputed. In the SWUE Consortium's representations to the 2019 Warrington Proposed Submission Version Local Plan, the supporting technical highways work indicated that a first phase of housing could be delivered on the site before the Western Link Road is operational without having a 'severe' impact on the existing highway network and any mitigating highway works required can be undertaken within the adopted highway without the requirement for any third party land.

1.60 The SWUE Consortium's 2019 representations also identified that the Council's housing trajectory is based on an assumption that the SWUE will be delivered by two housebuilders / outlets. This represents a cautious approach as the site is expected to be built out by four housebuilders, each delivering 30 dpa within their respective phase plus 10 affordable units (i.e. total of 40 dpa per housebuilder / outlet).

1.61 The SWUE Consortium consider that this evidence remains valid in their commitment to collaborate to bring forward a comprehensive and coordinated development across the whole of the site meaning that the SWUE would be able to build new homes early in the plan period and then consistently over the remaining years of the plan period. Furthermore this existing evidence should have been recognised, considered, and weighed in favour of the SWUE as part of WBC's

²⁴ Annex 4 Lichfields Warrington Local Plan Issues Report Section 8 Issue 6: Failure to Identify Safeguarded Land





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Development Options and Site Assessment exercise for the UPSVLP in order to reduce the reliance on a stepped housing trajectory. A stepped housing trajectory shouldn't just be an accepted consequence of the sites chosen, rather WBC should assess options with a view to avoiding a stepped housing trajectory, and where sites can assist in this then that should weigh favourably in the planning balance.

1.62 **In conclusion, we have demonstrated in the preceding paragraphs that the Council's decision that the SWUE is no longer to be allocated in the Local Plan are not justified, consistent with National Policy and do not amount to the plan being positively prepared.** Furthermore, none of the stated reasons are fundamental to the delivery of this sustainable urban extension.

Land South of Chester Road, Walton: a sustainable and deliverable residential development site

Introduction

1.63 The previous sections of our representations have established that Plan is not sound and there is a need to identify sufficient land to deliver at least 2,448 (or 6,309²⁵) additional dwellings, meaning that it is inevitable that the Council will need to identify additional sites for allocation and/or safeguarding and the SWUE would immediately provide the Council with land capable of accommodating around 1,800 new homes, which represents a significant proportion of the identified shortfall in housing land supply.

1.64 We have already confirmed that land South of Chester Road is integral to the delivery of the SWUE and within this final section of our representations we present our land South of Chester Road as a significant site in its own right should the Council require it as an alternative option to meeting their housing land supply shortfall, particularly their 5YHLS.

1.65 This is particularly pertinent in light of Lichfields' analysis of the Local Plan housing land supply, particularly their 5YHLS, where it is considered that there is **a shortfall of at least 1,326 dwellings in the first 5 years of the plan period**²⁶. Lichfield also present evidence that demonstrates that the lack of a deliverable supply therefore needs to be urgently addressed by the inclusion of additional greenfield and Green Belt sites. In terms of additional Green Belt sites,

²⁵ when pursuing an economically aligned housing figure to ensure the supply aligns with the identified needs

²⁶ Annex 4 Lichfields Warrington Local Plan Issues Report: Appendix 1 Housing Need Technical Note

Section 3 Defining Housing Need in Warrington

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we concur with Lichfields' conclusion that strongly advocated that a number of smaller and sustainably located Green Belt releases for residential development (i.e. sites with capacity to deliver 200-500 units) are identified through an appropriate evidence base²⁷. These sites would be able to come forward immediately upon adoption of the UPSVLP and negate the need to backload the housing requirement. It would also seek to tackle the ever-worsening housing crisis in the Borough and would ensure that WBC can demonstrate an adequate 5YHLS position.

Individual Site and Green Belt Assessment

1.66 To best demonstrate our land South of Chester Road as a significant site in its own right, should WBC require it as an alternative option to meeting their housing land supply shortfall, particularly their 5YHLS, we have taken the Council's site assessment proforma and undertaken an independent assessment of land south of Chester Road against their social, economic and environmental site assessment criteria. The completed site appraisal proforma is contained in **Annex 6** that support these representations and has been informed by the following surveys and reports:

- Landscape & Visual Overview – Taylor Grange November 2021
- Preliminary Ecological Appraisal – Taylor Grange November 2021
- Arboricultural Appraisal – Taylor Grange November 2021
- FRA & Drainage Strategy – KRS Environmental November 2021
- Air Quality Assessment – Bureau Veritas November 2021
- Phase 1 Geo-environmental Assessment – Earth Environmental and Geotechnical September 2016
- Utilities Review Report – BWB September 2016
- Soils And Agricultural Use & Quality – Land Research Associates August 2016
- Heritage Statement – Wardell Armstrong November 2021
- Social and Community Infrastructure Analysis – Hatch 2021
- Social Needs Report Supporting the Development of Further Specialised Accommodation for Older People – Contact Consulting November 2021
- Site Specific Viability Statement – Tim Claxton November 2021

1.67 The reason for undertaking the independent site assessment is that the Council has not sought to review the previous assessments of the site that were undertaken to inform past stages of the Local Plan even though our land was included as an allocation as part of the SWUE in the 2019 Proposed Submission Version. This is not considered to be a justified approach within the context

²⁷ Annex 4 Lichfields Warrington Local Plan Issues Report: Appendix 2 Housing Land Supply Technical Note paragraph 6.27





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of such significant changes to Local Plan strategy and approach between the 2019 and 2021 Proposed Submission Version and the valuable contribution that our land can provide to meeting the Council's acute housing need and demand.

1.68 One of the significant outcomes of the independent site assessment is in relation to the site's contribution to the Borough's Green Belt. In their Landscape & Visual Overview report (submitted in support at **Annex 2**) Tyler Grange present the results of their independent Green Belt Review of our site. This assessment provides a critique of the Council's own Green Belt assessment (undertaken by ARUP) and provides their own analysis of the contribution of the site to the five purposes of the Green Belt as outlined within the NPPF²⁸, as well as making an assessment of openness. The review also includes a further discussion as to the changes to that contribution that would be brought about by the proposed development and any recommendations to mitigate or compensate for those changes.

1.69 As part of Tyler Grange's critique of the Council's assessment, they note that the use of large study parcels has the potential to skew the findings of a Green Belt Assessment and does not allow for the proper assessment of smaller discreet parcels within larger areas that may make a more limited contribution to the Green Belt and offer opportunities for release. Other issues with WBC's own assessment include:

- Reliance upon a number of subjective judgements without defined criteria and measurable parameters. This introduces a degree of interpretation and lack of transparency and replicability in the assessment;
- Lack of detailed analysis and justification of assessment and recommendations, with repetitive text used throughout the document;
- The assumption that whole areas will be lost to development which results in areas being discounted without full and robust consideration of how they could be developed to include new Green Belt boundaries, mitigation measures and enhancement of land retained in the Green Belt;
- The assessment does not always use recognisable and durable boundaries and features on the ground which has led to failings in properly sub-dividing larger parcels; and
- The assessment sometimes fails to consider local circumstances when determining which areas should be retained in the Green Belt and the preservation of settlement gaps (i.e. physical, visual and perceptual gaps between settlements and the role of individual land parcels within them).

²⁸ Paragraph 138
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1.70 The conclusion of Tyler Grange’s independent Green Belt assessment for our landholdings south of Chester Road are contained in table 1, which sets out a summary of the previous ARUP 2016 findings and an up-to-date assessment undertaken by Tyler Grange. This finer-grain assessment has been based on both desktop and fieldwork undertaken in October 2021. The assessment has considered the contribution to the Green Belt purposes and a definition of the underlying terminology is set out below for assistance.

- Sprawl - spread or develop irregularly or without restraint;
- Merge – combine or cause to combine to form a single entity; and
- Encroachment - a gradual advance beyond usual or acceptable limits.

1.71 Consideration of mitigation has also been included, which is consistent with the ARUP 2021 assessment produced for the Fiddler’s Ferry development option.

Table 1: Tyler Grange 2021 Independent Green Belt Assessment Land South of Chester Road, Walton

NPPF Purpose	ARUP 2016 Assessment Contribution (Parcel WR64)	Re-Assessment of Contribution of the Site	Mitigation
<p>To check the unrestricted sprawl of large built-up areas</p>	<p><i>There are some areas of dense tree lining however on the whole the boundaries may not be permanently durable enough to prevent sprawl into the parcel in the long term.</i></p> <p>Moderate Contribution</p>	<p>The principal consideration here is the sprawl of the urban edge of Lower Walton westwards and potential coalescence with Higher Walton. The Site provides durable long-term boundaries to the east in the form of the Brookwood Close open space. Furthermore, the watercourse, mature vegetation and scattered buildings along the close itself form an identifiable boundary. The proposed junction on the A56 Chester Road is a strong feature that limits sprawl to the north.</p> <p>There is already established inter-visibility and some connectivity with the adjoining buildings to the south and west.</p> <p>The Site offers the ability to round-off development edge of Lower Walton. Sprawl can be restrained by the durable boundary features to the north, east, south and west.</p> <p>Weak Contribution</p>	<p>The creation of strong Green Infrastructure to the north and east of the Site, utilising existing features and including new woodland planting where suitable. This will create a defensible boundary.</p>
<p>To prevent</p>	<p><i>The parcel forms a less</i></p>	<p>The Site forms a smaller portion of</p>	<p>The retention and</p>





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<p>To preserve the setting and special character of historic towns</p>	<p><i>Warrington is a historic town however the parcel is not within 250m of the Warrington Town Centre Conservation Areas. The parcel does not cross an important viewpoint of the Parish Church.</i></p> <p>No Contribution</p>	<p>There is no perceptual influence or inter-visibility with the historic core of Warrington Town Centre or Conservation Area.</p> <p>No Contribution</p>	<p>n/a</p>
<p>To assist in urban regeneration, by encouraging the recycling of derelict and other urban land</p>	<p><i>The Mid Mersey Housing Market Area has 2.08% brownfield urban capacity for potential development, therefore the parcel makes a moderate contribution to this purpose.</i></p> <p>Moderate Contribution</p>	<p>The updated Local Plan (2021) recognises the need for both housing and employment land, plus the need for some removal of land from the Green Belt to accommodate that identified need. In this case the Site represents a very sustainable location immediately adjoining proposed junction on the A56 and close to services situated within Lower Walton.</p> <p>Weak Contribution</p>	<p>n/a</p>
<p>Justification & Overall Assessment</p>	<p><i>In line with the methodology, professional judgement has therefore been applied to evaluate the overall contribution. The parcel has been judged to make a moderate overall contribution as although it supports a strong degree of openness, the boundaries between the parcel and the countryside are durable thus any development would be contained and would therefore not threaten the openness and permanence of the Green Belt.</i></p> <p>Moderate Contribution</p>	<p>The re-assessment of the Site itself has judged that overall, it makes a weak contribution to the Green Belt purposes.</p> <p>The Site is evidentially associated with the established urban edge and represents a sustainable location.</p> <p>A combination of durable boundary features (which include the Brookwood Close open space, Walton Lea Road and proposed A56 junction) provide a strong and permanent sense of enclosure, to limit any perception of sprawl, merging or encroachment.</p> <p>Tree cover does limit wider views and the assessment demonstrates that open long line views and inter-visibility between settlements are not available.</p> <p>Weak Contribution</p>	<p>The creation of strong and connecting network of Green Infrastructure, that utilises and enhances existing features, will create a more diverse landscape, capable reducing any sense of visual and perceptual intrusion and ensuring that the proposed development assimilates into the countryside.</p>



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1.72 Tyler Grange's independent assessment concludes that land to the south of Chester Road makes **a weak contribution to 4 out of 5 purposes** of the Green Belt and no contribution to the final Green Belt purpose (To preserve the setting and special character of historic towns). This is consistent with the 1997 Inspectors assessment of our site's contribution to the Green Belt and to Warrington's long term development needs as part of the review of the Deposit Draft Warrington Borough Local Plan. As part of the Inspectors consideration of Area of Search 19 – Chester Road, Warrington across pages 136-139 of his report (**Annex 7**), the Inspector confirms that he does not share the view of Walton Parish Council and another local objector that the site should be designated as Green Belt for the following reason:

“The land is distinctly different in nature from the extensive area of dense woodland to the west; also the dual carriageway establishes a clear division between this site and the fields to the north. These features, combined with the tree belt and housing on the other boundaries, create a noticeable measure of self-containment. As such I do not believe that the continued exclusion of the allocation land from the proposed Green Belt would seriously weaken the designated area in this vicinity in terms of its ability to serve its acknowledged purposes. It is not therefore necessary to keep this site permanently open.”

1.73 Furthermore, and within the context of the Inspectors previous conclusion that there is a clear need to identify considerably more land than the Local Plan intends both for development and for safeguarding, the Inspector was convinced that the value of the site as part of the Plan's reserve of safeguarded land far outweighs its potential contribution to the proposed Green Belt and should therefore be removed.

1.74 The conclusions that the 1997 Deposit Draft Local Plan Inspector drew on land in our ownership draws parallels with the challenges to WBC's current housing requirement and housing land supply set out earlier in these representations, which clearly demonstrate that additional land is required to meet the current housing needs of the Borough and presents compelling justification for our site to be removed from Green Belt.

1.75 The need for sites like ours to be released from the Green Belt is also reinforced in the Housing Land Supply Technical Note appended (Appendix 2 to Lichfields Issues Report - **Annex 4**). Paragraph 6.27 of this Technical Note strongly advocates the identification, through an appropriate evidence base, of a number of smaller and sustainably located Green Belt releases for residential development (i.e. sites with capacity to deliver 200-500 units). These sites would be able to come forward immediately upon adoption of the Local Plan and negate the need to



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backload the housing requirement. It would also seek to tackle the ever-worsening housing crisis in the Borough.

- 1.76 The delivery of the Warrington Western Link Road (WWL) will also provide the site with a greater measure of self-containment than previously identified by the 1997 Deposit Draft Local Plan Inspector who identified that the current Chester Road dual carriageway combined with the tree belt and housing on the other boundaries, created a noticeable measure of self-containment.
- 1.77 Further, WBC's evidence identifies that the construction of the WWL is fundamental to the delivery of the UPSVLP's vision and objectives. Once constructed, our land south of Chester Road becomes an isolated parcel, which does contribute to the purposes of the Green Belt and (regardless of any need) justifies its removal from the Green Belt as safeguarded or white land.
- 1.78 We believe that we have presented strong evidence for exceptional circumstance for the current Local Plan to be modified through the exclusion of our land to the south of Chester Road from the Green Belt. This would either be as safeguarded land for future development or as white land, notwithstanding the strong evidence that has been presented earlier in these representations for the SWUE inclusive of our site to be allocated for new homes.

A Compelling and Deliverable Development Proposition

- 1.79 The independent site assessment (**Annex 6**) supported by the Landscape and Visual Overview report (**Annex 2**) demonstrates that our site serves no Green Belt purpose and should not be contained within Boroughs Green Belt regardless of whether it is allocated for development/safeguarded land or not, and concludes that land south of Chester Road is suitable, available and deliverable in the short-term²⁹ and could therefore provide the Council with housing delivery in the first five years of the Local Plan period.
- 1.80 The Vehicular Access Appraisal produced by Eddisons (**Annex 2**) presents further evidence to support our conclusion that land south of Chester Road is suitable, available and deliverable in the short-term on the basis that there are two appropriate vehicular access options.
- 1.81 In respect of the WWL, we have been party to engagement with Warrington Borough Council over a number of years on the basis that our land is critical to the delivery of the WWL. The supporting

²⁹ NPPF paragraph 68 & Glossary "available now, offer a suitable location for development now, and is achievable with a realistic prospect that housing will be delivered on the site within 5 years"
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Vehicular Access Appraisal produced by Eddisons, which is contained in supporting **Annex 2**, provides a summary of this engagement, confirming that we have given significant consideration to the extant proposals for the WWL, which have included a number of different access design options for the southern junction of the WWL. These access options were submitted to the Council in March 2021 and for one reason or another have not been incorporated within the updated WWL designs that we have been party to, despite these options requiring less land take than the current updated WWL design and each being considerably cheaper than the design currently being promoted by the Council.

- 1.82 Notwithstanding this, we are able to demonstrate that there are two appropriate vehicular access options to our site on the southern side of Chester Road (016-023-P004 REV F). The first relates to a pre-WWL scenario and includes a vehicular access from Brookwood Close to the east of the site. There is an existing adopted spur from the main Brookwood Close crescent arrangement that connects directly to the eastern boundary of the site. The spur includes a 5.5 metre wide road and two metre wide footways on both sides of the road. This is likely to be a temporary arrangement until the WWL is completed.
- 1.83 Once the southern section of the WWL is completed, our site could be accessed from a realigned Chester Road as part of the southern terminal junction of the WWL. This is shown on the latest site layout plan (016-023-P004 REV F) and shows a priority controlled access arrangement from the southern section of the new terminal junction of the WWL, which would not prejudice the future delivery of the WWL.
- 1.84 The ultimate vehicular arrangements could be a combination of the Brookwood Close and WWL arrangements. Both vehicular arrangements will need to be designed in more detail and assessed as part of a formal Transport Assessment that will support any subsequent planning submission at this site.
- 1.85 This has led us to consider the optimum type of development for the site that would assist the Council in meeting specific elements of the Borough's acute housing need, which is based on evidence contained in the Council's own Local Housing Needs Assessment.
- 1.86 The UPSVLP is informed by the Warrington Local Housing Needs Assessment Update (LHNAU August 2021). The LHNAU identifies that there is a clear need for the following specialist residential accommodation in Borough over the Plan period:

- (i) 423 affordable dwellings per annum. This is a 12% increase from the 2017 assessment that

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supported the 2019 Proposed Submission Version Local Plan, demonstrating a substantial need for additional affordable housing and that it is clear that provision of new affordable housing is an important and pressing issue in the Borough;

- (ii) 217³⁰ specialist housing for older persons dwellings per annum, e.g. age-restricted general market housing, retirement living or sheltered housing (housing with support), extra care housing or housing-with-care (housing with care), residential care homes and nursing homes (care bed spaces); and
- (iii) 167 individuals and 1 group (168 in total) on the Warrington Self and Custom Build register, which equates to 34 self and custom build plots that should be planned for within each base period (year).

1.87 Further to the analysis, conclusions and recommendations in Lichfields Housing Need Technical Note that is appended ((Appendix 1 to their Issues Report (**Annex 4**)) and the specialist housing for older persons analysis we have separately instructed (**Annex 2**), we do not believe that WBC is currently planning to meet this need, particularly for affordable housing and specialist housing for older persons. The UPSVLP is therefore considered to be unsound as it is not positively prepared, justified, effective, or consistent with National Policy. It must be remedied by appropriate allocations.

1.88 In relation to specialist housing for older persons, the analysis that we have commissioned and contained in the “Headline Social Needs Report, supporting the development of further specialised accommodation for older people at Chester Road, Walton, Warrington” report (**Annex 2**), identifies that the UPSVLP reflects the concerns of Social Care colleagues to mitigate increasing reliance upon Registered Care Home beds, but this is not set this within a strategic vision of future provision to appropriately meet the needs of older people in Warrington. This is largely a consequence of its reliance upon the relevant section of the Local Housing Need Report which offers a great deal of useful material but lacks a coherent view of its own about the balance between the provision of accessible general housing and across the range of models of specialised housing for older people. The provision of a more adequate supply of Extra Care for homeowners will provide an environment of choice in which independence can be sustained and transfer to scarce Registered Personal Care Home beds and expensive Registered Nursing Care Home beds postponed or avoided. Our development proposition will help create a more adequate level of provision for older homeowners and contribute to a more equitable pattern of provision overall.

³⁰ 3,684 dwellings over the 2021-38 period– this figure notionally represents around 27% of the total housing need shown by demographic projections linking to the Standard Method (816 dwellings per annum).



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- 1.89 The clear outcome of the preceding 10 paragraphs is that WBC require sites that can assist them in addressing the fundamental soundness issues of the UPSVLP, alongside the UPSVLP strategic infrastructure requirements, for example, the WLL.
- 1.90 Our development proposition for land to the south of Chester Road respond directly to these requirements, including the provision of the land required to deliver the WWL, which we are prepared to offer to the Council at nil value.
- 1.91 We have articulated what we consider to be a compelling and deliverable development proposition in the Stonecroft Development Statement that we have produced (Annex 2), illustrating how a mix of the following residential typologies could be achieved across the site:
- (i) a retirement village (79 1 and 2 bed apartments and 60 1 bed Maisonettes),
 - (ii) 37 affordable homes (policy compliant)
 - (iii) 38 open market homes – mix of 3/4/5 bed
 - (iv) 8 self build housing plots (4 and 5 bed detached).
- 1.92 As stated previously, we have procured a suite of site wide technical surveys and assessments to demonstrate that it is suitable, available and deliverable, and that subject to obtaining planning permission there are no insurmountable obstacles to immediate development. These technical surveys and assessments are enclosed in **Annex 2**.
- 1.93 The Stonecroft Development Statement in **Annex 2** illustrates that land to the South of Chester Road will form a natural extension to the existing built form of Lower Walton that already wraps itself around the site along part of the north-east (Springbrook) and south-east boundary (Old Hall Close), and directly abuts the eastern boundary (Brookwood Close). This alongside the A56 Chester Road dual carriageway that runs along the northern boundary, which will be replaced in the future by the WWL, and the Walton Lea Partnership that is located on the western boundary, the site offers a significant degree of self-containment, allowing future development to be designed in such a way as to be sensitive to the character of the local landscape in terms of scale, design, layout, building style and materials.
- 1.94 Being located directly adjacent to, and partly enclosed by, the existing built form of Lower Walton, our site is perfectly placed for direct and easy access to Stockton Heath where a broad range of shops, facilities, services and associated employment opportunities can be found. Being located directly adjacent to the main urban area provides real opportunity to reduce the need to travel and promote public transport and thereby contribute to air quality and climate change reduction





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objectives. Further to this, the Social and Community Infrastructure Analysis report produced by Hatch (**Annex 2**) demonstrates that our development proposition will not place any significant pressure on existing local services on the following basis:

- (i) It is estimated that our development proposition will give rise to demand for:
 - 28 additional primary school places
 - 17 additional secondary school places
 - An increase of 352 people of local GP registers
- (ii) There is adequate capacity in local health and education facilities to accommodate this increased demand:
 - 5 primary schools within 2 mile walking distance have 80 spaces places
 - 3 secondary schools within 3 mile walking distance cumulatively have 185 space places
 - The 2 GP surgeries within 2 miles of the site have around 1,305 registered patients per FTE GP, which may increase to 1,323 which is below the ratio advised by the Department of Health.

1.95 Our development proposition also seeks to enhance the green infrastructure of Lower Walton by contributing to a Gateway Parkland that will act as a buffer between the WWL and new homes. Alongside enhanced woodland planting and future landscape planting across the site it is anticipated we can achieve a 1.84% biodiversity net gain. This is based on a precautionary approach, whereby all developable land was assumed 100% built form, which will not be the case, and a detailed landscape strategy will increase the biodiversity units within the developable land.

1.96 It is clear from this evidence that our site is an incredibly beneficial development proposition for the Council in meeting a number of priority Local Plan objectives and outcomes and should be seriously considered as part of the Council's immediate housing supply.

Conclusion

1.97 Our letter of representation, which is supported by evidence contained in a series of supporting Annexes, including Lichfields Warrington Local Plan Issues Report (and Technical Appendices), alongside the SWUE Consortium representations separately submitted by Turley, demonstrates the following that WBC must rectify to address the serious issues of soundness of the current UPSVLP:

- (i) Firstly, that the UPSVLP's housing target of 816 dpa is not positively prepared or justified and

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must therefore be revisited and robustly adjusted upwards. There are clear and indisputable arguments to go significantly higher than this, which Lichfields reasoned justification provides evidence that should be 1,015dpa over the Plan period that would meet the requirements of paragraph 60 of the NPPF to significantly boost reasoned the housing requirement.

(ii) Secondly, that the quantum and composition of the WBC's identified housing land supply is not justified or effective, so that:

- (a) WBC cannot demonstrate a 5YHLS because they unjustifiably and arbitrarily sought to reduce their housing requirement in the first 5 years;
- (b) the need for housing, generally and in respect of an acute affordability issue, will not be met across the Plan period, specifically in respect of serious deliverability concerns in respect of WBC's stated housing land supply, which includes serious concerns with the selection of Fiddlers Ferry as a strategic housing allocation to be released from the Green Belt and its development capacity and deliverability;
- (c) there is a need for additional land to be allocated and/or safeguarded for new homes to address the outcome of failing to meet (a) and (b) and to protect the long term integrity and permanence of the GB boundaries. This will require WBC to identify the following:
 - a minimum additional capacity for 2448 homes over the plan period that will help to deliver over 70% of the identified affordable housing need. We also consider that WBC need to consider whether this minimum additional supply is sufficient to meet the identified needs when pursuing an economically aligned housing strategy, which we have demonstrated would require an additional 6,309 dwellings. This land should be identified now and safeguarded to meet the needs beyond the Plan period and ensure that the Green Belt boundaries endure beyond the Plan period too. The land to be identified as Safeguarded Land should be varied in size and be capable of coming forward in the short term, should the need arise at any point in the plan period. This would allow any future Local Plan Review to allocate the safeguarded sites for development and ensure they are capable of delivering units in the first 5 years post adoption of the Review.
 - The additional land required to address the significant concerns with WBC's housing requirement and trajectory should be varied in size and be capable of coming forward in the short terms should the need arise at any point in the plan period. This would allow any future Local Plan Review to allocate the safeguarded sites for development and ensure they are capable of delivering units in the first 5 years post adoption of the Review.
 - Furthermore, a number of smaller and sustainably located Green Belt releases for residential development (i.e. sites with capacity to deliver 200-500 units) should be identified, through an appropriate evidence base, within this additional land supply.





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These sites would be able to come forward immediately upon adoption of the Warrington Local Plan and negate the need to backload the housing requirement. It would also seek to tackle the ever-worsening housing crisis in the Borough and would ensure that the Council can demonstrate an adequate 5YHLS position.

- (iii) Thirdly, that the SWUE would immediately provide WBC with land capable of accommodating around 1,800 new homes, which represents a significant proportion of the shortfall in their overall housing land supply and will contribute to housing delivery in the first 5 years of the plan. Furthermore, the Council's reasons for removing the SWUE from the Local Plan are not justified, consistent with National Policy and do not amount to the plan being positively prepared.
- (iv) Fourth, and finally that land south of Chester Road, Walton should be removed from the Green Belt and included within the Local Plan, either as part of the SWUE or as a stand alone allocation/safeguarded site or white land because it serves none of the purposes of the Green Belt³¹ and is a sustainable and deliverable residential development site that will directly contribute to meeting core objectives of WBC's UPCVLP, namely homes within the first 5years of the Plan period, much needed affordable homes and specialist elderly care accommodation, as well as providing land that is critical to the delivery of the WWL.

1.98 We would like to register our intention to participate in the forthcoming Hearing Sessions following the UPSVLP being submitted for independent examination.

1.99 I trust that the above letter of representation is clear and comprehensive, however should you have any queries, please do not hesitate to contact me.

Yours faithfully,

Scott Ashall
Ashall Property Ltd

³¹ National Planning Policy Framework Paragraph 138

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Annexes (provided separately)

1. Site Location Plan – Land to the South of Chester Road & Land to the North of Chester Road
2. Land South of Chester Road Technical Reports
 - a. Stonecroft Development Statement – escape urbanists November 2021
 - b. Vehicular Access Appraisal – Eddisons October 2021
 - c. Landscape & Visual Overview – Taylor Grange November 2021
 - d. Preliminary Ecological Appraisal – Taylor Grange November 2021
 - e. Arboricultural Appraisal – Taylor Grange November 2021
 - f. FRA & Drainage Strategy – KRS Environmental November 2021
 - g. Air Quality Assessment – Bureau Veritas November 2021
 - h. Phase 1 Geo-environmental Assessment – Earth Environmental and Geotechnical September 2016
 - i. Utilities Review Report – BWB September 2016
 - j. Soils And Agricultural Use & Quality – Land Research Associates August 2016
 - k. Heritage Statement – Wardell Armstrong November 2021
 - l. Social and Community Infrastructure Analysis – Hatch 2021
 - m. Social Needs Report Supporting the Development of Further Specialised Accommodation for Older People – Contact Consulting November 2021
 - n. Site Specific Viability Statement – Tim Claxton November 2021
3. SWUE Prospectus, Supporting Technical Appendices, and Memorandum of Understanding Between: Peel L&P Investments (North) Limited, Story Homes Limited, Riley Properties Limited and Ashall Property Limited for the SWUE
4. Warrington Local Plan Issues Note prepared by Lichfields on behalf of a Consortium of Developers and Housebuilders, November 2021 accompanied by a series of Technical Papers:
 - a. Note A – Housing Needs Technical Note (Appendix 1)
 - b. Note B – Housing Land Technical Note (Appendix 2)
 - c. Note C – Fiddlers Ferry Technical Note (Appendix 3)
 - d. Note D – Roger Hannah Viability Consortium Response (Appendix 4)
 - e. Annex 1 Eddisons Transport Note
5. South West Urban Extension, Warrington Transport and Highways Appraisal to Local Plan Process prepared by Eddisons, November 2021
6. Independent Site Assessment – Land South of Chester Road November 2021
7. Extract from 1997 Inspectors Report Deposit Draft Warrington Borough Local Plan pages 136-139