



Representations to the Updated Warrington Proposed Submission Version Local Plan 2021

Land at Cherry Lane Farm, Lymm

On behalf of Richborough Estates Group Ltd.
November 2021

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(2019)**

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1. INTRODUCTION AND BACKGROUND

- 1.1 These representations have been prepared by Asteer Planning LLP (“Asteer Planning”) on behalf of Richborough Estates Group Ltd (“Richborough Estates”) and refer to land controlled by Richborough Estates at Cherry Lane Farm, Lymm as shown edged red on the Site Location Plan at **Appendix 1**.
- 1.2 Richborough Estates has promoted the site throughout the local plan process and submitted detailed representations including a Development Statement to the previous Warrington Proposed Submission Version Local Plan consultation which took place in Summer 2019 (enclosed at **Appendix 2**). The Development Statement set out the case for the removal of the site from the Green Belt and demonstrates that the site is available, suitable and achievable and therefore deliverable as a site for housing and outlines the specific benefits that the allocation of the site for housing will bring to the local area.
- 1.3 These representations build on the previous representations made on behalf of Richborough Estates by Nexus Planning (July 2017) and Avison Young (June 2019) and take into account the changes to the WPSBLP since the last round of consultation.

Background

- 1.4 Following the High Court ruling in February 2015 which quashed the housing target in the adopted Warrington Local Plan Core Strategy (2014), Warrington Borough Council (“WBC”) sought to update its housing policies. It became clear that the Borough’s needs going forward could not be met without a full review of the adopted Plan.
- 1.5 In October 2016, the Council’s Executive Board agreed to commence the process of reviewing the existing Warrington Local Plan. Consultation on the Preferred Development Option (“PDO”) was undertaken between July and September 2017. Approximately 4,500 responses were received to the PDO consultation, a significant proportion of which related to the scale and location of development proposed and Green Belt release.
- 1.6 Consultation on the previous Proposed Submission Version Local Plan under regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 was held between April and June 2019. In total, around 3,200 responses were received, together with 2 petitions.
- 1.7 The vast majority of representations were made by Warrington residents and campaign groups, together with Parish Councils, MPs, Borough Councillors and community groups, concerned with the

scale and location of development being proposed, in particular relating to the release of Green Belt land, and the impact of development on Warrington's infrastructure.

- 1.8 The Council also received a significant number of representations from developers and landowners actively promoting sites through the Local Plan process. This includes those with land proposed to be allocated in the Plan and those whose land had not been proposed to be allocated. A small number of additional sites were also submitted for the Council's consideration.
- 1.9 Having reviewed the responses to the consultation, the Council concluded there was the need to undertake additional evidence base work. This was primarily to provide a greater understanding of the infrastructure required to support the development proposed in the Plan and to demonstrate that the required infrastructure was capable of being delivered in a timely manner.
- 1.10 In October 2020 the Council took the decision to pause work on the Local Plan. This was due to the economic and wider impacts of the COVID 19 pandemic and the Government's proposed amendments to the standard housing methodology.
- 1.11 Work re-commenced following confirmation of changes to the Government's housing methodology at the end of 2020. The Council updated its evidence base to re-establish Warrington's future development needs and subsequently re-assessed the Plan's spatial strategy and potential allocation sites.
- 1.12 Having undertaken this work and considered in detail the key issues raised from the previous consultation, the Council is proposing a number of significant changes from the previous Proposed Submission Version Local Plan (2019). A summary of those changes is provided below:
- A reduction in new housing from 945 a year over 20 years, to 816 a year over a reduced plan period of 18 years (2021-2038 inclusive).
 - Proposals for 580 hectares to be removed from the Green Belt for development. This equates to 5% of Green Belt land in the borough and is significantly lower than the 1,210 hectares proposed in the previous Plan, which equated to 11% of the total amount of Green Belt.
 - The removal of the residential allocations at the South West Urban Extension (1,600 homes), Phipps Lane in Burtonwood Village (160 homes), and Massey Brook Lane in Lymm (60 homes) from the Plan.
 - Moving away from the Garden Suburb concept in South Warrington (4,200 new homes in the plan period), and instead including new proposals for a South East Warrington Urban Extension, with a reduced allocation of 2,400 new homes during the plan period.
 - The removal of Port Warrington (75ha employment land) and the Business Hub (25ha employment land) from the plan.

- The inclusion of the Fiddler's Ferry site in the Plan, with the closure of the power station in March 2020 giving us the opportunity to bring the site into the allocation this time.

1.13 Given the scale of changes being proposed, the Council has prepared an updated WPSBLP for a six-week consultation between Monday 4 October 2021 and Monday 15 November 2021.

1.14 A new Local Development Scheme ("LDS") was approved by the Council's cabinet on 13 September 2021. The updated LDS sets out a detailed programme for the review of the Local Plan and confirms that once this consultation has ended, the Council will review all of the representations prior to submitting the Plan for Examination in Public ("EiP") to be carried out by an Independent Inspector. It is anticipated that the earliest date for the EiP will be summer 2022 and that the Local Plan will be adopted by July 2023.

2. MEETING HOUSING NEEDS AND GREEN BELT RELEASE

Meeting Housing Needs

- 2.1 Housing need is an unconstrained assessment of the number of homes needed in an area. Assessing housing need is the first step in the process of deciding how many homes need to be planned for.
- 2.2 At a national level, the Framework supports the Government's objective to significantly boost housing supply. To support this objective, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay (paragraph 60 of the Framework).
- 2.3 Paragraph 61 states that to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in the Planning Practice Guidance ("PPG") – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.
- 2.4 The PPG in relation to Housing Need Assessments was revised in July 2018, again in September 2018 and most recently in February 2019. The revised PPG (paragraph 4) sets out the standard methodology for calculating a minimum annual local housing need figure which includes a four-step process; (1) setting the baseline, (2) adjustments to take account of affordability, (3) capping the level of any increase and (4) cities and urban centres uplift.
- 2.5 The standard method for assessing local housing need provides a minimum starting point in determining the number of homes needed in area. It does not attempt to predict the impact that future Government policies, changing economic circumstances or other factors might have on demographic behaviour. Therefore, there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method indicates (paragraph 10 of the PPG).
- 2.6 Richborough Estates object to the use of the Government's standard method to calculate housing need. The Borough is a buoyant location for employment uses given its location in close proximity to the strategic motorway network and the Council set out at Table 6 of the WPSVLP that they have an employment land requirement of 316.26ha against an identified supply of 308.58ha. Richborough raise concerns that by adopting the SOAN figure, which is based on affordability, the Council will be unable to deliver sufficient housing to meet the employment requirement.

- 2.7 Richborough also suggest that if the Council wants to meet its affordable housing needs, it will need to push a higher overall housing requirement than the SOAN currently calculates.

Five Year Housing Land Supply

- 2.8 In accordance with paragraph 74 of the Framework, the borough's deliverable housing supply is calculated against its local housing need. Paragraph 74 requires strategic policies to include a trajectory illustrating the expected rate of housing delivery over the plan period and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:
- a) 5% to ensure choice and competition in the market for land; or
 - b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
 - c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.
- 2.9 The Local Housing Needs Assessment (August 2021) sets out that the forecast delivery over the period 2021/22 – 2025/26 is 3,419 dwellings, a shortfall of 660 against an annual housing need figure of 816 dpa over the period (or a five year housing land supply "5YHLS" of 4.19 years). On account of falling short of the required number of homes, the 5YHLS is also subject to a 20% buffer. The Council would therefore need to an additional 1.81 years of supply (or 1,477 dwellings) to meet its housing land supply requirements in accordance with paragraph 74 of the Framework. Taking into account the current pipeline (as evidenced in the SHLAA) means that the Council is not able to meet the 816 dpa target in the short, medium or longer term unless land is released from the Green Belt.
- 2.10 Paragraphs 4.1.15 – 4.1.22 of the WPSVLP sets out the housing distribution and trajectory but it is unclear whether the Council are stating that they will have a 5YHLS upon adoption of the plan. Therefore, Richborough reserve the right to comment on 5YHLS matters at EiP stage should further documents be published.

- 2.11 Warrington's Local Plan must ensure that sufficient homes are delivered to support the growth of Warrington over the plan period and that the type of homes delivered meet the needs of all the Borough's existing and future communities.
- 2.12 **Draft Objective W1** and **Draft Policy DEV1** of the WPSVLP set out a clear and immediate need for housing in Warrington and identify a net minimum requirement for **14,688** new dwellings over an 18-year delivery period (2021 – 2038), equivalent to 816 dwellings per annum ("dpa"). **Draft Policy DEV1** ('Housing Delivery') sets out the trajectory as to how the housing requirement will be delivered:
- 2021 to 2025 (first 5 years) – 678 homes per annum
 - 2026 to 2038 (years 6-18) – 870 homes per annum
- 2.13 The target of 816 homes per annum over the Plan period has been established through the LPA's Local Housing Needs Assessment (2021) and is in line with the Government's standard method which is based on the 2014 household projections. Table 1 of the WPSVLP sets out the land requirements over the Plan period and includes provision for flexibility in addition to the overall land supply to allow for market choice and in the event that specific sites do not come forward. The Council has used a benchmark of 10% which it considers provides sufficient flexibility in the context of the Plan's proposed housing land supply.
- 2.14 Draft Policy DEV1 seeks to deliver the majority of new homes within the existing main urban area of Warrington, the existing inset settlements and other sites identified in the Council's Strategic Housing Land Availability Assessment ("SHLAA"). However, the WPSVLP does also identify sites which will be removed from the Green Belt and allocated for residential development (totalling 4,020 to be delivered in the plan period) including:
- South East Warrington Urban Extension – minimum of 4,200 homes of which a minimum of 2,400 homes will be delivered in the Plan Period;
 - Land at Fiddlers Ferry – minimum of 1,760 homes of which 1,310 will be delivered in the plan period as part of a wider mixed use development;
 - Thelwall Heys – minimum of 310 homes will be delivered in the plan period.
- 2.15 Since the previous version of the WPSVLP, the Council has removed the South West Warrington Urban Extension (1,600 homes), Phipps Lane in Burtonwood Village (160 homes) and Massey Brook Lane in Lymm (60 homes) from the Plan. The Council has moved away from the Garden Suburb concept in South Warrington (4,200 homes in the plan period), and instead includes a new proposal for a South East Warrington Urban Extension, with a reduced allocation of 2,400 homes in the plan period.

- 2.16 Richborough Estates support the removal of the South West Warrington Urban Extension and the South Warrington Garden Suburb from the WPSVLP but suggest that there still remains a reliance on other large sites to meet the Borough's housing need. Although some short-term delivery can be expected, these large sites at South East Warrington and Fiddlers Ferry will take several years to begin delivering significant numbers due to the infrastructure required to facilitate such development and in the case of Fiddlers Ferry, site works required to make good the former power station use.
- 2.17 In addition, Draft Policy MDA3.2 – Fiddlers Ferry requires the landowner to prepare a comprehensive Development Framework for the site. The Development Framework will need to be agreed with the Council in advance of planning applications being submitted. The Development Framework will need to include (a) a comprehensive spatial masterplan for the entire development, (b) comprehensive infrastructure delivery strategy for the development and (c) an allocation wide approach to infrastructure funding. Our experience of such exercises is that there is a 1-2 year time lag for the preparation of such complex documents which means it could be 2025 before a Development Framework is agreed (based on adoption of the Local Plan in 2023) and 2028 before any housing is delivered. The Council's Strategic Housing Land Availability Assessment 2020 (Table 2.2) sets out a lead in time of 3 years for sites with outline planning permission over 150 dwellings.
- 2.18 Draft Policy DEV 1(5 and 6) relate to housing density. The policy requires at least 130 dwellings per hectare ("dph") on sites that are within the defined Town Centre of Warrington, at least 50 dph on sites that are within the wider Town Masterplan area and sites adjacent to a district centre or in other locations that are well served by frequent bus or train services; and at least 30 dph on other sites that are within the existing urban area. Densities of less 30 dph will only be appropriate where they are necessary to achieve a clear planning objective, such as avoiding harm to the character or appearance of an area.
- 2.19 Richborough suggest that achieving the stated densities within the Town Centre and urban areas whilst complying with the nationally prescribed space standards, Building Regulation Standard M4(2) 'Accessible and Adaptable Dwellings' and M4(3) Wheelchair User Dwellings will be challenging.

Urban Capacity Analysis

- 2.20 Asteer Planning has not carried out an in-depth analysis of Warrington's Urban Capacity Study 2019 ("UCS 2019") or the methodology in which WBC have used to identify their urban capacity however a high-level review has been undertaken. The 2019 UCS indicated that Town Centre Masterplanning Areas will account for delivering 6,549 dwellings out of the 13,729 identified for the total urban

capacity in Warrington. The Council has not updated the UCS as part of its review of evidence base documents. However, the Council has prepared a revised SHLAA 2020 which has integrated the Council's urban capacity work into the land supply for the first time and now includes all of the sites contained in the Town Centre Masterplan (2020) that it considers are/will become available within the next 15 years. Richborough Estates note that the SHLAA only looks ahead by 15 years and has a base date of 1 year before the start of the Plan. The Council has not provided sufficient and robust evidence to demonstrate the supply of the urban area.

- 2.21 Draft Policy DEV1 identifies an updated urban capacity figure of 11,785 dwellings. The SHLAA does not provide a breakdown of the spatial distribution of the 11,785 dwellings however the Housing Trajectory enclosed at Appendix 1 of the WPSVLP states that the Wider Urban Area will deliver 1,040 new homes in 2021/22 (78% of the total trajectory) and 2,244 (55%) of all new homes in years 1-5 of the Plan. Richborough Estates request that the Council publishes a more transparent trajectory of the urban capacity supply by site.
- 2.22 Paragraph 76 of the Framework states that to maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the housing requirement over the previous three years, the authority should prepare an action plan to assess the causes of under delivery and identify actions to increase delivery in future years.
- 2.23 Richborough Estates emphasise that Warrington has not met its housing requirement for the last three years. As at January 2020, WBC had a housing delivery rate of 55% over the first monitoring period. This is substantially below the national requirement and Richborough expresses significant concerns that the Council can deliver 1,328 homes in 2021/22, 1,040 of which form part of the urban capacity. If, based on previous performance, the Council only delivered 55% of the housing requirement for 2021/22 this would be 664 units, well below the trajectory. This would result in additional Green Belt land being required to deliver the Council's housing requirement. Housing delivery figures have not yet been published for 2021 and therefore Richborough reserve the right to comment at EiP stage should documents be published.
- 2.24 The Council's SHLAA (2020) also comments on densities and confirms that in appropriate locations within the Town Centre a density of 275 dph has been applied, whilst other appropriate locations outside of the town centre but within Inner Warrington propose a density of 130 dph. Appendix 4 of the SHLAA provides justification for high density development by setting out a table of planning permissions and pending applications. Richborough Estates suggest that whilst the Council has

consented some high-density schemes, the most recent planning permission¹ at Appendix 4 is from 2018 and achieved a density of 150 dph. The Council's own evidence base does not identify any planning permissions in the last 2 years which have achieved high density development. Richborough Estates therefore raise concerns with the Council's approach to the urban capacity assessment because the Council has not evidenced a recent track record of delivering high density development in the Town Centre.

- 2.25 Further, by allocating a high level of the housing requirement to the urban areas, the Council are placing a significant reliance on high density apartment blocks yet many of the town centre locations do not have the infrastructure to create an attractive community where people want to live and work. The target market for this type of development is predominantly those who have just left university and young professionals. This demographic generally has higher wages than the average renter and can therefore afford to rent accommodation in City Centre locations. It is unlikely that such individuals would choose to locate themselves in Warrington when they are in such close proximity to Manchester, Liverpool and Chester, all of which have an existing university population and social infrastructure to support their lifestyle.
- 2.26 Warrington has also struggled to compete with neighbouring City Centres such as Manchester, Liverpool and Chester in terms of rental values. As a result of this many of the Built to Rent and Private Rental Sector operators are unable to deliver viable schemes in Warrington unless greater levels of Government funding can be secured. Further, there has been limited new residential development in recent years and there is evidence that these types of new build developments face significant viability challenges. For example, the Winwick Street/John Street development by the High Street Group (362 apartments) stopped in July 2021 because the contractor, Noble Construction, fell into administration. At the time of writing, building works have yet to recommence and it remains to be seen whether the development will complete.
- 2.27 In view of the above, Richborough Estates consider that the urban capacity for the Town Centre Masterplanning Area is overstated and is not deliverable within the Plan period. As a result, additional land should be released from the Green Belt for housing. The site at Cherry Lane Farm is available now and should be released from the Green Belt to assist the Council in meeting its housing requirement.
- 2.28 Richborough Estates comments on the Town Centre sites are provided below.

¹ LPA reference 2018/32301 – 107, Sankey Street, Warrington

Warrington Waterfront

2.29 Warrington Waterfront (“WW”) is proposed for allocation under draft policy MD 1 of the WPSVLP and is identified as being capable of accommodating 1,335 dwellings (1,070 of which will be delivered in the plan period). Richborough Estates welcomes the decrease in dwellings from the previous WPSVLP (2,000).

2.30 However, Richborough still suggest that WBC is relying heavily on this site as a key site for the delivery of housing within the urban area. WW faces a range of constraints primarily with access and flood risk. In terms of access, the delivery of the site relies on key infrastructure projects being completed, namely the Warrington Western Link Road and cannot be delivered without this project. The link road would connect the A56 to the A57 and must cross Sankey Brook, the St Helens Canal, the Mersey, the railway line and the Manchester Ship Canal. The Western Link Road currently has a funding gap of £70.21 million², and which the Council is intending to borrow to finance the scheme and then repay through the ‘ringfencing’ of New Homes Bonus, Community Infrastructure Levy (“CIL”) monies and National Non-Domestic Rates from developments within the Waterfront Area. Draft policy MD1, clearly indicates how critical the Western Link Road is to the delivery of WW and at point 7 the policy states:

“8. No development will be permitted until funding has been secured and a programme of delivery has been confirmed for the Western Link.”

2.31 There are no guarantees that the Western Link Road will come forward. An Environmental Impact Assessment Scoping Opinion was determined in January 2020 but no planning application has been submitted for the link road. In our experience, planning applications for large scale infrastructure such as this are complex and can take a number of years to be approved. For example, the Middlewich Eastern Bypass in Cheshire East took three years to secure planning permission (most recent approvals in 2021) and development is still yet to commence. The Congleton Link Road, also in Cheshire East, was granted planning permission in 2016 but the road did not open until five years later in March 2021.

2.32 The Council has committed to financing the £70m funding gap and will recover monies through CIL however the Council does not currently have a CIL charging schedule in place and Draft Policy MD1.1 does not include a requirement for homes within WW to provide a financial contribution towards the link road. Given that the link road does not currently have planning permission and the business case

² https://www.warrington.gov.uk/sites/default/files/2019-09/western_link_-_outline_business_case_-_financial_case.pdf (pages 17 and 18)

has not been endorsed by Government, it is not realistic to state that 1,070 residential units would be delivered on this site. WW does not presently represent a realistic and deliverable option for bringing forward significant residential development (1,070 units).

- 2.33 The delivery of housing in this area is dependent on a complex infrastructure project coming forward. On this basis Richborough Estates is of the view that until definitive confirmation can be provided that the Western Link Road has secured funding and is deliverable, the 1,070 dwellings anticipated to come forward in the Waterfront Area cannot be relied upon to meet Warrington's future housing requirements. Because of this, Richborough Estates propose that draft policy MD 1 is amended to remove the requirement for 1,070 new homes and that alternative sites elsewhere in the Borough are proposed for housing allocation to make up the shortfall. The amendment to draft policy MD1 to remove the requirement for 1,070 new homes would require additional Green Belt sites to be identified for housing allocation to assist the Council in meeting its housing requirements in full.

The Southern Gateway Area

- 2.34 The Southern Gateway Area ("SGA") is identified as being part of the Town Centre Masterplanning Area and is included in the Council's urban capacity figures. SGA is envisaged as a vibrant primarily residential area comprising of around 1,300 dwellings (source Warrington City Centre Masterplan 2017). Five of the principle sites in the area (sites I1 – I5) are identified in the Council's SHLAA 2020 under two parcels; references 2482 (127 dwellings) and 2677 (estimated to be 130 dwellings, based on developable area). Parcel 2677 is the Riverside Retail Park and is identified as being 'constrained' in the SHLAA 2020 and should be reviewed annually. The SHLAA does not refer to this site being developable and gives no indication that this site is a realistic proposition for development. Both parcels have significant constraints including contaminated land and issues with flood risk being in Flood Zones 2 and 3. In addition neither parcel is currently being promoted by a developer.
- 2.35 Both parcels form part of the retail park and have a number of occupied buildings with retail uses within, some of which are on a large scale. Typically, these types of occupier's demand / commit to a long-term lease and so the prospects of this site becoming available certainly in the short term or within this plan period is unlikely. The Warrington Character Area Plan shows the whole of this area as being redeveloped. Based on a review of sites I1 – I5 in the SHLAA 2018 and the nature of the current use on site, there are no firm proposals in place for the delivery of the stated quantum of residential dwellings and Richborough Estates therefore have serious reservations that the full 1,300 dwellings will be delivered within the Plan period. We have demonstrated at the very least that approximately 257 units will not be deliverable based on a review of the Council's own evidence base contained in its SHLAA 2020.

Draft Policy DEV2

- 2.36 Draft Policy DEV 2 of the WPSVLP sets out the Borough's housing requirements in order to meet the identified need over the plan period. Draft Policy DEV 2 requires residential developments³ to provide 20% affordable housing on sites within Inner Warrington, inclusive of the Town Centre and 30% affordable housing elsewhere in the Borough and on all greenfield sites irrespective of their location. Where 30% affordable housing provision is made, affordable home ownership should account for one third of the total affordable housing units, with two thirds being affordable housing for rent.
- 2.37 Richborough Estates do not object to the principle of draft Policy DEV 2, but would like to make the following comments:
- i. Richborough Estates object to DEV 2 (14) which requires all dwellings to have an appropriate outdoor amenity space. The policy is entirely subjective, is not clear or precise and is not based on proportionate evidence. On this basis DEV2 (14) is not justified and should be removed from the WPSVLP in accordance with paragraph 35 of the Framework;
 - ii. Richborough Estates generally support DEV 2 (15 and 16) which relate to accessibility standards and fully support DEV (17) which requires the standards to be subject to technical and viability assessments.
 - iii. Richborough Estates are committed to delivering a wide range of house types the mix of which will be informed by market requirements and discussed with Officers at the planning application stage. Richborough welcome the amendments to Draft Policy DEV 2 (18) which relates to housing for older people and support the removal of the 20% requirement on all residential developments of 10 dwellings or more.

Summary

- 2.38 In summary, Asteer Planning has not assessed all the sites within the urban area which have been identified to deliver housing within the Plan period as part of Warrington's UCS 2019. As has been demonstrated above, the delivery of a minimum of 1,327 dwellings in the Town Centre Masterplanning Area is overstated and is not deliverable. However we expect this number to increase because the Council has overstated the densities within the Town Centre area. It is therefore requested that part 2 of draft Policy DEV1 is amended to reduce the identified deliverable capacity for a minimum of 11,785 new homes which the Council has identified as being deliverable within the main urban area of Warrington, existing settlements and other sites identified in the Councils SHLAA.

³ WPSVLP Policy DEV 2' "in residential development of 10 dwellings or more, or with a gross floor area of greater than 1,000 sqm, affordable housing will be required..."

- 2.39 The Council through its Duty to Co-operate Statement (2021) has highlighted that discussions with neighbouring authorities have been undertaken and that it is highly unlikely that any neighbouring authorities will be able to meet WBC's need for housing. Rather, all of the Council's neighbouring authorities are releasing Green Belt land to meet their own housing needs.
- 2.40 On the basis that Warrington's urban capacity is overstated and should be reduced by at least 1,327 dwellings and that there is no possibility of the Council's neighbouring authorities meeting this need, further sustainable sites within the Green Belt are required to ensure that Warrington meets its housing requirements in full within the Plan period.
- 2.41 Further the Council's Housing Trajectory⁴ is hugely dependant on the delivery of sites within the Wider Urban Area. In the first five years of the plan 2,244 of the 4,071 homes (55%) are set to be delivered in the Wider Urban Area, where a number of sites have significant infrastructure and delivery challenges.
- 2.42 Should the Council fail to proactively address the issues identified above, the WPSVLP is unsound in accordance with paragraph 35 of the Framework for the following reasons:
- i. The plan will not be positively prepared as the Council will not meet the housing need in full;
 - ii. The plan will not be justified because it is not based upon the most appropriate strategy. Additional land from the Green Belt is required to be released to enable the Council to meet its housing requirements in full;
 - iii. The plan will not be effective because it relies on housing sites to meet its housing requirements in full that are not deliverable over the plan period; and
 - iv. The plan will not be consistent with national planning policy for the reasons set out above.

⁴ Appendix 1 (page 271) of the WPSVLP (2021)

3. LOCATION OF GREEN BELT RELEASE

- 3.1 Warrington's Green Belt was designated in 1979 and largely remains the same today save for minor changes introduced by the UDP. The Green Belt shrink wraps the urban area because it was based upon out-of-date maximum housing requirements which were required at the time the Green Belt designation was made. In accordance with national planning policy, housing requirements are now minimum requirements and as Warrington's Green Belt boundary has seen only minor amendments since it was first established in 1979 there is a clear need to review the Green Belt boundaries in the emerging Local Plan to ensure that Warrington's maximum housing requirements can be delivered in full.
- 3.2 Paragraph 140 of the Framework relates to Green Belt states that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.
- 3.3 Paragraph 141 states that before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph (142), and whether the strategy:
- a) makes as much use as possible of suitable brownfield sites and underutilised land;
 - i. WBC has undertaken extensive masterplanning work to try to unlock significant additional urban capacity over and above that identified in the Council's Brownfield Register and SHLAA. An Urban Capacity Study was prepared by WBC in 2016, updated in 2017 and 2019. In identifying land to meet Warrington's need for housing and employment, the Council has sought to maximise the capacity of the existing area to accommodate new development, in order to demonstrate that all reasonable options have been identified for meeting development requirements before releasing Green Belt.
 - ii. The urban capacity figure is a product of the updated SHLAA (2020) figure and the updated masterplanning work undertaken in partnership

with Warrington & Co. Table 1 of the WPSVLP sets out an urban capacity of 11,785 dwellings over the plan period. Richborough Estates have concerns with this figure and its deliverability because the densities assumed are very high and brownfield land can have technical and viability challenges which can slow down the delivery of housing.

b) optimises the density of development in line with the policies in Chapter 11 of the Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport;

iii. WBC has reviewed its density assumptions for the Town Centre and Inner Warrington and is reviewing residential parking standards, recognising the potential for high density development in these locations. The Council is proposing minimum density requirements for the Town Centre, sites adjacent to a district centre or in other locations that are well served by frequent bus or train services, and on other sites within an existing urban area. The proposed housing allocations are also subject to density requirements. It is clear from the Council's evidence base that through the review of the density requirements that Green Belt release is required to meet the Council's housing need in full.

c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.

iv. WBC has confirmed that no neighbouring authorities are able to meet any of Warrington's housing development needs, which is evidenced in the Council's Duty to Cooperate Statement, September 2021. It is also apparent that all of Warrington's neighbouring authorities are having to release Green Belt themselves to meet their own development needs. Furthermore, the Greater Manchester Spatial Framework ("GMSF") not being taken forward a new plan now being prepared is generating additional pressure on Warrington.

3.4 WBC has therefore demonstrated that in order to meet its development needs exceptional circumstances exist for Green Belt release. Richborough Estates strongly agree with WBC

that exceptional circumstances exist to justify the release of Green belt land for development, in line with paragraph 140 of the Framework.

- 3.5 It has been demonstrated that considerably more housing in the Green Belt is, in fact, required in sustainable locations. As demonstrated above, the WPSVLP relies too heavily on the delivery of housing within the existing urban area. Not all sites identified for housing in the urban area are deliverable, the Council has overstated the densities for the Town Centre and based upon our high-level review of the Town Centre Masterplanning Area, at least 1,327 dwellings identified for housing in the plan are not deliverable.
- 3.6 In light of this, Richborough Estates propose that additional Green Belt land should be released and allocated for housing to accommodate at least a further 1,327 new homes and to ensure that the requirements of OBJ1 and DEV1 can be met in full. To achieve this, amendments are required to the following draft policies.
- i. Draft policy DEV1 (Part 2) – to reduce the overreliance on the capacity of the urban area. Draft policy DEV1 currently states that the urban capacity will deliver a minimum of 11,785 new homes. This urban capacity should reduce by at least 1,327 new dwellings for the reasons set out above;
 - ii. Draft policy DEV1 (Part 4) – additional Green Belt land should be identified adjacent to the outlying settlements to address the shortfall of capacity in the urban area. Currently, draft Policy DEV1 identifies that the level of Green Belt land to be released would deliver a minimum of 801 new homes. It is proposed that this amount should increase by at least 1,327 new dwellings and that the most sustainable outlying settlements, such as Lymm, should receive the majority of this growth.
- 3.7 The WPSVLP establishes that in order to meet Warrington’s development needs, land for housing will need to be released from the Green Belt to provide approximately 4,821 new homes.
- 3.8 Draft Policy DEV1 identifies South East Warrington SUE to be removed from the Green Belt which would provide 2,400 new homes in the plan period. Draft Policy DEV1 also identifies Fiddlers Ferry as delivering 1,310 homes within the plan period and Thelwall Heys to deliver 310 new homes in the plan period.

- 3.9 In addition to the above, a minimum of 801 homes are proposed to be delivered on allocated sites to be removed from the Green Belt adjacent to the following outlying settlements:
- Croft – minimum of 75 homes
 - Culcheth – minimum of 200 homes
 - Hollins Green -minimum of 90 homes
 - Lymm – minimum of 306 homes
 - Winwick – minimum of 130 homes
- 3.10 As demonstrated above, Richborough Estates strongly support the principle of Green Belt release for housing. However, Richborough Estates has raised concerns on the amount of housing the Council has assumed will be delivered within the urban area which Richborough considers to be overstated because of deliverability issues at some of the sites in the Town Centre Masterplanning Area.
- 3.11 Richborough Estates propose that additional land should be identified for Green Belt release adjacent to the outlying settlements. The most appropriate location is accessible land which adjoins existing sustainable settlements with access to existing services.
- 3.12 Lymm is one of the largest and most sustainable settlements in the Borough with a wide range of existing facilities and services and access to the strategic highway network and therefore it is proposed that additional Green Belt land is released at Lymm to ensure that the Council can meet its housing requirements in full. The release of additional small and medium housing sites will also improve the delivery of housing in the short term and will boost the Councils 5-year housing land supply.

Green Belt Release at Lymm

- 3.13 The following sites have been identified by the WPSVLP in Lymm to deliver a minimum of 306 new homes, all of which are identified for delivery in full within the first 10 years of the Plan period:
- Pool Lane/Warrington Road – minimum of 170 homes; and
 - Rushgreen Road – minimum of 136 homes.
- 3.14 The site at Massey Brook Lane has been removed from the Plan because it is no longer available and the site promoter and landowner requested that the site is withdrawn from

the local plan process. The sites at Pool Lane and Warrington Road have been combined into one allocation.

- 3.15 In addition to the concerns raised by Richborough Estates in relation to the overreliance of sites within the urban area, Richborough Estates also raise significant concerns in relation to the site selection process for identifying sites for Green Belt release.
- 3.16 The Development Options and Site Assessment Technical Report (March 2019) states that a large number of sites in proximity to the outlying settlements were submitted as part of the Local Plan 'call for sites' and during the PDO consultation. The submitted sites had many times the capacity of the number of homes required to support the Plan's proposed spatial development strategy of 'incremental growth' in the outlying settlements. The Council therefore adopted a site selection methodology to confirm the sites proposed to be allocated in the WPSVLP. The Council discounted sites making a strong contribution to the Green Belt and those located within Flood Zone 3b.
- 3.17 Richborough Estates have continually raised concerns in relation to the conclusions of the Green Belt Assessment ("GBA") which appear fundamentally unjustified and inconsistent with regards to the Lymm Green Belt. Richborough Estates has significant concerns regarding the site selection process and the rejection of those sites from making a 'strong' contribution to the Green Belt, such as Land at Cherry Lane Farm. Richborough Estates own Green Belt assessment, which is provided at **Appendix 2** concludes that the Cherry Lane Farm site makes a weak contribution to the Green Belt and therefore should have been considered as part of the Council's site selection process.
- 3.18 Richborough Estates also question why an updated assessment of Green Belt sites has not been undertaken as part of the recent evidence base. The site at Cherry Lane does not feature in the updated Site Assessments and given the Council undertook a full review of the Local Plan, the site at Cherry Lane should have re-assessed as part of that process.
- 3.19 Further, Richborough Estates have significant concerns regarding the site Pool Lane/Warrington Road for the following reasons:

Draft Policy OS4 – Lymm (Pool Lane/Warrington Road)

- 3.20 This site at Warrington Road is bound by Warrington Road, the Trans-Pennine Trail and Statham Community Primary School. Pool Lane is bounded by Oldfield Road and

Warrington Road. Draft Policy OS4 seeks to remove the sites from the Green Belt and allocate the site for 170 homes.

- 3.21 Richborough Estates has previously raised concerns about the flood risk status of these sites. Paragraph 162 of the Framework states:

“The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding”.

- 3.22 WBC has proposed to remove the Warrington Road and Pool Lane sites from the Green Belt and allocate them for housing. The site at Warrington Road is now in Flood Zone 1 however approximately 50% of the site at Pool Lane remains in Flood Zone 2 and 3. Richborough Estates consider that the sequential assessment has not been appropriately applied because there are reasonably available sites appropriate for housing development in areas with a lower risk of flooding, such as Cherry Lane Farm, which sites entirely within Flood Zone 1.

- 3.23 As defined by the Framework (paragraph 162), the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

- 3.24 Cherry Lane Farm is located entirely within Flood Zone 1 (low probability of flooding) meaning that all of the development proposed (170 units with associated access) can be delivered safely within an area at the lowest risk of flooding. The site is available for development now and is appropriate for housing. As demonstrated in the following sections of this report, there are no physical and/or environmental considerations which would prevent the development of Cherry Lane Farm. The reason WBC discounted Cherry Lane Farm as being as reasonably available is likely because of the conclusions of the GBA which identified the site as making a strong contribution to the Green Belt and therefore did not form part of the Council's site selection process. Richborough Estates strongly object to the conclusions of the GBA as set out in the following section of this report. The Council has prioritised a site partly within the floodplain over a site they

perceive to have some Green Belt merit. Such an approach of significantly elevating a subjective Green Belt judgement over a technical assessment risk (potentially to human health) would appear perverse.

- 3.25 Richborough Estates object to the Council's site selection process and the proposed allocation of Warrington Road and Pool Lane (OS4) for housing on the basis that there are sequentially preferable sites in Lymm. WBC has therefore failed to meet the policy requirements of the Framework in relation to managing flood risk.

Summary

- 3.26 Richborough Estates strongly support the principle of Green Belt release to meet Warrington's development needs. Furthermore, Richborough Estates consider that additional Green Belt release is required to meet Warrington's housing requirements in full given the concerns that have been highlighted about the overreliance and deliverability of sites within the urban area.
- 3.27 Richborough Estates also have detailed concerns over the Council's site selection process for the outlying settlements and have demonstrated that the other proposed allocation in Lymm should be removed from the Local Plan and replaced with more appropriate and deliverable housing sites to ensure that the Local Plan is sound.
- 3.28 It has been demonstrated that WBC has not appropriately applied the sequential assessment required by paragraph 161 of the Framework. The site at Pool Lane is located in Flood Zones 2 and 3 and there are reasonably available sites appropriate for housing development in areas with a lower risk of flooding, such as Cherry Lane Farm which is located in Flood Zone 1. On this basis, Cherry Lane Farm is a sequentially preferable site.
- 3.29 Richborough Estates propose the following changes to the Local Plan:
- i. Draft Policy OS4 should be removed and replaced with additional alternative deliverable sites because of the flooding issues;
 - ii. A replacement site should be identified for Massey Brook Lane (60 units);
 - iii. One of the new housing allocations at Lymm should be Land at Cherry Lane Farm which can deliver 170 new dwellings. The Plan attached at **Appendix 2 (page 129)** clearly defines the extent of land at the site which Richborough Estates is proposed to be removed from the Green Belt. The Plan shows that only the area of

the site proposed for housing would be removed, with the country park remaining within the Green Belt. The following section of this report demonstrates that the site at Cherry Lane Farm is deliverable.

4. LAND AT CHERRY LANE FARM, LYMM

Site Context

- 4.1 Land at Cherry Lane Farm comprises approximately 12 hectares (ha) of greenfield agricultural land to the south west of Lymm. The site is located outside of but adjacent to the existing settlement boundary. The site comprises 3 agricultural fields. The existing built up area of Lymm is located immediately to the north and west. The site is bounded by existing roads on its eastern, southern and western boundaries.
- 4.2 There are several mature trees scattered across the site and strips of existing landscaping along the northern, eastern and southern boundaries. A hedgerow with scattered trees also partly screens the site from Cherry Lane to the west. The site is currently located wholly within the Green Belt which surrounds Lymm in its entirety. A more detailed description of the area surrounding the site is set out below:
- i. To the north – the northern boundary of the site is formed by the boundary of the existing properties along Hunts Field Close and Lady Acre Close, which are part of the residential estate to the north of the site, which was built out around 1999. In the north eastern corner of the site, the site abuts the boundary of an existing dwelling which fronts onto Lakeside Road.
 - ii. To the east – the eastern boundary of the site is formed by Lakeside Road, to the east of which is Lymm Dam and the woodlands and pathways which surround it. The eastern boundary of the site wraps around the rear gardens of 'Harwolde' and 'Silver How', existing residential properties which front Lakeside Road on its western side. The eastern boundary is also adjacent to the Lymm Conservation Area.
 - iii. To the south – the southern boundary of the site is formed by another road – The Avenue. A row of large detached properties front onto The Avenue all along its southern side. These properties have substantial gardens, south of which are further agricultural fields and the woodland around Bradley Brook.
 - iv. To the west – the western boundary of the site is formed by Cherry Lane (B5158) which connects the site into the centre of Lymm to the north and south to the M6 (Junction 20) and M56 (Junction 9). The northern part of the western boundary wraps around the former Cherry Lane Farm buildings. These have now been converted into residential properties. Land immediately to the west of Cherry Lane

comprises further agricultural fields, and to the north west, existing residential development in Lymm.

Green Belt Assessment

4.3 The site is currently within the existing Green Belt. The Green Belt Assessment (“GBA”) (October 2016) prepared by Arup and updated in 2018 made an assessment of the site at Cherry Lane Farm (reference Parcel LY25) against the five purposes of the Green Belt (paragraph 134 of the Framework). Richborough Estates have set out in previous representations that they have significant concerns over the conclusions of the GBA. Set out below is a summary table which compares the findings of the GBA against Richborough Estates’ assessment which is provided in full in the Development Statement enclosed at Appendix 2.

Green Belt Purpose	Warrington GBA Contribution to GB	Richborough Estates Contribution to GB
To check the unrestricted sprawl of large built-up areas	The parcel is not adjacent to the Warrington urban Area and therefore does not contribute to this purpose. No contribution	Agree with GBA in line with the methodology set out in Section 4 of the GBA. No contribution
To prevent neighbouring towns merging into one another	The parcel does not contribute to preventing towns from merging. No Contribution	Agree with GBA in line with the methodology set out in Section 4 of the GBA. No contribution
To assist in safeguarding the countryside from encroachment	Overall the site makes a strong contribution to safeguarding from encroachment due to its strong degree of openness and non-durable boundaries with the settlement.	It can be acknowledged that by virtue of there being a housing development on a Green Belt site, there is encroachment into the countryside. However, the same is true of any of the

	<p>Strong Contribution</p>	<p>proposed sites to be released from the Green Belt</p> <p>The site represents a well contained parcel of land which is clearly defined by strong, defensible boundaries on all sides which would contain encroachment in the long term if the parcel were developed.</p> <p>The existing residential properties of Tanners Pool to the west of Cherry Lane in the southern area of the site, the recent development of Cherry Lane Farm, and the two existing properties within the south-eastern part of the site also interrupts the feeling of open countryside surrounding the site.</p> <p>There is in fact extremely limited connectivity between the site and the wider countryside both to the east (by virtue of Lymm Dam and the surrounding dense woodland) and to the south (by the existing properties along The Avenue). Furthermore, a country park is proposed as part of the development to the</p>
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		<p>immediate south of the housing area. This land will remain within the Green Belt and will provide a sensitive buffer between the proposed housing and the wider countryside. Whilst there are some views of the parcel from the west these are limited and interrupted by existing vegetation.</p> <p>Weak Contribution</p>
<p>To preserve the setting and special character of historic towns</p>	<p>Lymm is a historic town. The parcel does not cross an important viewpoint of the Parish Church. The entire western boundary of the parcel lies adjacent to the Lymm Conservation Area. Therefore, the parcel makes a strong contribution to preserving the setting and special character of historic towns.</p> <p>Strong Contribution</p>	<p>Just because the eastern boundary of the site adjoins the Lymm Conservation Area does not mean that the site makes a moderate contribution to this purpose. The Conservation Area is heavily screened by an existing and mature landscape framework along its eastern boundary with Lymm Dam. Furthermore, the character of the area includes existing housing to the immediate north of the site which adjoins the Conservation Area. Indeed, some of the existing housing to the north encroaches Lakeside Road and therefore has an even closer relationship and impact on the Lymm Conservation Area.</p>

		Weak/Moderate Contribution
To assist in urban regeneration, by encouraging the recycling of derelict and other urban land	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. Moderate Contribution	All Green Belt has the potential to make a strategic contribution to urban regeneration by restricting the land available for development and encouraging development in urban sites. As such, different parcels of Green Belt land around settlements will have the same contribution towards this purpose. Richborough Estates welcome the recognition of this in the GBA which assesses all sites in Lymm as having the same level of contribution towards this purpose. Moderate Contribution
Overall	Strong Contribution	Weak Contribution

4.4 Richborough Estates’ assessment considers the site on its own merits and its contribution to the Green Belt and the conclusions for the reasons set out above, is that the land has a ‘weak contribution’ to the Green Belt. The Council’s overall conclusion that the site has a strong contribution to the Green Belt is flawed because it only identifies the site as making a strong contribution to 2 of the 5 purposes, with 1 purpose identified as having a moderate contribution and 2 purposes have no contribution. Even by using the Council’s own assessment, the site should have been scored as an overall moderate contribution to the Green Belt and if it had done so the site would have formed part of the Local Plan site selection process.

- 4.5 Notwithstanding the above, Richborough Estates Green Belt Assessment concludes that the site has an overall weak contribution to the Green Belt which further promotes the site as a suitable and appropriate site for Green Belt release and housing allocation. In light of the above, the site selection process followed by the Council is not sound because it is not justified and has not taken into account reasonable alternatives

Green Belt Openness

- 4.6 Richborough Estates has sought the advice of Tyler Grange ("TG") in respect of the contribution the site currently makes to the openness of the Green Belt.
- 4.7 The site comprises 3 agricultural fields separated by established boundary hedgerows. It adjoins Cherry Lane to the west, The Avenue to the south, Lakeside Road to the east and the settlement edge of Lymm to the north. There is existing residential development adjoining the northern, southern and north western boundaries of the site, and two further residential properties located along the south eastern side of the site.
- 4.8 The site and its surroundings are located on relatively low-lying land, with the topography of the site ranging from around 42m by Lakeside Road to around 48m on the north western boundary. The surrounding landscape is also low lying and gently undulating with only a few localised exceptions where it rises above 50m.
- 4.9 As a result of the nature of the low lying, gently undulating topography, the strength of vegetation and existence of settlement and built form (either adjoining or in close proximity to the site) visibility of the site is highly restricted with views being of a close-range nature. Where views of the site are gained, they are from close quarters from the roads that directly adjoin the site (along which the Mersey Valley Timberland Trail runs). The public right of way on the western side of Lymm Dam is set within thick tree cover and so views out towards the site are highly filtered and contained. This tree cover provides a strong treed backdrop to the site from the views that are available from the west. Some of the residential properties which adjoin the site are likely to have views into the site.
- 4.10 Within the Warrington Landscape Assessment - Area 3c (in which the site is located) it states that "The area's topography creates an intimate landscape, often self-enclosed by woodlands and hedgerow trees. Views from the area are therefore less extensive with few internal views of note".

- 4.11 The proposed development (shown on the Updated Illustrative Masterplan (Appendix V)) is set out within the two northern fields with development setbacks against Cherry Lane and Lakeside Road. There is a generous provision of open space incorporated into the layout. The existing internal hedgerows would be retained with two small 'punctures' needing to be created within the central hedge to accommodate the proposed road system. All boundary hedges would be retained and enhanced through appropriate long-term management and supplementary planting as required to gap up and strengthen the hedgerows. There is also opportunities and adequate space to plant native trees along the western boundary.
- 4.12 The southern field will be laid out as open space with the intention that it will become a country park devoid of any built form with access for the local community to enjoy and this is significant benefit of the scheme. The country park would remain within the Green Belt and would provide a sensitive buffer between the proposed development and the wider countryside.
- 4.13 TG conclude that there are no long-range views of the site and no long-range views would be affected or curtailed by the development. The development would only have a highly localised visual effect. The local vegetation pattern and nature of the topography ensure that the development would only be seen at close quarters, primarily from the local roads that directly adjoin the sites boundaries. The site is well connected visually to the existing settlement edge and also to other development beyond.
- 4.14 Therefore, whilst there would be some minor visual effects as a consequence of the development, the perception of the openness of the Green Belt in this location would not be compromised and the openness of the Green Belt would be preserved overall.

5. A DELIVERABLE SITE

- 5.1 Paragraph 68 of the Framework requires strategic policy-making authorities to have a clear understanding of the land available in their area. Planning policies should identify a supply of 'specific, deliverable sites for years one to five of the plan period'. To be considered deliverable, sites for housing should be 'available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. Cherry Lane Farm is deliverable for the following reasons:

Available

- 5.2 The site has been promoted through the Local Plan process since December 2016. Richborough Estates has an agreement with the landowner to actively promote the site for housing development.
- 5.3 Richborough Estates is a strong advocate of a plan-led system and are committed to promoting land for residential development by engaging actively with local authorities, parish councils and other neighbourhood forums through local and neighbourhood plans. They do not routinely pursue speculative planning applications and take great care in early high-quality public consultation to identify local features and any public concerns. Richborough Estates has a proven track record of facilitating the delivery of high-quality housing developments on suitable and sustainable sites and can confirm that the site at Cherry Lane Farm can be delivered for housing within the first five years of the Local Plan.
- 5.4 Cherry Lane Farm is therefore considered to be available in accordance with the requirements as set out in the Framework.

Suitable

- 5.5 Lymm is a tier 2 settlement below Warrington City Centre only and benefits from a wide range of shops and services and is an appropriate location to accommodate a proportion of future housing growth. The site would form a natural extension with the settlement of Lymm and is in a highly sustainable location within walking distance of a variety of services and facilities at Lymm including a food store, public house, doctor's surgery, primary school, and Lymm Dam.

- 5.6 The site could utilise existing infrastructure surrounding the site. As such, there are not considered to be any utilities, drainage or infrastructure constraints that would prevent the site coming forward for development. The site can deliver satisfactory vehicular access from Cherry Lane and can access the strategic highway network without increasing congestion in Lymm village. The site will also deliver a new County Park for use by residents and the local community which would link with Lymm Dam and other recreation networks in the surrounding area.
- 5.7 Cherry Lane Farm is therefore considered to be suitable in accordance with the requirements as set out in the Framework.

Achievable

- 5.8 Richborough Estates commissioned a professional team of consultants to undertake assessment work to underpin the suitability and deliverability of the site. This assessment work has demonstrated that there are no technical, physical or environmental constraints that would prevent housing development from coming forward in this location. A full assessment of these environmental and technical considerations is provided in the Development Statement at Appendix IV and a summary of these assessments is provided below:

Highways and Access

- 5.9 The site is located to the south of Lymm and would be accessed directly via the only road which provides a direct route between Lymm and the M6/ M56 Motorways. The site is therefore unique among all other potential housing sites in Lymm, in that it allows direct access to the strategic road network without the need for traffic to go via the local roads through the centre of the village and/or via the rural road network to the east.
- 5.10 New housing in other parts of Lymm would worsen existing traffic issues. It would add to traffic using the already constrained and congested roads using the centre of Lymm as a through route. Alternatively, traffic travelling east from Lymm, must either use Warburton Lane through Partington to the east, or the B5159 and over the congested Warburton Toll Bridge to connect to the A57/Manchester Road to the north or travel via Mill Lane (the B5169) to the south east of Lymm and via a weight and height restricted tunnel under the Bridgewater Canal.

Ecology

- 5.11 There are no designated sites of nature conservation interest within or adjacent to the site. Given its agricultural use, the habitats within the site are common and of limited value. The site is surrounded by roads on all sides and a residential estate on the other. The opportunities for links to other nearby habitats are therefore also limited. Existing trees and hedgerows will be incorporated into any future development along with appropriate buffers to preserve their value as wildlife habitat.
- 5.12 Opportunities for ecological enhancement would also be incorporated such that there could in fact be a net biodiversity gain as a result of the proposals. Overall, given the nature and location of the site, there are no overriding constraints to its development in terms of ecology and it is considered the site can be delivered in a manner which provides appropriate mitigation and biodiversity enhancements.

Arboriculture

- 5.13 Given the use of the site for agricultural land, it has very limited vegetation other than hedgerows along the boundaries of the site and a number of mature trees and groups of trees within the site and scattered along the boundaries. Rows of poplar trees line the eastern and southern boundaries of the site and are excluded from the site boundary. It is anticipated that existing trees and hedgerows will be retained and incorporated into the scheme wherever possible. Along with substantial new planting, this will help to ensure that new development integrates positively in the surrounding area. Given that the majority of the tree cover on the site is confined to the boundaries, trees on the site are not considered to present a significant constraint to development. It is anticipated development can come forward with only a very limited degree of tree loss.

Heritage and Conservation

- 5.14 There are no designated heritage assets (Listed Buildings, Scheduled Monuments, Registered Battlefields or Parks and Gardens) on the site. Lymm Village Conservation Area abuts the east side of the study site. There are a number of designated heritage assets within 1 kilometre of the site, predominantly in the centre of Lymm. There is a Grade II Listed Bridge over the Brook and Dell at the Head of Lymm Dam, which is situated immediately to the south east of the site.

- 5.15 An Updated Illustrative Masterplan, provided at Appendix V, shows a green buffer along the eastern boundary of the development, with the proposed dwellings set back from the Conservation Area and at a similar rhythm and low-level density as the existing houses along Lakeside Road. This design approach will ensure the character and setting along Lakeside Road adjacent to the Conservation Area is preserved. The Listed Bridge to the south east of the site will not be directly impacted by the proposals. The Avenue and within the south east corner of the site which will help to maintain this view and therefore setting of the Listed Bridge.

Flood Risk

- 5.16 The entire site is located within Flood Risk Zone 1, with reference to the Environment Agency flood maps. Residential development would therefore be entirely acceptable in line with national guidance on flood risk. The site is relatively flat and therefore it is not anticipated there would be any issues with ensuring a residential development on the site could be adequately drained.

Utilities

- 5.17 There are no power lines or public sewers crossing the site which would act as a constraint to development. It is anticipated that residential development on the site will be able to connect to the existing utilities networks which serve the area. The presence of the relevant utilities networks in the area is evident given the residential development to the immediate north of the site which took place around 2000. Further investigations and enquiries would reveal any improvement works or on-site provision deemed necessary.
- 5.18 A review of the economic viability of the site has also been undertaken in terms of land value, attractiveness of the locality and the level of potential market demand. These considerations have been analysed alongside cost factors associated with the redevelopment of the site. Richborough Estates can confirm that the redevelopment of the site (including 30% affordable housing) is viable.
- 5.19 Richborough Estates is confident that when taking all known factors into account the site could be developed for 170 homes in a manner which is contextually appropriate to its setting and represent a natural, sustainable extension to the existing settlement, whilst providing significant social and economic benefits. Cherry Lane Farm is therefore

considered to be achievable in accordance with the requirements as set out in the Framework.

Scheme Benefits

- 5.20 The development of the site for housing would deliver a range of economic, social and environmental benefits.

Economic Role

- 5.21 The development of the site for housing would make a positive contribution to building a strong, responsive and competitive economy, in line with national planning policy. The development will secure the following:
- i. A significant amount of new investment into the local area through the construction process;
 - ii. A substantial contribution towards Council Tax per annum in perpetuity following the scheme's completion;
 - iii. Significant additional spending annually in the local economy from the site's new residents. This could support full time and part time jobs locally;
 - iv. It is anticipated the proposed development will take around 4-5 years to be constructed
 - v. The potential to provide apprenticeships and training opportunities and its suppliers for residents in the local area; and
 - vi. Contribution to building a strong, responsive and competitive economy via the provision of much needed additional open market and affordable homes in the Borough.

Social Role

- 5.22 The development of the site will help to support a strong, vibrant and healthy community through the provision of much-needed market and affordable housing on a site which is in a suitable and sustainable location. The development of the site will allow for a range of housing types, tenures and sizes to be delivered within the locality, contributing positively to the housing mix in the area.
- 5.23 The Updated Illustrative Masterplan also proposes a new country park extended to 4.86 ha and land provided for a new community use building as part of the wider development

for use by the wider community. The development would also deliver a new children's natural play and formal play area ("LEAP").

- 5.24 The Updated Illustrative Masterplan also proposes a car park for wider community use to access the new country park and Lymm Dam. Richborough Estates is also committed to working with local community groups to investigate any improvements which could be delivered to Lymm Dam or the surrounding area. One particular recurring issue is parking problems associated with the Dam and the incorporation of a visitor car park is a direct benefit, not only to the users of the Dam but also those residents who are impacted on by current parking difficulties. The social objective is important in achieving Richborough Estates' aim of leaving a lasting legacy for the communities within which it works.

Environmental Role

- 5.25 The development of the site would create a network of new green space and public open space that can be enjoyed and experienced by both future local residents of the site and by members of the existing local community. The Updated Illustrative Masterplan demonstrates that the development will give consideration to the site's existing landscape features. The country park will remain in the Green Belt and will create a new strong and defensible Green Belt boundary to the south of the settlement. As stated above, given the position and location of the site, the development will not lead to an increase in traffic congestion in Lymm village as the strategic highway network can be accessed directly from Cherry Lane.

Summary

- 5.26 This section has demonstrated that the site is suitable, available and achievable and can deliver residential development within the first five years of the Plan period. It has also been demonstrated that there are a series of compelling social, economic and environmental benefits which would be secured through the development of the site for housing. These benefits would be enjoyed by both future residents of the development and existing members of the wider community and include:
- 170 new homes in Lymm;
 - 30% affordable housing;
 - 4.86ha of land for a new country park;
 - car parking facilities for the new country park and Lymm Dam;
 - land provided for a new community building;

- a new children's play area;
- biodiversity net gain;
- locating new housing away from the flood plain; and
- Increases in Council Tax revenues, local spending and job creation.

6. A SUSTAINABLE LOCATION

- 6.1 Chapter 6 of the Development Statement (enclosed at **Appendix 2**) sets out the site's sustainability credentials.
- 6.2 The site is in a highly sustainable location, with a wide variety of services and facilities available within a short walking and cycling distance of the site and can therefore be considered an appropriate location for residential development.
- 6.3 A summary is provided below:

- i. **Retail and other facilities** - A Co-operative Food Store and The Crown Pub are located at the junction of the A56/ Booth's Hill Road and Cherry Lane, approximately 700 metres to the north of the site. Lymm Village Centre is located further east along Booth's Hill Road and Eagle Brow, approximately 1,200 metres walking distance from the site. In the centre of the village are a range of restaurants, cafes, pubs and shops as well as a Post Office and a Pharmacy. Lymm also benefits from a library, Lymm Youth and Community Centre, a village hall, multiple gyms and a leisure centre and several places of worship.

The village centre can also be accessed on foot/cycle along Lakeside Road to the east of the site or via the footpaths around Lymm Dam.

- ii. **Health Facilities** - The nearest NHS Surgery from the site is the Lakeside Surgery, a short distance from the site along Lakeside Road. Brookfield Surgery also provides NHS services in the centre of the village. There are several dentists in and around Lymm, with Lymm Dental Practice in the centre of the village and Higher Lane Dental Practice approximately 1500 metres away, along the A56. There is also a Pharmacy in the centre of the village. The Preferred Development Option Consultation identifies the need for additional primary care capacity that new development will help deliver.
- iii. **Education** - Cherry Tree Primary School is approximately 700 metres walking distance to the north west of the site off Hardy Road. Statham Community Primary School and Ravenbank Community Primary School are both approximately 2 kilometres from the site. In terms of secondary education, Lymm High School is located around 2.5 kilometres of the site on Oughtrington Lane in the east of the settlement.

The evidence base supporting the Local Plan Review identifies that the 4 primary schools in Lymm are at or nearing capacity. Of the existing schools, it is noted that Cherry Tree Primary School is the only one with expansion potential.

- iv. **Employment** - Employment opportunities are provided through the wide range of shops and services within the centre of Lymm. Further afield, connections via public bus services enable easy access to the employment destinations of Warrington, Trafford and Manchester City Centre.
- v. **Public Open Space**- Lymm Dam and its surrounds, immediately adjacent to the site provides ample opportunity for recreation. Lymm Rugby Football Club is located on the other side of the Dam, approximately 400 metres walking distance from the site. Lymm Lawn Tennis Club is approximately 700 metres walking distance via Lakeside Road. Lymm Golf Club and Sow Brook Playing Field lie to the north side of the village and provide further opportunities for outdoor sports. The Ridgeway-Grundy Memorial Park provides formal open space approximately 1000 metres from the site. The site is well related to a network of public footpaths which lead around the Dam, through the village centre, along the canal and also provide access into the surrounding countryside.

- 6.4 A written opinion was provided by Giles Cannock QC and is enclosed at Appendix 2 of the Development Statement (Appendix 2 of this document) which made the following comments:

“The eLP seeks to meet the objectively assessed need for market and affordable housing but, importantly, seeks to do so in accordance with the most sustainable spatial distribution of housing, applying the settlement hierarchy, supported by the delivery of strategic infrastructure. Such an approach is expressly consistent with NPPF 138. Lymm is, therefore, rightly regarded as one of the most sustainable settlements, which can accommodate future development in the Green Belt, on accessible sites adjacent to its existing settlement boundaries, where development will increase housing choice and support the vitality and viability of local services”.

Summary

- 6.5 This section has demonstrated that the site is sustainably located in close proximity to a wide variety of services and facilities which are within a short walking and cycling distance of the site and can therefore be considered an appropriate location for residential development in accordance with the Framework. This approach is supported in a written opinion prepared by Giles Cannock QC which regards Lymm as one of the most sustainable settlements which can accommodate future development in the Green Belt.

7. OTHER POLICIES

7.1 This section of the report considers other draft policies of the WPSVLP and offer comments that Richborough Estates requests are considered and, where appropriate, incorporated into the next stage of the Local Plan process.

WSVLP Policy	Richborough Estates' comment
Policy INF1 – Sustainable Travel and Transport Policy DC 1- Warrington Places Policy DC 3 – Green Infrastructure Network	Richborough Estates does not object to the principles of these draft Policies. However, Richborough Estates would not support any policy requirements which threatened the viability and/or deliverability development. And request that these policies have subject to viability clauses inserting.
Policy INF5 - Delivering Infrastructure	Richborough Estates generally supports the policy which requires development to provide or contribute towards the provision of the infrastructure needed to support it and agrees that the Council should consider viability at the planning application stage where appropriate.
Policy DC 5 - Open Space, Outdoor Sport and Recreation	In relation to draft Policy DC5 Richborough Estates generally supports the approach of the policy. However, WBC's Playing Pitch Assessment (PPS) and assessment of indoor/non-pitch sports facilities are currently being finalised and a developer contributions methodology is yet to be finalised to establish appropriate levels of contributions. This affects points 5 and 6 of Policy DC 5, which sets out the context for Playing Pitches and Indoor and Recreation Facilities respectively. Therefore, Richborough Estates reserves the right to comment on any meth

	<p>odology established in relation to financial contributions for playing pitches and indoor facilities</p> <p>Richborough Estates would not support a policy requirement for playing pitches and indoor sport and green infrastructure if this threatened the viability and/or deliverability of the site.</p>
<p>Policy DC6 – Quality of Place</p>	<p>Richborough Estates has a history of delivering high quality development and therefore, generally, has no objection to the criteria set out in draft Policy DC6. However, Richborough Estates would like to make the following comments on Point 7 of the Policy, which sets out the following:</p> <p><i>“Developers will be expected to adhere to any additional guidance produced by the Council relating to public realm in their development proposals”</i></p> <p>The explanatory text explains that the Council intends to produce and publish a framework for treatment of the public realm to ensure consistency throughout the Borough.</p> <p>Richborough Estates reserves the right to comment on this document when this is published. Richborough Estates would not support a policy requirement that threatened the viability or deliverability of development.</p>
<p>Policy ENV7 – Renewable and Low Carbon Energy Development</p>	<p>Richborough Estates objects to Policy ENV7 as it is not consistent with national planning policy and in particular paragraphs 153 and 157 of the Framework</p>

	<p>which promote layout, building orientation, massing and landscaping to minimise energy consumption.</p> <p>Paragraph 155 of the Framework states that,</p> <p><i>“To help increase the use and supply of renewable and low carbon energy and heat, plans should: a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development...”</i></p> <p>There is no clear explanation within the policy or evidence base, for the WPSVLP of what constitutes ‘suitable development’ for renewable and low carbon energy. Furthermore, there is no clause whereby new development should comply with development plan policies for decentralised energy supply unless it can be demonstrated by the applicant that this is not feasible or viable, as detailed at paragraph 157 of the Framework.</p> <p>Policy ENV7(5) refers to a requirement for all strategic housing and employment allocations to maximise opportunities for the use of decentralised energy systems by making provision to enable future connectivity in terms of site layout, heating design and site wide infrastructure design, ensuring that at least 10% of their energy needs can be met from renewable or other low carbon energy and to reduce carbon emissions by 10% over Part L. Richborough Estates objects to this part of ENV7 because it is unlikely that any site below 800 units would be able to consider a combined heat and power (“CHP”) system and therefore such requirements should only be applied to the larger sites.</p>
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8. SUMMARY AND CONCLUSIONS

- 8.1 These representations have been prepared by Asteer Planning on behalf of Richborough Estates and refer to land controlled by Richborough Estates at Land at Cherry Lane Farm, Lymm as shown edged red on the Site Location Plan at **Appendix 1**.

The Site

- 8.2 Land at Cherry Lane Farm comprises approximately 12 hectares (ha) of greenfield agricultural land to the south west of Lymm. The site is located outside of but adjacent to the existing settlement boundary. The site comprises 3 agricultural fields. The existing built up area of Lymm is located immediately to the north and west. The site is bounded by existing roads on its eastern, southern and western boundaries.

Meeting Housing Need and Green Belt Release

- 8.3 The WPSVLP at draft Objective OBV1 and draft Policy DEV1 sets out a minimum net requirement of 14,688 new dwellings over an 18 year period (2021-2038), in line with the Government's Standard Method which is based on the 2014 household projections. In order to meet this target, WBC will need to release Green Belt land for housing. The WPSVLP has demonstrated that in order to meet its development needs exceptional circumstances for Green Belt release exist.
- 8.4 Richborough Estates support the sustainable growth of Warrington Borough and strongly support the Council's aspirations to release land from the Green Belt in order to meet the minimum requirements of draft Objective OBJ1 and draft Policy DEV1. Richborough Estates strongly agree that exceptional circumstances exist for land to be released from the Green Belt to enable the Council to meet its minimum housing requirements in full.
- 8.5 Richborough Estates consider that the urban capacity for the Town Centre Masterplanning Area is overstated and is not deliverable within the Plan period. As a result, additional land should be released from the Green Belt for housing.
- 8.6 Richborough Estates propose that additional land should be identified for Green Belt release adjacent to the outlying settlements. The most appropriate location is accessible land which adjoins existing sustainable settlements with access to existing services.

- 8.7 Lymm is one of the largest and most sustainable settlements in the Borough with a wide range of existing facilities and services and access to the strategic highway network and therefore it is proposed that additional Green Belt land is released at Lymm to ensure that the Council can meet its housing requirements in full. The release of additional small and medium housing sites will also improve the delivery of housing in the short term and will boost the Council's 5-year housing land supply.

Green Belt Assessment

- 8.8 Richborough Estates' assessment considers the site on its own merits and its contribution to the Green Belt and the conclusions for the reasons set out above, is that the land has a 'weak contribution' to the Green Belt. The Council's overall conclusion that the site has a strong contribution to the Green Belt is flawed because it only identifies the site as making a strong contribution to 2 of the 5 purposes, with 1 purpose identified as having a moderate contribution and 2 purposes have no contribution. Even by using the Council's own assessment, the site should have been scored as an overall moderate contribution to the Green Belt and if it had done so the site would have formed part of the Local Plan site selection process.
- 8.9 Notwithstanding the above, Richborough Estates Green Belt Assessment concludes that the site has an overall weak contribution to the Green Belt which further promotes the site as a suitable and appropriate site for Green Belt release and housing allocation. In light of the above, the site selection process followed by the Council is not sound because it is not justified and has not taken into account reasonable alternatives

A Deliverable Site

- 8.10 The site is suitable, available and achievable and can deliver residential development within the first five years of the Plan period. It has been demonstrated that there are a series of compelling social, economic and environmental benefits which would be secured through the development of the site for housing. These benefits would be enjoyed by both future residents of the development and existing members of the wider community.

A Sustainable Location

8.11 Lymm is one of the largest and most sustainable settlements in the Borough with a wide range of existing facilities and services and access to the strategic highway network. The site at Cherry Lane Farm is sustainably located in close proximity to a wide variety of services and facilities which are within a short walking and cycling distance of the site and can therefore be considered an appropriate location for residential development in accordance with the Framework. This approach is supported in a written opinion prepared by Giles Cannock QC which regards Lymm as one of the most sustainable settlements which can accommodate future development in the Green Belt.

Overall Summary

8.12 In summary, these representations and the enclosed Development Statement have demonstrated that:

- vi. WBC have overstated their urban capacity as demonstrated through our high-level assessment;
- vii. WBC have also overstated their densities in the Town Centre and are reliant on high density apartment developments to meet their housing requirement;
- viii. Whilst the principle of Green Belt release is supported, Richborough Estates have fundamental concerns over WBC's site selection process in Lymm;
- ix. Richborough does not consider their site at Cherry Lane Farm to make a 'strong contribution' to the Green Belt when assessed against the five purposes that Green Belt serves as set out at paragraph 134 of the Framework and disagrees with WBC's conclusions in the WBC Green Belt Assessments of 2016 and 2018;
- x. The site at Cherry Lane Farm represents a logical and wholly appropriate extension to the existing urban area of Lymm;
- xi. The site at Cherry Lane Farm sits in a sequentially preferable location in terms of flood risk (Flood Zone 1) as opposed to sites with draft allocations (OS6 and OS8), which are situated in Flood Zones 1, 2 and 3. Therefore, the site should be selected in preference to those allocated;
- xii. The site at Cherry Lane Farm is suitable, achievable and available for residential development in accordance with the Framework and is a reasonably available site appropriate for housing development in an area with a lower risk of flooding (flood zone 1);
- xiii. The site at Cherry Lane Farm is located in a sustainable location within close proximity to existing services and facilities in Lymm and is one of the most sustainable settlements;
- xiv. The development of Richborough's Cherry Lane Farm site will allow for the provision of good quality cycling and walking routes within the site to connect the site to the wider footway network and existing public right of way to the north, promoting connectivity with the existing community;
- xv. There are no identified technical or environmental constraints that would prevent

the delivery of housing on the Cherry Lane Farm site;

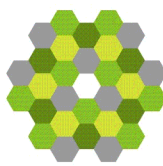
- xvi. The development of the site at Cherry Lane Farm would deliver an extensive range of economic, social and environmental benefits. These benefits include land set aside for a community use building and a 4.86 ha Country Park. The Country Park would remain within the Green Belt and would make a significant compensatory improvement to the Green Belt in accordance with paragraph 138 of the Framework.

- 8.13 For the reasons set out in these representations, it is therefore respectfully requested that the emerging Local Plan is modified to facilitate the removal of Land at Cherry Tree Farm from the Green Belt and the sites allocation for housing.

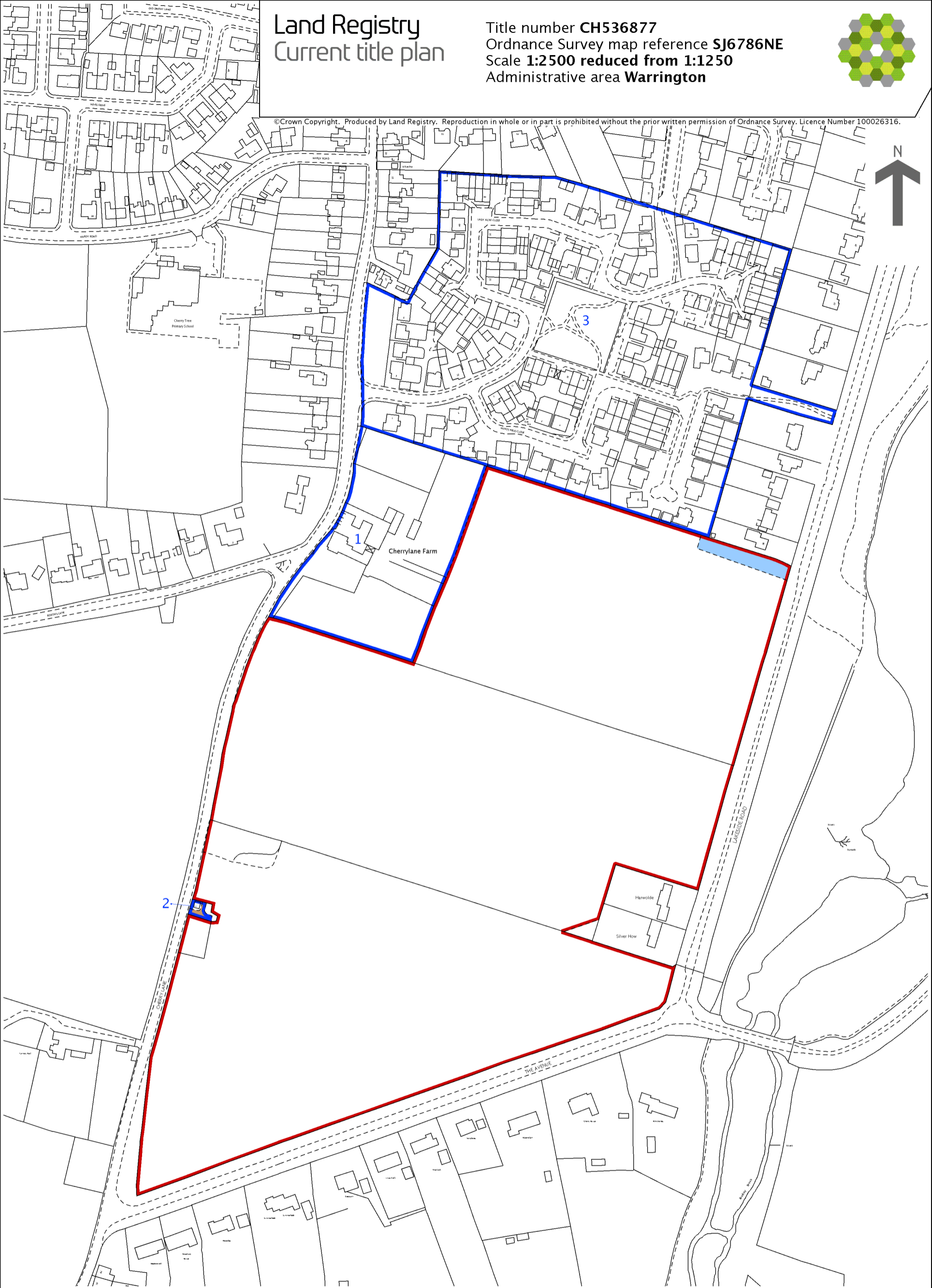
APPENDIX 1 – SITE LOCATION PLAN

Land Registry Current title plan

Title number **CH536877**
Ordnance Survey map reference **SJ6786NE**
Scale **1:2500 reduced from 1:1250**
Administrative area **Warrington**



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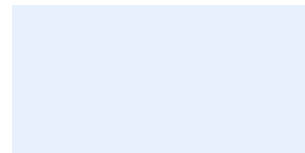


The site being promoted at Cherry Lane Farm in Lymm is identified in red

This is a print of the view of the title plan obtained from Land Registry showing the state of the title plan on 04 April 2016 at 15:37:03. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by Land Registry, Birkenhead Office.

APPENDIX 2 – RICHBOROUGH ESTATES' PREVIOUS REPRESENTATIONS (JUNE 2019)



Representations to Warrington Borough Council's Proposed Submission Version Local Plan

Land at Cherry Lane Farm, Lymm

On behalf of Richborough Estates Ltd.

June 2019

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Appendices

Appendix I	Site Location Plan
Appendix II	Giles Cannock QC Written Advice
Appendix III	Flood Risk Appraisal by BWB
Appendix IV	Development Statement (September 2017)
Appendix V	Updated Illustrative Masterplan
Appendix VI	Site Location Plan identifying area to be removed from the Green Belt

1. Introduction

- 1.1 Avison Young ("AY") is instructed by Richborough Estates Ltd ("Richborough Estates") to submit representations to the Warrington Proposed Submission Version Local Plan ("WPSVLP") (2019) which runs from Monday 15 April 5pm until Monday 17 June 2019, in relation to Land at Cherry Lane Farm, Lymm ("the site"). A site location plan is enclosed at **Appendix I**.
- 1.2 Richborough Estates' representations build on the previously submitted representations and supporting information prepared by Nexus Planning on behalf of Richborough Estates. They comment on the relevant strategic policies, site specific policies and the evidence base which underpins the emerging Local Plan. They demonstrate that the site at Cherry Lane Farm is available, suitable and achievable and therefore deliverable as a site for housing and outlines the specific benefits that the allocation of the site for housing will bring to the local area.

Background

- 1.3 Following the High Court ruling in February 2015, which quashed the housing target in the adopted Warrington Local Plan Core Strategy (2014), WBC sought to update its housing policies. It became clear that the Borough's needs going forward could not be met without a full review of the adopted Plan.
- 1.4 In October 2016, the Council's Executive Board agreed to commence the process of reviewing the existing Warrington Local Plan. Consultation on the Preferred Development Option ("PDO") was undertaken between July and September 2017. Approximately 4,500 responses were received to the PDO consultation, a significant proportion of which related to the scale and location of development proposed and Green Belt release.
- 1.5 Since the PDO consultation, WBC has prepared a number of evidence base studies to demonstrate that: (i) the emerging Local Plan is based on the most up to date assessment of Warrington's development needs; (ii) all options for meeting these needs have been appropriately considered; and (iii) the infrastructure requirements to support new development are understood and deliverable.
- 1.6 The WPSVLP has been published for a nine-week consultation period between Monday 15 April and Monday 17 June 2019. The Council will then review all of the representations made during the consultation prior to submitting the Plan for 'Examination in Public' ("EiP") to be carried out by an independent inspector. It is anticipated that the earliest date for the EiP will be early 2020.

1.7 Richborough Estates have been promoting land at Cherry Lane Farm, Lymm through the emerging local plan process for residential development and have submitted the following representations to WBC:

- Local Plan Review, Regulation 18 Consultation: Standard Response Form (October 2016);
- Response to Warrington Call for Sites 2016 (December 2016);
- The Case for New Housing in Lymm and Land off Cherry Lane, Lymm Development Statement (June 2017);
- Warrington Local Plan Preferred Development Option Regulation 18 Consultation (July 2017) Representations (September 2017); and
- Updated Illustrative Masterplan (September 2018).

2. Meeting Housing Needs and Green Belt Release

Meeting Housing Needs

- 2.1 The Planning Practice Guidance ("PPG") in relation to Housing Need Assessment was revised in July 2018, again in September 2018 and most recently in February 2019. The revised PPG (paragraph 4) sets out the standard methodology for assessing housing need. Paragraph 214 of the National Planning Policy Framework ("NPPF") (2019) states that any plans submitted after the 24 January 2019 should be based on the 2019 version of the NPPF including the standard methodology. WBC will be submitting their Local Plan for examination later in 2020 and therefore the revised framework applies.
- 2.2 At a national level, the NPPF supports the Government's objective to significantly boost housing supply and seeks to ensure that all Local Planning Authorities ("LPA") plan positively for their objectively assessed needs ("OAN") (paragraph 11). To support this objective, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without delay.
- 2.3 Paragraph 2 of the PPG states that *'the standard method uses a formula to identify the minimum number of homes expected to be planned for'*. Paragraph 10 advises that there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method indicates.

Draft Policy DEV1

- 2.4 **Draft Objective W1** and **Draft Policy DEV1** of the WPSVLP set out a clear, immediate and critical need for housing in Warrington and identify a net minimum requirement for **18,900** new dwellings over a 20-year delivery period (2017 – 2037), equivalent to 945 dwellings per annum. **Draft Policy DEV1** ('Housing Delivery') sets out the trajectory as to how the housing requirement will be delivered:
- 2017 – 2021 (first 5 years) – 847 homes per annum; and
 - 2022 – 2037 (following 15 years) – 978 homes per annum.
- 2.5 The target of 945 homes per annum over the Plan period has been established through the LPA's Local Housing Needs Assessment (2019) ("LHNA") and is approximately 4% higher than the minimum requirement set by the Government's Standard Housing Methodology (using the 2014 based household projections). This approach is based upon WBC's commitment to work with the Local Enterprise Partnership ("LEP") to deliver the Strategic Economic Plan which constitutes a growth strategy.

- 2.6 The WPSVLP acknowledges the need to release Green Belt land. However, the lead in times for the major infrastructure required to deliver the Waterfront, Garden Suburb and South West Extension require a lower level of housing to be delivered in the first 5 years of the Plan period (2017-2021).
- 2.7 A large proportion of all homes to be delivered within the Plan period are proposed within the large sustainable extension, sites such as the Warrington Garden Suburb (5,100 homes), Waterfront (2,000 homes) and South West Extension (1,600 homes). Although some short-term delivery can be expected, these larger sites will take several years to begin delivering significant numbers, due to the infrastructure required to facilitate such development. In addition, Policy MD2 – Warrington Garden Suburb will require developers (i) to jointly prepare a Development Framework for the Garden Suburb as a whole and (ii) individual Masterplans for each of the three villages and Neighbourhood Centre. Our experience of such exercises is that there is a 1-2-year time lag for the preparation of such complex documents.
- 2.8 Richborough Estates strongly support the sustainable growth of Warrington Borough. The draft Local Plan proposes to deliver 18,900 new dwellings between 2017 and 2037, calculated using Central Government's revised 'standard methodology' (using the 2014 based household projections), in accordance with the NPPF (February 2019). Richborough Estates are fully supportive of the standard methodology but emphasise the methodology identifies a minimum figure.
- 2.9 WBC's preferred strategy is still too heavily reliant on sites from within the existing urban area and in Warrington city centre. To ensure that the new Local Plan is positively prepared, justified, effective and consistent with national policy and therefore 'sound' in accordance with paragraph 35 of the NPPF: a greater level of housing should be directed elsewhere within the Borough, resulting in a requirement for more Green Belt release than is currently proposed by the WPSVLP.
- 2.10 Avison Young have not carried out an in-depth analysis of Warrington's Urban Capacity Study 2019 ("UCS 2019") or the methodology in which WBC have used to identify their urban capacity however a high-level review has been undertaken. The 2019 UCS indicates that Town Centre Masterplanning Areas will account for delivering 6,549 dwellings out of the 13,729 identified for the total urban capacity in Warrington. Richborough Estates consider that the urban capacity for the Town Centre Masterplanning Area is overstated and is not deliverable within the Plan period. Richborough Estates comments on the Town Centre Masterplanning Area below:

Warrington Waterfront

- 2.11 Warrington Waterfront ("WW") is proposed for allocation under draft policy MD 1 of the WPSVLP and is identified as being capable of accommodating 2,000 residential dwellings. WBC is relying heavily on this site as a key site for the delivery of housing within the urban area. WW faces a range of constraints primarily with access and flood risk. In terms of access, the delivery of the site relies on key infrastructure projects being completed, namely the Warrington Western Link Road and

cannot be delivered without this project. The link road would connect the A56 to the A57 and must cross Sankey Brook, the St Helens Canal, the Mersey, the railway line and the Manchester Ship Canal. The Western Link Road currently has a funding gap of £66.5 million, and WBC has not given any indication as to how this funding gap will be overcome. Draft policy MD1, clearly indicates how critical the Western Link Road is to the delivery of WW and at point 8 the policy states:

8. No development will be permitted until funding has been secured and a programme of delivery has been confirmed for the Western Link

2.12 There are no guarantees that the Western Link Road will come forward. A large funding gap is evident and without any certainty that this funding could be achieved the delivery of housing at WW is constrained. At this stage the Western Link Road is a concept and not a reality and with no timings in place for delivery, it is not realistic to state that 2,000 residential units would be delivered on this site. WW does not presently represent a realistic and deliverable option for bringing forward significant residential development (2,000 units).

2.13 The delivery of housing in this area is dependent on a complex infrastructure project coming forward. On this basis Richborough Estates are of the view that until definitive confirmation can be provided that the Western Link Road can be funded and is deliverable, the 2000 dwellings anticipated to come forward in the Waterfront Area cannot be relied upon to meet Warrington's future housing requirements. Because of this, Richborough Estates propose that draft policy MD 1 is amended to remove the requirement for 2,000 new homes and that alternative sites elsewhere in the Borough are proposed for housing allocation to make up the shortfall. The amendment to draft policy MD1 to remove the requirement for 2,000 new homes would require additional Green Belt sites to be identified for housing allocation to assist the Council in meeting its housing requirements in full.

Southern Gateway Area

2.14 The Southern Gateway Area ("SGA") is identified as being part of the Town Centre Masterplanning Area and is included in the Council's urban capacity figures. SGA is envisaged as a vibrant primarily residential area comprising of around 1,300 dwellings (source Warrington City Centre Masterplan 2017). Five of the principle sites in the area (sites I1 – I5) are identified in the Council's SHLAA 2018 under two parcels; references 2482 (129 dwellings) and 2677 (estimated to be 130 dwellings, based on developable area). Parcel 2677 is the Riverside Retail Park and is identified as being 'constrained' in the SHLAA 2018 and should be reviewed annually. The SHLAA does not refer to this site being developable and gives no indication that this site is a realistic proposition for development. Both parcels have significant constraints including contaminated land and issues with flood risk being in Flood Zones 2 and 3. In addition neither parcel is currently being promoted by a developer.

2.15 Both parcels form part of the retail park and have a number of occupied buildings with retail uses within, some of which are on a large scale. Typically, these types of occupier's demand / commit to a long-term lease and so the prospects of this site becoming available certainly in the short term or within this plan period is unlikely. The Warrington Character Area Plan shows the whole of this area as being redeveloped. Based on a review of sites 11 – 15 in the SHLAA 2018 and the nature of the current use on site, there are no firm proposals in place for the delivery of the stated quantum of residential dwellings and Richborough Estates therefore have serious reservations that the full 1,300 dwellings will be delivered within the Plan period. We have demonstrated at the very least that approximately 260 units will not be deliverable based on a review of the Council's own evidence base contained in its SHLAA 2018.

Summary

- 2.16 In summary, Avison Young has not assessed all the sites within the urban area which have been identified to deliver housing within the Plan period as part of Warrington's UCS 2019. As has been demonstrated above, the delivery of 6,549 dwellings in the Town Centre Masterplanning Area is overstated and is not deliverable. Based on Avison Young's high level assessment of the Town Centre Masterplanning Area, at least 2,260 dwellings have been identified as not being deliverable. It is therefore requested that part 2 of draft policy DEV1 is amended to reduce the identified deliverable capacity for a minimum of 13,726 new homes which the Council has identified as being deliverable within the main urban area of Warrington, existing settlements and other sites identified in the Council's SHLAA. It is also requested that draft policy MD 1 is amended to remove the requirement for 2,000 new homes because of the deliverability issues that have been identified through the absence of funding for the Western Link which is a critical piece of infrastructure required to unlock the development.
- 2.17 The Council through its Duty to Co-operate Statement (2019) has highlighted that discussions with neighbouring authorities have been undertaken and that it is highly unlikely that any neighbouring authorities will be able to meet WBC's need for housing. Rather, all of the Council's neighbouring authorities are releasing Green Belt land to meet their own housing needs.
- 2.18 On the basis that Warrington's urban capacity is overstated and should be reduced by at least 2,260 dwellings and that there is no possibility of the Council's neighbouring authorities meeting this need, further sustainable sites within the Green Belt are required to ensure that Warrington meets its housing requirements in full within the Plan period.
- 2.19 Should the Council fail to proactively address the issues identified above, the WPSVLP is unsound in accordance with paragraph 35 of the NPPF for the following reasons:
- (i) The plan will not be positively prepared as the Council will not meet the objectively assessed housing need in full;

- (ii) The plan will not be justified because it is not based upon the most appropriate strategy. Additional land from the Green Belt is required to be released to enable the Council to meet its housing requirements in full;
- (iii) The plan will not be effective because it relies on housing sites to meet its housing requirements in full that are not deliverable over the plan period; and
- (iv) The plan will not be consistent with national planning policy for the reasons set out above.

2.20 Attached at **Appendix II** is a written opinion provided by Giles Cannock QC. The written opinion states:

35. *“On the basis of the evidence before me, which has been assessed by Avison Young, I consider that the LPA is unable to demonstrate that it has examined fully all other reasonable options for meeting the identified need for housing (in accordance with NPPF 137). In particular:*

- i. *The eLP has sought to make as much use of brownfield sites and under-utilised land (NPPF 137(a)). The LPA has interrogated the Brownfield register and SHLAA. Further, it has undertaken masterplanning work to deliver significant additional urban capacity above that which is currently identified. This work has been reviewed by Avison Young, who conclude that the LPA has sought to maximise previously developed and under-used sites. Indeed, Avison Young demonstrate that (in fact) the analysis demonstrates that the LPA has assumed too much land will be delivered from such sources. Accordingly, for the reasons set out in their written reps, more housing on Green Belt sites (not currently allocated) will actually have to be delivered, if the Plan is to be found sound;*
- ii. *The LPA has also reviewed its density assumptions (consistent with NPPF 137(b)). Avison Young agree that the LPA has sought to deliver policies which promote a significant uplift in the density of development.¹ The LPA have, therefore, demonstrated exceptional circumstances. Rather, Avison Young conclude (as set out in their written reps) that the LPA has been unrealistically optimistic in its density assumptions. In reality, town centre and urban sites in Warrington are unlikely to deliver the assumed densities. Accordingly, the eLP will fail to meet the minimum housing requirement. The eLP is therefore unsound, unless further Green Belt land is released for housing;*
- iii. *The LPA has also demonstrated that its approach has been informed by discussions with neighbouring authorities, pursuant to the statutory duty to co-operate.² It is highly unlikely that any neighbouring authorities will be able to meet WBC's need for housing. On the contrary, all of WBC's neighbouring authorities are releasing Green Belt land.³ Indeed, WBC*

¹ Warrington Proposed Submission Version Local Plan, paragraph 3.4.5

² *ibid*, paragraph 3.4.6

³ *ibid*

may need to release yet further Green Belt land, once the need for housing in the Greater Manchester authorities has been resolved (paragraph 35).

36. *Accordingly, the eLP has demonstrated exceptional circumstances, as required by the NPPF. Indeed, a robust assessment of the evidence demonstrates that substantially more land in the Green Belt is required to be allocated to meet the minimum housing requirement of the eLP".*

Draft Policy DEV2

2.21 Draft Policy DEV 2 of the WLSPV sets out the Borough's housing requirements in order to meet the identified need over the plan period. Draft policy Dev 2 requires residential developments to provide 30% affordable housing outside of inner Warrington, 10% of which should be for affordable home ownership. The balance of affordable housing should then be provided for either affordable rent or social rent. Draft policy DEV 2 seeks to provide a mix of house sizes and types and also states that 20% of provision must be made to accommodate the needs of older people. The draft policy also makes provision for self-build and custom build housing.

2.22 Richborough Estates do not object to the principle of draft policy DEV 2, but would like to make the following comments:

- i. Firstly, the affordable housing requirement is in line with the need set out in the Local Housing Need Assessment 2019 ("LHNA") and Richborough Estates have no objection to the calculation for the projected need over the plan period;
- ii. Secondly, Richborough Estates are committed to delivering a wide range of house types the mix of which will be informed by market requirements and discussed with Officers at the planning application stage; and
- iii. Thirdly, in relation to the requirement that 20% of provision must be made to accommodate the needs of older people, the explanatory text in the WPSVLP under Paragraph 4.1.54 states:

"The LHNA identifies the need for around 20% of new homes in Warrington to be provided to accommodate older persons and for an additional 1,579 bed spaces within extra care facilities" (LHNA Table 48)

2.23 The above requirement is not consistent with what the Warrington Local Housing Needs Assessment 2019 states. Reference to bed spaces for older persons is not made in Table 48, but instead Tables 41 and 56 respectively. In addition, the need is identified as being 1,597 as oppose to 1,579 over the plan period. The LHNA makes the following statement on provision for older people:

"The economic led population growth would result in a net need for 1,597 C2 bed spaces for older persons in the HMA over the 2017-37 period (80 per annum). The assessment, however, should be treated as indicative and does not seek to set policies for how older persons with care needs should be accommodated.

GL Hearn recommends that councils should give consideration to how best to deliver the identified specialist housing need, including, for instance, the potential to identify sites in accessible locations for specialist housing or to require the provision of specialist housing for older people as part of larger strategic development schemes”.

2.24 The LHNA recommends that Councils should give consideration to how best to deliver housing for older persons but does not recommend specifically that around 20% of new homes should accommodate the needs of older persons. Whilst Richborough Estates acknowledge the increase in demand and generally support the provision for older persons' needs, the rate of provision specified (20%) for every development over 10 dwellings is not sound and is not based on the Council's evidence base. This requirement should be considered on a site by site basis, with consideration given to the need of the individual area in question, as this may differ by location. Therefore, the wording of draft policy DEV 2 (point 11) should be amended as follows:

*11. “In residential development over 10 dwellings or more ~~20% provision~~ **consideration** must be made to accommodate the needs of older people. The ~~nature~~ **rate and nature of the provision** will be determined on a site by site basis depending on demand in a particular area and the appropriate type of provision for the site and/or scheme”.*

Green Belt Release

- 2.25 The history of the Warrington Green Belt is set out in detail in the Arup Green Belt Assessment (GBA), dated 21st October 2016. The Green Belt around Warrington was first formally introduced in the Cheshire Structure Plan (adopted in 1979) with the extent broadly defined on the Key Diagram. Later alterations of the Structure Plan did not change the extent of the Green Belt.
- 2.26 The Unitary Development Plan (“UDP”) (2006) was the first single comprehensive statutory development plan for the borough and was the first Local Plan to formally define the Green Belt. The UDP made minor changes to the Green Belt introduced in 1979 in the Cheshire Structure Plan.
- 2.27 The Local Plan Core Strategy was based on a ‘regeneration first’ approach which was required to be consistent with the now revoked North West Regional Spatial Strategy (“RSS”), which identified no strategic change to Green Belt boundaries in Warrington before 2021.
- 2.28 In summary, Warrington's Green Belt was designated in 1979 and largely remains the same today, save for minor changes introduced by the UDP. The Green Belt shrink wraps the urban area because it was based upon out of date maximum housing requirements which were required at the time the Green Belt designation was made. In accordance with national planning policy, housing requirements are now minimum requirements and as Warrington's Green Belt boundary has seen only minor amendments since it was first established in 1979 there is a clear need to review the Green Belt boundaries in the emerging Local Plan to ensure that Warrington's maximum housing requirements can be delivered in full.

2.29 Chapter 13 of the NPPF on Green Belt states that: *'once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans'* (paragraph 136).

2.30 Paragraph 137 states that: *'Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph (136), and whether the strategy:*

a) Makes as much use as possible of suitable brownfield sites and underutilised land;

(i) WBC has undertaken extensive master planning work to try to unlock significant additional urban capacity over and above that identified in the Council's Brownfield Register and SHLAA. An Urban Capacity Study was prepared by WBC in 2016, updated in 2017 and 2019. In identifying land to meet Warrington's need for housing and employment, the Council has sought to maximise the capacity of the existing area to accommodate new development, in order to demonstrate that all reasonable options have been identified for meeting development requirements before releasing Green Belt.

(ii) The urban capacity figure is a product of the updated SHLAA (2018) figure and the updated master planning work undertaken in partnership with Warrington & Co. The assessment identifies an urban capacity for 13,726 dwellings. As set out above, Richborough Estates have set out concerns with the deliverability of housing at WW and some of the housing at SGA. The WW is dependent on the delivery of the Western Link which is a significant piece of infrastructure which has no guaranteed funding and parts of the land identified for housing at SGA has a number of technical constraints along with issues of long-term leasing with existing tenants on site.

b) Optimises the density of development in line with the policies in chapter 11 of the Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport;

(i) WBC has reviewed its density assumptions for the Town Centre and Inner Warrington and is reviewing residential parking standards, recognising the potential for high density development in these locations. The Council is proposing minimum density requirements for the Town Centre, together with minimum requirements for all site allocations. It is clear from the Council's evidence base that through the review and optimisation of density of development that Green Belt release is required to meet the Council's OAN in full.

(ii) In relation to specific density requirements as set out in the Urban Capacity Assessment 2019, Richborough Estates would reserve the right to comment on these further, following a comprehensive and detailed review of the requirements.

c) *Has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground*

(i) WBC has confirmed that no neighbouring authorities are able to meet any of Warrington's housing development needs which is evidenced in the Council's Duty to Co-operate Statement, March 2019. It is also apparent that all of Warrington's neighbouring authorities are having to release Green Belt themselves to meet their own development needs. Furthermore, the Greater Manchester Spatial Framework ("GMSF") is stalling generating additional pressure on Warrington.

2.31 WBC has therefore demonstrated that in order to meet its development needs exceptional circumstances exist for Green Belt release. Richborough Estates strongly agree with WBC that exceptional circumstances to justify the release of Green Belt land for development exist, in line with paragraph 136 of the NPPF.

2.32 This position is also supported by Giles Cannock QC in his Written Opinion provided at **Appendix II** which states:

31. *"NPPF 136 requires that, once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. In this case, in the light of the above, I consider that exceptional circumstances have been fully evidenced and justified, for the reasons given in the eLP (supra). In essence, the Green Belt boundaries were set out many years ago, in a different planning context, when the LPA was seeking to meet a very different housing requirement which has long since expired. There is now, applying the latest NPPF housing requirement (derived from the national planning imperative to boost significantly the supply of housing by applying the standard methodology) an exceptional level of housing need. If the required level of housing is not delivered, there will be an unacceptable impact on the LPA's housing and economic development strategies and growth aspirations. Furthermore, the delivery of market housing in the Green Belt will result in the delivery of a significant amount of AH, for which there is a very substantial need, which will not otherwise be met.*

32. *It is not just the delivery of market and affordable housing which constitute the exceptional circumstances. They are further justified through the spatial strategy of the eLP.⁴ The eLP seeks to meet the objectively assessed need for market and affordable housing but, importantly,*

⁴ *Ibid*, paragraph 5.1.10

seeks to do so in accordance with the most sustainable spatial distribution of housing, applying the settlement hierarchy, supported by the delivery of strategic infrastructure. Such an approach is expressly consistent with NPPF 138. Lymm is, therefore, rightly regarded as one of the most sustainable settlements, which can accommodate future development in the Green Belt, on accessible sites adjacent to its existing settlement boundaries, where development will increase housing choice and support the vitality and viability of local services⁵.

33. *I consider that there are, in this case, exceptional circumstances for the release of Green Belt sites for housing. In reaching this conclusion, I am also re-assured and supported by the conclusions of the Planning Inspectors at Lichfield and Guildford, who concluded (in those areas) that Green Belt release was justified for reasons which are comparable.*

34. *Further, the eLP contains strategic policies which establish the need for the changes to the Green Belt, having regard to their intended permanence in the long term, so they can endure beyond the Plan period (see policy GB 1). The eLP also permits detailed amendments through non-strategic policies (see policy GB 1(1)). This is expressly consistent with NPPF 136".*

2.33 Indeed, it has demonstrated that considerably more housing in the Green Belt is, in fact, required in sustainable locations. As demonstrated above, the WPSVLP relies too heavily on the delivery of housing within the existing urban area. Not all sites identified for housing in the urban area are deliverable and based upon our high-level review of the Town Centre Masterplanning Area, at least 2,260 dwellings identified for housing in the plan are not deliverable.

2.34 In light of this, Richborough Estates propose that additional Green Belt land should be released and allocated for housing to accommodate at least a further 2,260 new homes and to ensure that the requirements of OBJ1 and DEV1 can be met in full. To achieve this, amendments are required to the following draft policies:

- (i) Draft policy DEV1 (Part 2) – to reduce the overreliance on the capacity of the urban area. Draft policy DEV1 currently states that the urban capacity will deliver a minimum of 13,726 new homes. This urban capacity should reduce by at least 2,260 new dwellings for the reasons set out above;
- (ii) Draft policy DEV1 (Part 4) – additional Green Belt land should be identified adjacent to the outlying settlements to address the shortfall of capacity in the urban area. Currently, draft policy DEV1 identifies that the level of Green Belt land to be released would deliver a minimum of 1,085 new homes. It is proposed that this amount should increase by at least 2,260 new dwellings and that the most sustainable outlying settlements, such as Lymm, should receive the majority of this growth.

⁵ *Ibid*, paragraph 3.4.10

- (iii) Draft Policy GB1 (Part 3) – It is proposed that the housing area at WW should be removed from this policy because it is not deliverable. Furthermore, it is proposed that additional sites area identified for Green Belt release to address the shortfall of capacity in the urban area of at least 2,260 new dwellings. The amendments to the Green Belt boundaries to accommodate these additional sites should also be shown on an amended Figure 6.

3. Location of Green Belt Release

- 3.1 The WPSVLP establishes that in order to meet Warrington's development needs, land for housing will need to be released from the Green Belt to provide approximately 7,000 new homes.
- 3.1 **Draft Policy DEV1** identifies two sustainable urban extensions ("SUE's") to be removed from the Green Belt. **Warrington Garden** suburb has an assumed minimum capacity of 6,490 new homes, of which 4,201 homes will be delivered in the Plan period. This is in addition to the 930 homes within the allocation which already have consent and are included in the capacity of the existing urban area. The **South West Extension SUE** has a minimum capacity of 1,631 homes to be delivered in full in the Plan period.
- 3.2 In addition to the above, a minimum of 1,085 homes are proposed to be delivered on allocated sites to be removed from the Green Belt adjacent to the following outlying settlements:
- a) Burtonwood – minimum of 160 homes
 - b) Croft – minimum of 75 homes
 - c) Culcheth – minimum of 200 homes
 - d) Hollins Green – minimum of 90 homes
 - e) Lymm – minimum of 430 homes
 - f) Winwick – minimum of 130 homes
- 3.3 As demonstrated above, Richborough Estates strongly support the principle of Green Belt release for housing. However, Richborough Estates has raised concerns on the amount of housing the Council has assumed will be delivered within the urban area which Richborough considers to be overstated because of deliverability issues at some of the sites in the Town Centre Masterplanning Area.
- 3.4 Richborough Estates propose that additional land should be identified for Green Belt release adjacent to the outlying settlements. The most appropriate location is accessible land which adjoins existing sustainable settlements with access to existing services. Lymm is one of the largest and most sustainable settlements in the Borough with a wide range of existing facilities and services and access to the strategic highway network and therefore it is proposed that additional Green Belt land is released at Lymm to ensure that the Council can meet its housing requirements in full. The release of additional small and medium housing sites will also improve the delivery of housing in the short term and will boost the Council's 5-year housing land supply.

Green Belt Release at Lymm

3.5 The following four sites have been identified by the WPSVLP in Lymm to deliver a minimum of 430 new homes, all of which are identified for delivery in full within the first 10 years of the Plan period:

- Policy OS5 – Lymm (Massey Brook Lane) – 60 homes
- Policy OS6 – Lymm (Pool Lane) – 40 homes
- Policy OS7 – Lymm (Rushgreen Road/Tanyard Farm) – 200 homes
- Policy OS8 – Lymm (Warrington Road) – 130 homes

3.6 In addition to the concerns raised by Richborough Estates in relation to the overreliance of sites within the urban area, Richborough Estates also raise significant concerns in relation to the site selection process for identifying sites for Green Belt release.

3.7 The Development Options and Site Assessment Technical Report (March 2019) states that a large number of sites in proximity to the outlying settlements were submitted as part of the Local Plan 'call for sites' and during the PDO consultation. The submitted sites had many times the capacity of the number of homes required to support the Plan's proposed spatial development strategy of 'incremental growth' in the outlying settlements. The Council therefore adopted a site selection methodology to confirm the sites proposed to be allocated in the WPSVLP. The Council discounted sites making a strong contribution to the Green Belt and those located within Flood Zone 3b.

3.8 Richborough Estates have continually raised concerns in relation to the conclusions of the GBA which appear fundamentally unjustified and inconsistent with regards to the Lymm Green Belt. Richborough Estates have significant concerns regarding the site selection process and the rejection of those sites from making a 'strong' contribution to the Green Belt, such as Land at Cherry Lane Farm. Richborough Estates own Green Belt assessment, which is provided in the following section of this report, concludes that the Cherry Lane Farm site makes a weak contribution to the Green Belt and therefore should have been considered as part of the Council's site selection process.

3.9 Further, Richborough Estates have concerns regarding the deliverability of some of the allocated sites in Lymm. Richborough Estates have significant concerns regarding three of the proposed housing allocations in Lymm (i) Warrington Road; (ii) Pool Lane; and (iii) Massey Brook Lane. Each of these sites is addressed in turn below:

Draft Policy OS8 - Warrington Road (130 homes) and Draft Policy OS6 - Pool Lane (40 homes)

3.10 This site is bound by Warrington Road, the Trans-Pennine Trail and Statham Community Primary School. **Draft policy OS8** seeks to remove the site from the Green Belt and allocate the site for a minimum of 130 new homes. Pool Lane is bounded by Oldfield Road and Warrington Road. **Draft**

policy OS6 seeks to remove the site from the Green Belt and allocate it for a minimum of 40 new homes. Both draft policies are unsound because they are not consistent with national planning policy (NPPF, paragraph 157 and 158) as WBC as have failed to correctly apply a sequential risk-based approach to the location of development. Paragraph 158 of the NPPF states:

“The aim of the sequential test is to steer new development to area with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding”.

- 3.11 WBC has proposed to remove the Warrington Road and Pool Lane sites from the Green Belt and allocate them for housing despite them sitting in flood zones 1, 2 and 3. Richborough Estates consider that the sequential assessment has not been appropriately applied because there are reasonably available sites appropriate for housing development in areas with a lower risk of flooding, such as Cherry Lane Farm, which sites entirely within flood zone 1.
- 3.12 On behalf of Richborough Estates, BWB has prepared a Flood Risk Appraisal (“FRA”) (dated June 2019) which is enclosed at **Appendix III**. The FRA reviews the documents and processes associated with the WPSVLP. Specifically, the Appraisal examines whether the flood risk element has been appropriately accounted for in the decision-making process associated with the WPSVLP. The FRA appraises the flood risk at Cherry Lane Farm (also in Lymm) compared to the Warrington Road and Pool Lane sites, which have been draft allocated for housing despite clear differences in flood risk classification. A summary of the findings is set out below.
- 3.13 **Warrington Road** is located in Flood Zones 1 and 2 (low-medium probability of flooding). In addition, approximately 7% of the site is identified to be at risk of surface water flooding. The Warrington Road site is also considered to be at low residual risk of flooding due to a potential breach/overtopping of the Bridgewater Canal, and a medium risk of groundwater flooding.
- 3.14 **Pool Lane** is located within Flood Zone 2 (medium probability of flooding) with a small encroachment in Flood Zone 3 (high probability of flooding) at the northern tip.
- 3.15 In the context of the criteria set out by the Strategic Flood Risk Assessment (“SFRA”) Level 1: there is no rational evidential basis for the two sites to have been given a comparable recommendation, given the significant different in fluvial flood risk and broad similarity in pluvial flood risk. Rather, it would appear that the presence of Flood Zone 2 has been ignored in the assessment criteria, in direct conflict to the requirements of the NPPF and Sequential Test process. The subsequent allocation of these sites is therefore unsound.

- 3.16 Both sites are at greater risk of surface water flooding than Cherry Lane Farm. Over half of the Warrington Road site is located within Flood Zone 2 and Pool Lane is located within Flood Zone 2 with parts of the site in Flood Zone 3a. This suggests a clear contradiction between the assessment principles behind the WPSVLP and the allocation of the Warrington Road and Pool Lane sites, which are at greater risk compared to others in Lymm, such as Cherry Lane Farm. Further, the Pool Lane site summary within the WPSVLP (page. 228-229) does not refer to the presence of fluvial flood risk. This further suggests the presence of Flood Zones 2 and 3a appear to have been overlooked.
- 3.17 The approach outlined with the NPPF of sequentially arranging the site, with development in the low risk areas, would also appear to have been overlooked in favour of local policy. It has also been identified that not all available documentation correctly outlines the Flood Zone 2 designation, within the Warrington Road site, thus giving a misleading impression that the site is entirely located in Flood Zone 1.
- 3.18 As defined by the NPPF (paragraph 158), the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 3.19 Cherry Lane Farm is located entirely within Flood Zone 1 (low probability of flooding) meaning that all of the development proposed (170 units with associated access) can be delivered safely within an area at the lowest risk of flooding. The site is available for development now and is appropriate for housing. As demonstrated in the following sections of this report, there are no physical and/or environmental considerations which would prevent the development of Cherry Lane Farm. The reason WBC discounted Cherry Lane Farm as being as reasonably available is likely because of the conclusions of the GBA which identified the site as making a strong contribution to the Green Belt and therefore did not form part of the Council's site selection process. Richborough Estates strongly object to the conclusions of the GBA as set out in the following section of this report.
- 3.20 Richborough Estates object to the Council's site selection process and the proposed allocation of Warrington Road (OS8) and Pool Lane (OS6) for housing on the basis that there are sequentially preferable sites in Lymm. WBC has therefore failed to meet the policy requirements of the NPPF in relation to managing flood risk and this view is shared by Giles Cannock QC's in his Written Opinion (Appendix II) which states:

49. *"On the basis of the evidence before me, the eLP fails to apply the sequential test. Cherry Lane Farm is located in FZ 1. Pool Lane is located in FZ 2 and 3. Warrington Road is located in FZ 1 and 2. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. In this case, out of the 3 sites considered by BWB, it is Cherry Lane Farm, for which all the built development can take place in FZ 1 (BWB Report at 5.2).*

50. Development should not, therefore, be allocated at Pool Lane or Warrington Road because Cherry Lane Farm is a reasonably available site appropriate for the proposed housing development in an area/zone at a lower risk of flooding. Further or alternatively, the exception test has not been applied for the 2 allocated sites. The eLP is, therefore, currently unsound because it conflicts significantly with extant national policy (see NPPF 157-159). The eLP could, however, become sound were the 2 allocated sites to be excised from the eLP.

51. That would, however, leave a shortfall in the minimum housing requirement in Lymm of 170 units. Logically, such a shortfall could be made up by allocating sustainable sites in Lymm, such as Cherry Lane Farm, in sequentially preferable flood zones”.

3.21 As drafted, therefore, the Plan is unsound because:

- (ii) it is not justified as there are reasonably alternative sites which are in a lower flood risk area and appropriate for the proposed development;
- (iii) it is not consistent with national planning policy because the sequential test required by paragraphs 157 and 158 of the NPPF has not been correctly applied.

3.22 In light of the above, Richborough Estates propose that draft policies OS6 and OS8 are deleted from the Plan and replaced with the allocation of deliverable land which sits within flood zone 1. The removal of these sites would leave a shortfall in the minimum housing requirement in Lymm of 170 units. Logically, such a shortfall could be made up by allocating sustainable sites in Lymm, such as Cherry Lane Farm, in sequentially preferable flood zones.

Draft Policy OS5 - Massey Brook Lane (60 homes)

3.23 Massey Brook Lane is bounded by Massey Brook Lane, Camsley House Farm and footpath no.6. **Draft Policy OS5** seeks to remove the site from the Green Belt and allocate it for a minimum of 60 new homes.

3.24 The WPSVLP states at paragraph 10.9.2 that ‘development is expected to come forward quickly upon adoption of the Plan. This means the first homes are anticipated to be completed in 2021/22, with the development completed in full within the first 10 years of the plan period’.

3.25 Richborough Estates have been made aware that part of this site is owned by a local resident who does not wish to pursue housing development on their land. On this basis the entire site is not available now, does not accord with the definition of ‘deliverable’ as set out in the NPPF and therefore the boundaries of the draft allocation are not correct, and the entire site should not be allocated for housing.

3.26 With the above considered, the Plan would be unsound if the draft housing allocation was to remain as shown because the plan would not be effective and would not be consistent with national planning policy as there is no reasonable prospect of the site being delivered. This

allocation should be removed and other more sustainable sites in Lymm should be proposed for allocation, such as Cherry Lane Farm, to ensure that the Borough and Lymm's minimum housing requirements are met.

Summary

- 3.27 Richborough Estates strongly support the principle of Green Belt release to meet Warrington's development needs. Furthermore, Richborough Estates consider that additional Green Belt release is required to meet Warrington's housing requirements in full given the concerns that have been highlighted about the overreliance and deliverability of sites within the urban area.
- 3.28 Richborough Estates also have detailed concerns over the Council's site selection process for the outlying settlements and have demonstrated that 3 of the 4 proposed allocations in Lymm should be removed from the Local Plan and replaced with more appropriate and deliverable housing sites to ensure that the Local Plan is sound.
- 3.29 It has been demonstrated that WBC has not appropriately applied the sequential assessment required by paragraphs 157 and 158 of the NPPF. Warrington Road and Pool Lane are located in Flood Zones 1, 2 and 3 and there are reasonably available sites appropriate for housing development in areas with a lower risk of flooding, such as Cherry Lane Farm which is located in Flood Zone 1. On this basis, Cherry Lane Farm is a sequentially preferable site.
- 3.30 It is understood that part of Massey Brook Lane is owned by a local resident who does not wish to see their land developed for housing. On this basis, the entire site is not available and therefore the entire 60 new homes identified by draft policy OS5 are not deliverable.
- 3.31 Richborough Estates propose the following changes to the Local Plan:
- (i) Draft policies OS6 and OS8 should be removed and replaced with additional alternative deliverable sites and the housing numbers for OS5 should be reduced; and
 - (ii) One of the new housing allocations at Lymm should be Land at Cherry Lane Farm which can deliver 170 new dwellings. The Plan attached at **Appendix VI** clearly defines the extent of land at the site which Richborough Estates is proposed to be removed from the Green Belt. The Plan shows that only the area of the site proposed for housing would be removed, with the country park remaining within the Green Belt. The following section of this report demonstrates that the site at Cherry Lane Farm is deliverable.

4. Land at Cherry Lane Farm, Lymm

Site Context

- 4.1 Land at Cherry Lane Farm comprises approximately 12 hectares (ha) of greenfield agricultural land to the south west of Lymm. The site is located outside of but adjacent to the existing settlement boundary. The site comprises 3 agricultural fields. The existing built up area of Lymm is located immediately to the north and west. The site is bounded by existing roads on its eastern, southern and western boundaries.
- 4.2 There are several mature trees scattered across the site and strips of existing landscaping along the northern, eastern and southern boundaries. A hedgerow with scattered trees also partly screens the site from Cherry Lane to the west. The site is currently located wholly within the Green Belt which surrounds Lymm in its entirety. A more detailed description of the area surrounding the site is set out below:
- i. To the north – the northern boundary of the site is formed by the boundary of the existing properties along Hunts Field Close and Lady Acre Close, which are part of the residential estate to the north of the site, which was built out around 1999. In the north eastern corner of the site, the site abuts the boundary of an existing dwelling which fronts onto Lakeside Road.
 - ii. To the east – the eastern boundary of the site is formed by Lakeside Road, to the east of which is Lymm Dam and the woodlands and pathways which surround it. The eastern boundary of the site wraps around the rear gardens of 'Harwolde' and 'Silver How', existing residential properties which front Lakeside Road on its western side. The eastern boundary is also adjacent to the Lymm Conservation Area.
 - iii. To the south – the southern boundary of the site is formed by another road – The Avenue. A row of large detached properties front onto The Avenue all along its southern side. These properties have substantial gardens, south of which are further agricultural fields and the woodland around Bradley Brook.
 - iv. To the west – the western boundary of the site is formed by Cherry Lane (B5158) which connects the site into the centre of Lymm to the north and south to the M6 (Junction 20) and M56 (Junction 9). The northern part of the western boundary wraps around the former Cherry Lane Farm buildings. These have now been converted into residential properties. Land immediately to the west of Cherry Lane comprises further agricultural fields, and to the north west, existing residential development in Lymm.

Green Belt Assessment

4.3 The site is currently within the existing Green Belt. The Green Belt Assessment ("GBA") (October 2016) prepared by Arup and updated in 2018 made an assessment of the site at Cherry Lane Farm (reference Parcel LY25) against the five purposes of the Green Belt (paragraph 134 of the NPPF). Richborough Estates have set out in previous representations that they have significant concerns over the conclusions of the GBA. Set out below is a summary table which compares the findings of the GBA against Richborough Estates' assessment which is provided in full in the Development Statement enclosed at **Appendix IV**.

Green Belt Purpose	GBA Contribution to GB	Richborough Estates Contribution to GB
To check the unrestricted sprawl of large built-up areas	The parcel is not adjacent to the Warrington urban Area and therefore does not contribute to this purpose. No contribution	Agree with GBA in line with the methodology set out in Section 4 of the GBA. No contribution
To prevent neighbouring towns merging into one another	The parcel does not contribute to preventing towns from merging. No Contribution	Agree with GBA in line with the methodology set out in Section 4 of the GBA. No contribution
To assist in safeguarding the countryside from encroachment	Overall the site makes a strong contribution to safeguarding from encroachment due to its strong degree of openness and non-durable boundaries with the settlement. Strong Contribution	It can be acknowledged that by virtue of there being a housing development on a Green Belt site, there is encroachment into the countryside. However, the same is true of any of the proposed sites to be released from the Green Belt The site represents a well contained parcel of land which is clearly defined by strong, defensible boundaries on all sides which would contain encroachment in the long term if the parcel were developed. The existing residential properties of Tanners Pool to the west of Cherry Lane in the southern area of the site, the recent development of Cherry Lane Farm, and the two existing

Green Belt Purpose	GBA Contribution to GB	Richborough Estates Contribution to GB
		<p>properties within the south-eastern part of the site also interrupts the feeling of open countryside surrounding the site.</p> <p>There is in fact extremely limited connectivity between the site and the wider countryside both to the east (by virtue of Lymm Dam and the surrounding dense woodland) and to the south (by the existing properties along The Avenue). Furthermore, a country park is proposed as part of the development to the immediate south of the housing area. This land will remain within the Green Belt and will provide a sensitive buffer between the proposed housing and the wider countryside. Whilst there are some views of the parcel from the west these are limited and interrupted by existing vegetation.</p> <p>Weak Contribution</p>
<p>to preserve the setting and special character of historic towns</p>	<p>Lymm is a historic town. The parcel does not cross an important viewpoint of the Parish Church. The entire western boundary of the parcel lies adjacent to the Lymm Conservation Area. Therefore, the parcel makes a strong contribution to preserving the setting and special character of historic towns.</p> <p>Strong Contribution</p>	<p>Just because the eastern boundary of the site adjoins the Lymm Conservation Area does not mean that the site makes a moderate contribution to this purpose. The Conservation Area is heavily screened by an existing and mature landscape framework along its eastern boundary with Lymm Dam. Furthermore, the character of the area includes existing housing to the immediate north of the site which adjoins the Conservation Area. Indeed, some of the existing housing to the north encroaches Lakeside Road and therefore has an</p>

Green Belt Purpose	GBA Contribution to GB	Richborough Estates Contribution to GB
		even closer relationship and impact on the Lymm Conservation Area. Weak/Moderate Contribution
To assist in urban regeneration, by encouraging the recycling of derelict and other urban land	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. Moderate Contribution	All Green Belt has the potential to make a strategic contribution to urban regeneration by restricting the land available for development and encouraging development in urban sites. As such, different parcels of Green Belt land around settlements will have the same contribution towards this purpose. Richborough Estates welcome the recognition of this in the GBA which assesses all sites in Lymm as having the same level of contribution towards this purpose. Moderate Contribution
Overall	Strong Contribution	Weak Contribution

4.4 Richborough Estates' assessment considers the site on its own merits and its contribution to the Green Belt and the conclusions for the reasons set out above, is that the land has a 'weak contribution' to the Green Belt. The Council's overall conclusion that the site has a strong contribution to the Green Belt is flawed because it only identifies the site as making a strong contribution to 2 of the 5 purposes, with 1 purpose identified as having a moderate contribution and 2 purposes have no contribution. Even by using the Council's own assessment, the site should have been scored as an overall moderate contribution to the Green Belt and if it had done so the site would have formed part of the Local Plan site selection process.

4.5 Notwithstanding the above, Richborough Estates Green Belt Assessment concludes that the site has an overall weak contribution to the Green Belt which further promotes the site as a suitable and appropriate site for Green Belt release and housing allocation. In light of the above, the site selection process followed by the Council is not sound because it is not justified and has not taken into account reasonable alternatives

Openness

- 4.6 Richborough Estates have sought the advice of Tyler Grange ("TG") in respect of the contribution the site currently makes to the openness of the Green Belt.
- 4.7 The site comprises 3 agricultural fields separated by established boundary hedgerows. It adjoins Cherry Lane to the west, The Avenue to the south, Lakeside Road to the east and the settlement edge of Lymm to the north. There is existing residential development adjoining the northern, southern and north western boundaries of the site, and two further residential properties located along the south eastern side of the site.
- 4.8 The site and its surroundings are located on relatively low-lying land, with the topography of the site ranging from around 42m by Lakeside Road to around 48m on the north western boundary. The surrounding landscape is also low lying and gently undulating with only a few localised exceptions where it rises above 50m.
- 4.9 As a result of the nature of the low lying, gently undulating topography, the strength of vegetation and existence of settlement and built form (either adjoining or in close proximity to the site) visibility of the site is highly restricted with views being of a close-range nature. Where views of the site are gained, they are from close quarters from the roads that directly adjoin the site (along which the Mersey Valley Timberland Trail runs). The public right of way on the western side of Lymm Dam is set within thick tree cover and so views out towards the site are highly filtered and contained. This tree cover provides a strong treed backdrop to the site from the views that are available from the west. Some of the residential properties which adjoin the site are likely to have views into the site.
- 4.10 Within the Warrington Landscape Assessment - Area 3c (in which the site is located) it states that *"The area's topography creates an intimate landscape, often self-enclosed by woodlands and hedgerow trees. Views from the area are therefore less extensive with few internal views of note"*.
- 4.11 The proposed development (shown on the Updated Illustrative Masterplan (**Appendix V**)) is set out within the two northern fields with development setbacks against Cherry Lane and Lakeside Road. There is a generous provision of open space incorporated into the layout. The existing internal hedgerows would be retained with two small 'punctures' needing to be created within the central hedge to accommodate the proposed road system. All boundary hedges would be retained and enhanced through appropriate long-term management and supplementary planting as required to gap up and strengthen the hedgerows. There is also opportunities and adequate space to plant native trees along the western boundary.
- 4.12 The southern field will be laid out as open space with the intention that it will become a country park devoid of any built form with access for the local community to enjoy and this is significant

benefit of the scheme. The country park would remain within the Green Belt and would provide a sensitive buffer between the proposed development and the wider countryside.

- 4.13 TG conclude that there are no long-range views of the site and no long-range views would be affected or curtailed by the development. The development would only have a highly localised visual effect. The local vegetation pattern and nature of the topography ensure that the development would only be seen at close quarters, primarily from the local roads that directly adjoin the sites boundaries. The site is well connected visually to the existing settlement edge and also to other development beyond.
- 4.14 Therefore, whilst there would be some minor visual effects as a consequence of the development, the perception of the openness of the Green Belt in this location would not be compromised and the openness of the Green Belt would be preserved overall.

A Deliverable Site

- 4.15 Paragraph 67 of the NPPF requires strategic policy-making authorities to have a clear understanding of the land available in their area. Planning policies should identify a supply of '*specific, deliverable sites for years one to five of the plan period*'. To be considered deliverable, sites for housing should be '*available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years*'. Cherry Lane Farm is deliverable for the following reasons:

Available

- 4.16 The site has been promoted through the Local plan process since December 2016. Richborough Estates have an agreement with the landowner to actively promote the site for housing development.
- 4.17 Richborough Estates are strong advocates of a plan-led system and are committed to promoting land for residential development by engaging actively with local authorities, parish councils and other neighbourhood forums through local and neighbourhood plans. They do not routinely pursue speculative planning applications and take great care in early high-quality public consultation to identify local features and any public concerns. Richborough Estates have a proven track record of facilitating the delivery of high-quality housing developments on suitable and sustainable sites and can confirm that the site at Cherry Lane Farm can be delivered for housing within the first five years of the Local Plan.
- 4.18 Cherry Lane Farm is therefore considered to be available in accordance with the requirements as set out in the NPPF.

Suitable

- 4.19 Lymm is a tier 2 settlement below Warrington City Centre only and benefits from a wide range of shops and services and is an appropriate location to accommodate a proportion of future housing growth. The site would form a natural extension with the settlement of Lymm and is in a highly sustainable location within walking distance of a variety of services and facilities at Lymm including a food store, public house, doctor's surgery, primary school, and Lymm Dam.
- 4.20 The site could utilise existing infrastructure surrounding the site. As such, there are not considered to be any utilities, drainage or infrastructure constraints that would prevent the site coming forward for development. The site can deliver satisfactory vehicular access from Cherry Lane and can access the strategic highway network without increasing congestion in Lymm village. The site will also deliver a new County Park for use by residents and the local community which would link with Lymm Dam and other recreation networks in the surrounding area.
- 4.21 Cherry Lane Farm is therefore considered to be suitable in accordance with the requirements as set out in the NPPF.

Achievable

- 4.22 Richborough Estates commissioned a professional team of consultants to undertake assessment work to underpin the suitability and deliverability of the site. This assessment work has demonstrated that there are no technical, physical or environmental constraints that would prevent housing development from coming forward in this location. A full assessment of these environmental and technical considerations is provided in the Development Statement at **Appendix IV** and a summary of these assessments is provided below:

Highways and Access

- 4.23 The site is located to the south of Lymm and would be accessed directly via the only road which provides a direct route between Lymm and the M6/ M56 Motorways. The site is therefore unique among all other potential housing sites in Lymm, in that it allows direct access to the strategic road network without the need for traffic to go via the local roads through the centre of the village and/or via the rural road network to the east.
- 4.24 New housing in other parts of Lymm would worsen existing traffic issues. It would add to traffic using the already constrained and congested roads using the centre of Lymm as a through route. Alternatively, traffic travelling east from Lymm, must either use Warburton Lane through Partington to the east, or the B5159 and over the congested Warburton Toll Bridge to connect to the A57/Manchester Road to the north or travel via Mill Lane (the B5169) to the south east of Lymm and via a weight and height restricted tunnel under the Bridgewater Canal.

Ecology

- 4.25 There are no designated sites of nature conservation interest within or adjacent to the site. Given its agricultural use, the habitats within the site are common and of limited value. The site is surrounded by roads on all sides and a residential estate on the other. The opportunities for links to other nearby habitats are therefore also limited. Existing trees and hedgerows will be incorporated into any future development along with appropriate buffers to preserve their value as wildlife habitat.
- 4.26 Opportunities for ecological enhancement would also be incorporated such that there could in fact be a net biodiversity gain as a result of the proposals. Overall, given the nature and location of the site, there are no overriding constraints to its development in terms of ecology and it is considered the site can be delivered in a manner which provides appropriate mitigation and biodiversity enhancements.

Arboriculture

- 4.27 Given the use of the site for agricultural land, it has very limited vegetation other than hedgerows along the boundaries of the site and a number of mature trees and groups of trees within the site and scattered along the boundaries. Rows of poplar trees line the eastern and southern boundaries of the site and are excluded from the site boundary. It is anticipated that existing trees and hedgerows will be retained and incorporated into the scheme wherever possible. Along with substantial new planting, this will help to ensure that new development integrates positively in the surrounding area. Given that the majority of the tree cover on the site is confined to the boundaries, trees on the site are not considered to present a significant constraint to development. It is anticipated development can come forward with only a very limited degree of tree loss.

Heritage and Conservation

- 4.28 There are no designated heritage assets (Listed Buildings, Scheduled Monuments, Registered Battlefields or Parks and Gardens) on the site. Lymm Village Conservation Area abuts the east side of the study site. There are a number of designated heritage assets within 1 kilometre of the site, predominantly in the centre of Lymm. There is a Grade II Listed Bridge over the Brook and Dell at the Head of Lymm Dam, which is situated immediately to the south east of the site.
- 4.29 An Updated Illustrative Masterplan, provided at **Appendix V**, shows a green buffer along the eastern boundary of the development, with the proposed dwellings set back from the Conservation Area and at a similar rhythm and low-level density as the existing houses along Lakeside Road. This design approach will ensure the character and setting along Lakeside Road adjacent to the Conservation Area is preserved. The Listed Bridge to the south east of the site will not be directly impacted by the proposals. The Avenue and within the south east corner of the site which will help to maintain this view and therefore setting of the Listed Bridge.

Flood Risk

4.30 The entire site is located within Flood Risk Zone 1, with reference to the Environment Agency flood maps. Residential development would therefore be entirely acceptable in line with national guidance on flood risk. The site is relatively flat and therefore it is not anticipated there would be any issues with ensuring a residential development on the site could be adequately drained.

Utilities

4.31 There are no power lines or public sewers crossing the site which would act as a constraint to development. It is anticipated that residential development on the site will be able to connect to the existing utilities networks which serve the area. The presence of the relevant utilities networks in the area is evident given the residential development to the immediate north of the site which took place around 2000. Further investigations and enquiries would reveal any improvement works or on-site provision deemed necessary.

4.32 A review of the economic viability of the site has also been undertaken in terms of land value, attractiveness of the locality and the level of potential market demand. These considerations have been analysed alongside cost factors associated with the redevelopment of the site. Richborough Estates can confirm that the redevelopment of the site (including 30% affordable housing) is viable.

4.33 Richborough Estates are confident that when taking all known factors into account the site could be developed for 170 homes in a manner which is contextually appropriate to its setting and represent a natural, sustainable extension to the existing settlement, whilst providing significant social and economic benefits. Cherry Lane Farm is therefore considered to be achievable in accordance with the requirements as set out in the NPPF.

Scheme Benefits

4.34 The development of the site for housing would deliver a range of economic, social and environmental benefits.

Economic Role

4.35 The development of the site for housing would make a positive contribution to building a strong, responsive and competitive economy, in line with national planning policy. The development will secure the following:

- i. A significant amount of new investment into the local area through the construction process;
- ii. A substantial contribution towards Council Tax per annum in perpetuity following the scheme's completion;

- iii. Significant additional spending annually in the local economy from the site's new residents. This could support full time and part time jobs locally;
- iv. It is anticipated the proposed development will take around 4-5 years to be constructed (assuming a development rate of 35 units per year);
- v. The potential to provide apprenticeships and training opportunities and its suppliers for residents in the local area; and
- vi. Contribution to building a strong, responsive and competitive economy via the provision of much needed additional open market and affordable homes in the Borough.

Social Role

- 4.36 The development of the site will help to support a strong, vibrant and healthy community through the provision of much-needed market and affordable housing on a site which is in a suitable and sustainable location. The development of the site will allow for a range of housing types, tenures and sizes to be delivered within the locality, contributing positively to the housing mix in the area.
- 4.37 The Updated Illustrative Masterplan also proposes a new country park extended to 4.86 ha and land provided for a new community use building as part of the wider development for use by the wider community. The development would also deliver a new children's natural play and formal play area ("LEAP").
- 4.38 The new country park is a significant benefit of the development and Giles Cannock QC's Written addresses compensatory improvements to the Green Belt in his written opinion which states:
37. *"However, I am concerned that the eLP has given insufficient regard (if any) to the last part of NPPF 138, which requires the LPA to consider ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land. This is not an issue which is addressed in the eLP in any adequate detail.*
38. *It is, however, a site specific benefit of the proposed development at Cherry Lane Farm, which would result in a very substantial portion of the proposed site being set out as a country park for the benefit of new and existing residents, consistent with inter alia NPPF 138".*
- 4.39 The Updated Illustrative Masterplan also proposes a car park for wider community use to access the new country park and Lymm Dam. Richborough Estates are also committed to working with local community groups to investigate any improvements which could be delivered to Lymm Dam or the surrounding area. One particular recurring issue is parking problems associated with the Dam and the incorporation of a visitor car park is a direct benefit, not only to the users of the Dam but also those residents who are impacted on by current parking difficulties. The social objective is

important in achieving Richborough Estates' aim of leaving a lasting legacy for the communities within which it works.

Environmental Role

4.40 The development of the site would create a network of new green space and public open space that can be enjoyed and experienced by both future local residents of the site and by members of the existing local community. The Updated Illustrative Masterplan demonstrates that the development will give consideration to the site's existing landscape features. The country park will remain in the Green Belt and will create a new strong and defensible Green Belt boundary to the south of the settlement. As stated above, given the position and location of the site, the development will not lead to an increase in traffic congestion in Lymm village as the strategic highway network can be accessed directly from Cherry Lane.

Summary

4.41 This section has demonstrated that the site is suitable, available and achievable and can deliver residential development within the first five years of the Plan period. It has also been demonstrated that there are a series of compelling social, economic and environmental benefits which would be secured through the development of the site for housing. These benefits would be enjoyed by both future residents of the development and existing members of the wider community.

5. Other Policies

5.1 This section of the report considers other draft policies of the WPSVLP and offers comments that we request are considered and, where appropriate, incorporated into the next stage of the Local Plan process.

WPSVLP Policy	Richborough Estates' comment
<p>Policy INF1 – Sustainable Travel and Transport</p> <p>Policy DC 1- Warrington Places</p> <p>Policy DC 3 – Green Infrastructure Network</p>	<p>Richborough Estates does not object to the principles of these draft Policies. However, Richborough Estates would not support any policy requirements which threatened the viability and/or deliverability development.</p>
<p>Policy INF5 - Delivering Infrastructure</p>	<p>Richborough Estates generally supports the policy which requires development to provide or contribute towards the provision of the infrastructure needed to support it and agrees that the Council should consider viability at the planning application stage where appropriate.</p>
<p>Policy DC 5 - Open Space, Outdoor Sport and Recreation</p>	<p>In relation to draft Policy DC5 Richborough Estates generally supports the approach of the policy. However, WBC's Playing Pitch Assessment (PPS) and assessment of indoor/non-pitch sports facilities are currently being finalised and a developer contributions methodology is yet to be finalised to establish appropriate levels of contributions. This affects points 5 and 6 of Policy DC 5, which sets out the context for Playing Pitches and Indoor and Recreation Facilities respectively. Therefore, Richborough Estates reserves the right to comment on any methodology established in relation to financial contributions for playing pitches and indoor facilities</p> <p>Richborough Estates would not support a policy requirement for playing pitches and indoor sport and green infrastructure if this threatened the viability and/or deliverability of the site.</p>
<p>Policy DC6 – Quality of Place</p>	<p>Richborough Estates has a history of delivering high quality development and therefore,</p>

WPSVLP Policy	Richborough Estates' comment
	<p>generally, has no objection to the criteria set out in draft Policy DC6. However, Richborough Estates would like to make the following comments on Point 7 of the Policy, which sets out the following:</p> <p><i>“Developers will be expected to adhere to any additional guidance produced by the Council relating to public realm in their development proposals”</i></p> <p>The explanatory text explains that the Council intends to produce and publish a framework for treatment of the public realm to ensure consistency throughout the Borough.</p> <p>Richborough Estates reserves the right to comment on this document when this is published. Richborough Estates would not support a policy requirement that threatened the viability or deliverability of development</p>
<p>Policy ENV7 – Renewable and Low Carbon Energy Development</p>	<p>Richborough Estates objects to Policy ENV7 as it is not consistent with national planning policy and in particular paragraphs 150 and 153 of the NPPF which promote layout, building orientation, massing and landscaping to minimise energy consumption</p> <p>Paragraph 151 of the NPPF states that,</p> <p><i>“To help increase the use and supply of renewable and low carbon energy and heat, plans should: a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development...”</i></p> <p>There is no clear explanation within the policy or evidence base, for the WPSVLP of what constitutes 'suitable development' for renewable and low carbon energy. Furthermore, there is no clause whereby new development should comply with</p>

WPSVLP Policy	Richborough Estates' comment
	<p>development plan policies for decentralised energy supply unless it can be demonstrated by the applicant that this is not feasible or viable, as detailed at paragraph 153 of the NPPF.</p> <p>Policy ENV7 refers to a requirement for major residential development (11 units or more) in all locations outside strategic allocations to meet at least 10% of their energy needs from renewable and/or other low carbon energy source(s). In order to be sound, the 10% requirement must be robustly and clearly evidenced. Whilst the Council points to the 'Liverpool City Region - Renewable Energy Capacity Study (2010)' as part of its 'Key Evidence' for Policy ENV7, Richborough Estates has not been able to locate this document on the Council's website. However, in any case, even if the 10% requirement is evidenced, Richborough Estates questions why this 10% could not be achieved firstly, at least in part, through the orientation and fabric of the development, in line with national planning policy.</p>

6. Conclusions

6.1 These representations have been prepared by Avison Young on behalf of Richborough Estates and relate to land promoted by Richborough Estates at land at Cherry Lane Farm, Lymm.

Meeting Housing Needs

6.2 Avison Young through a high-level assessment has demonstrated that the delivery of 6,549 dwellings in the Town Centre Masterplanning Area is overstated and is not deliverable. Based on Avison Youngs assessment of the Town Centre Masterplanning Area, at least 2,260 dwellings have been identified as not being deliverable due to infrastructure and deliverability issues identified in this representation.

6.3 On this basis, Warrington's urban capacity is overstated and should be reduced by at least 2,260 dwellings. There is no possibility of the Council's neighbouring authorities meeting this need and further sustainable sites within the Green Belt are required to ensure that Warrington Borough meets its housing requirements in full within the Plan period.

6.4 Should the Council fail to proactively address the deliverability issues identified, the WPSVLP is unsound in accordance with paragraph 35 of the NPPF for the following reasons:

- I. The plan will not be positively prepared as the Council will not meet the objectively assessed housing need in full;
- II. The plan will not be justified because it is not based upon the most appropriate strategy. Additional land from the Green Belt is required to be released to enable the Council to meet its housing requirements in full;
- III. The plan will not be effective because it relies on housing sites to meet its housing requirements in full that are not deliverable over the plan period; and
- IV. The plan will not be consistent with national planning policy for the reasons set out above.

Green Belt Release

6.5 Richborough Estates strongly support the principle of Green Belt release to meet Warrington's development needs. Furthermore, Richborough Estates consider that additional Green Belt release is required to meet Warrington's housing requirements in full given the concerns that have been highlighted about the overreliance and deliverability of sites within the urban area.

- 6.6 Richborough Estates have also detailed concerns over the Council's site selection process for the outlying settlements and have demonstrated that 2 of the 4 proposed allocations in Lymm should be removed from the Local Plan and 1 of 4 sites is not deliverable in its entirety. The 2 sites specified should be replaced with more appropriate and deliverable housing sites and 1 site should be reduced to ensure that the Local Plan is sound.
- 6.7 It has been demonstrated that WBC has not appropriately applied the sequential assessment required by paragraphs 157 and 158 of the NPPF. More than half of Warrington Road is in Flood Zone 2 and all of Pool Lane is located in Flood Zones 2 and 3 and there are reasonably available sites appropriate for housing development in areas with a lower risk of flooding, such as Cherry Lane Farm which is located in Flood Zone 1. On this basis, Cherry Lane Farm is a sequentially preferable site.
- 6.8 In addition, it is understood that part of Massey Brook Lane is owned by a local resident who does not wish to see their land developed. On this basis, the entire draft allocation is not available and therefore the 60 new homes identified by draft policy OS5 are not all deliverable.
- 6.9 To address this and ensure the Local Plan is sound, Richborough Estates propose the following changes to the WPSVLP:
- I. Draft policies, OS6 and OS8 should be removed and replaced with additional alternative deliverable sites and OS5 should be reduced in size; and
 - II. One of the new housing allocations at Lymm should be Land at Cherry Lane Farm which can deliver 170 new dwellings.

Green Belt Assessment

- 6.10 Richborough Estates' has undertaken its own assessment of the site against the 5 purposes that the Green Belt serves set out at paragraph 134 of the NPPF. For the reasons set out in Section 4 of these representations, Richborough Estates overall conclusion is that the land has a 'weak contribution' to the Green Belt. In comparison, the Council's Green Belt Assessment concludes that overall the site has a strong contribution to the Green Belt. Richborough Estates considers that this conclusion is flawed because it only identifies the site as making a strong contribution to 2 of the 5 purposes, with 1 purpose identified as having a moderate contribution and 2 purposes having no contribution. Even by using the Council's own assessment, the site should have been scored as an overall moderate contribution to the Green Belt and if it had done so the site would have formed part of the Local Plan site selection process.
- 6.11 Notwithstanding the above, Richborough Estates Green Belt Assessment concludes that the site has an overall weak contribution to the Green Belt which further promotes the site as a suitable and appropriate site for Green Belt release and housing allocation. In light of the above, the site

selection process followed by the Council is not sound because it is not justified because it has not taken into account reasonable alternatives.

A Deliverable Site

6.12 This report has demonstrated that the site is suitable, available and achievable and can deliver residential development within the first five years of the Plan period. It has also been demonstrated that there are a series of compelling social, economic and environmental benefits which would be secured through the development of the site for housing. These benefits would be enjoyed by both future residents of the development and existing members of the wider community.

Overall Summary

6.13 In summary, these representations and the enclosed Development Statement have demonstrated that:

- i. WBC have overstated their urban capacity as demonstrated through Avison Young's high-level assessment;
- ii. Whilst the principle of Green Belt release is supported, Richborough Estates have fundamental concerns over WBC's site selection process;
- iii. Richborough does not consider the land to have a 'strong contribution' to the Green Belt when assessed against the five purposes that Green Belt serves as set out at paragraph 134 of the NPPF and disagrees with WBC's conclusions in the WBC Green Belt Assessments of 2016 and 2018;
- iv. The site represents a logical and wholly appropriate extension to the existing urban area of Lymm;
- v. The site sits in a sequentially preferable location in terms of flood risk (Flood Zone 1) as opposed to sites with draft allocations (OS6 and OS8), which are situated in Flood Zones 1, 2 and 3. Therefore, the site should be selected in preference to those allocated;
- vi. The site is suitable, achievable and available for residential development in accordance with the NPPF and is a reasonably available site appropriate for housing development in an area with a lower risk of flooding (flood zone 1);
- vii. The site is located in a sustainable location within close proximity to existing services and facilities in Lymm;

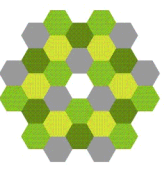
- viii. The development of the site will allow for the provision of good quality cycling and walking routes within the site to connect the site to the wider footway network and existing public right of way to the north, promoting connectivity with the existing community;
 - ix. There are no identified technical or environmental constraints that would prevent the delivery of housing on the site;
 - x. The development of the site would deliver an extensive range of economic, social and environmental benefits. These benefits include land set aside for a community use building and a 4.86 ha Country Park. The Country Park would remain within the Green Belt and would make a significant compensatory improvement to the Green Belt in accordance with paragraph 138 of the NPPF.
- 6.14 For the reasons set out in these representations, it is therefore respectfully requested that the emerging Local Plan is modified to facilitate the removal of Land at Cherry Tree Farm from the Green Belt and the sites allocation for housing.

Appendix I

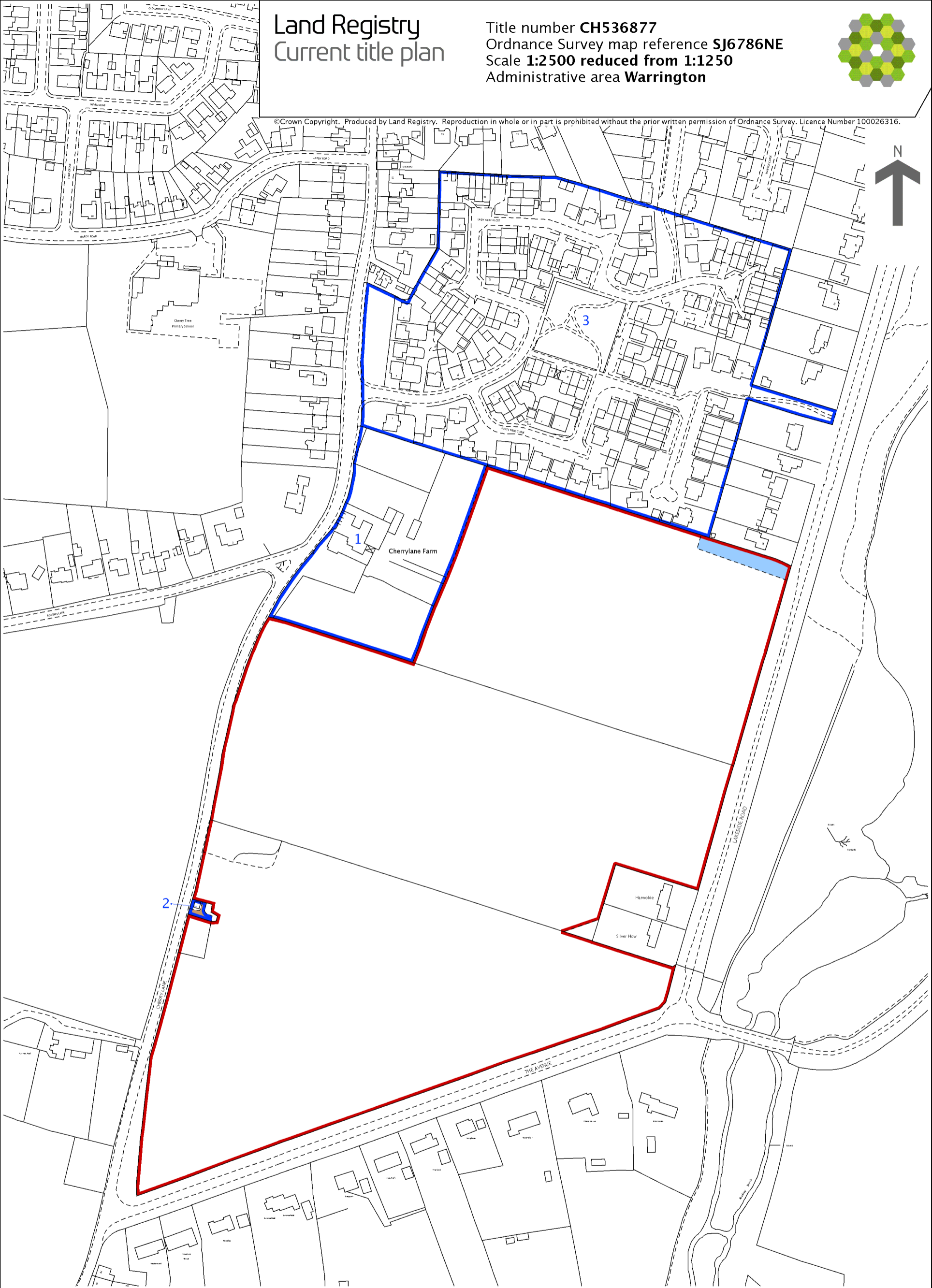
Site Location Plan

Land Registry Current title plan

Title number **CH536877**
Ordnance Survey map reference **SJ6786NE**
Scale **1:2500 reduced from 1:1250**
Administrative area **Warrington**



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The site being promoted at Cherry Lane Farm in Lymm is identified in red

This is a print of the view of the title plan obtained from Land Registry showing the state of the title plan on 04 April 2016 at 15:37:03. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by Land Registry, Birkenhead Office.

Appendix II

Giles Cannock QC Written Advice

**RE: WARRINGTON (PROPOSED SUBMISSION VERSION)
LOCAL PLAN) 2017-2037**

ADVICE

INTRODUCTION

1. Warrington Borough Council (the LPA) have published the Warrington Proposed Submission Version Local Plan 2017-2037 (“the emerging Local Plan – eLP”). Consultation closes on 17th June 2019. Richborough Estates have previously made written representations in respect of the Warrington Local Plan Preferred Development Option Regulation 18 Consultation (July 2017). Richborough Estates *inter alia* promote land at Cherry Lane Farm, Lymm (“the site”) for housing development.
2. I am Instructed by Richborough Estates to advise on 2 issues:
 - (i) Whether exceptional circumstances exist for the release of Green Belt sites for housing;
 - (ii) Whether the Plan is sound, given the approach to flood risk and the sequential approach;
3. I have had sight of the 7 enclosures to my Instructions. I have also had the benefit of a case conference with Avison Young on 29th May 2019.
4. This Advice should be read in conjunction with the written representations of Avison Young, dated June 2019.

STATUTORY BACKGROUND

5. The Planning and Compulsory Purchase Act 2004 (PCPA 2004) deals with development plans. Part 2 PCPA 2004 sets out the responsibilities of each LPA to prepare local plans and other local planning policy documents. Section 13 requires each LPA to “*keep under review the matters which may be expected to affect the development of their area or the planning of its development*”, which include the principal physical, economic, social and environmental characteristics of the area, the principal purposes for which land is used, the size, composition and distribution of the population and the effect of changes on the planning of development in the area. These statutory surveys form an important part of the evidence base for the preparation of development plans.

6. Section 17(3) provides that an LPA's “*local development documents must (taken as a whole) set out the authority's policies...relating to the development and use of land in their area*”. Section 17(6) requires an LPA to keep under review its local development documents having regard to the results of any review carried out under section 13. The effect of section 17(7) and regulations 5 and 6 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (SI 2012 No 767) is that an LPA's policies for (*inter alia*) encouraging the development and use of land, the allocation of sites for a particular type of development or use, and development management and site allocation policies intended to guide the determination of planning applications, must be contained in a “*local plan*”. A local plan is treated as being a “*development plan document*” (Regulation 2(1)).

7. Section 15(1) and (2) requires an LPA to prepare and maintain a “*local development scheme*” which must (*inter alia*) specify which of the authority's local development documents are to be development plan documents, the subject matters and areas which they cover, and the

timetable for the preparation and revision of such documents. The Secretary of State may direct an LPA to make such amendments to its scheme as he thinks appropriate for ensuring effective coverage of the authority's area by development plan documents (section 17(4)).

8. In preparing a local plan the LPA must have regard not only to national policies but also “*the resources likely to be available for implementing the proposals*” in the plan (section 19(2)). “*Resources*” include resources in the private sector. Thus, the viability and deliverability of the proposals are considerations to which the authority should have regard when preparing its policies. The LPA must also carry out an appraisal of the sustainability of its proposals (section 17(5)).
9. A local plan must comply with the requirements for Strategic Environmental Assessment as laid down by the SEA Directive (Directive 2001/42/EC) and the Environmental Assessment of Plans and Programmes Regulations 2004 (SI 2004 No 1633).
10. A local plan must be subjected to scrutiny through the process of “examination” by an independent Inspector under s. 20. One of the purposes of the examination is to determine whether the draft plan is “*sound*” (s.20(5)(b)). If the Inspector concludes that the document is “*unsound*”, then it cannot be adopted at all unless the Inspector is asked by the LPA to make “main modifications” to the draft which would render the plan “*sound*” (section 20(7A) to (7C) and section 23(2A), (3) and (4)) of the PCPA 2004). As a consequence, a local plan cannot be adopted and become part of the statutory development plan if it is judged to contain unsound policies.
11. The concept of “*soundness*” is not defined in the PCPA 2004 but it is defined in the NPPF. As the DMP was submitted after 24th January 2019,

the policies of NPPF (2019) apply for the purpose of examining the plan (NPPF 2019 paragraph 214).

12. Paragraph 35 NPPF supplies four tests for soundness to which regard should be had. The first is that a plan should be “*positively prepared*”, meaning that it “*should be prepared based on a strategy which seeks to meet the area’s objectively assessed needs...*”. The second test is that the plan should be “*justified*”, that is it should be “*an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence*”. Thirdly, a plan should be “*effective*” in the sense that it “*should be deliverable over the plan period ...*”. The fourth test is that the plan should be consistent with National Policy.
13. The first test for soundness, whether the plan's strategy seeks to meet objectively assessed development requirements, is consistent with the requirement in paragraph 60 NPPF, to which footnote 19 expressly refers.
14. The guidance in the NPPF on “soundness” is policy not law. The judgments reached by an examining Inspector and the LPA on “soundness” are only amenable to challenge on public law grounds (*Grand Union Investments Ltd v Dacorum Borough Council [2014] EWHC 1894 (Admin)*).
15. In addition, the Secretary of State (SoS) has a broad power to intervene if he considers a local plan, or a policy in a local plan, to be “*unsatisfactory*”. He may direct the LPA to modify the plan and the authority must comply with any such direction unless they withdraw the plan (ss. 21 and 22). Any such modification will then generally be considered in the examination process (section 21(5)).
16. By s. 26(1) an LPA may prepare a revision of its local plan at any time.

Section 26(2) empowers the SoS to direct the authority to prepare a revision of its plan in accordance with a timetable set by him.

17. The other material provision is section 39. That provides for sustainable development as follows:

(1) This section applies to any person who or body which exercises any function—

(a) under Part 1 in relation to a regional spatial strategy;

(b) under Part 2 in relation to local development documents;

(c) under Part 6 in relation to the Wales Spatial Plan or a local development plan.

(2) The person or body must exercise the function with the objective of contributing to the achievement of sustainable development.

(3) For the purposes of subsection (2) the person or body must have regard to national policies and advice contained in guidance issued by—

(a) the Secretary of State for the purposes of subsection (1)(a) and (b);

18. The following features of the statutory regime are therefore of importance¹:

(i) Local plan policies are based upon the evidence which an LPA is obliged to collect under section 13 of PCPA 2004. That evidence will capture (*inter alia*) information on characteristics and needs specific to that LPA's area and which differ from those of other LPA areas;

(ii) Section 17(3) provides that the local development documents (which will include the local plan) must set out the planning policies of the plan-making authority, namely the LPA, for the development and use of land in its area;

(iii) By section 19(2) when an LPA prepares its local plan policies it must have regard to a number of considerations, including national policies and advice contained in guidance issued by the Secretary of State. The

¹ Per Holgate J, *Grand Union Investments Ltd v Dacorum Borough Council* [2014] EWHC 1894 (Admin), at [123].

legislation does not require the local plan policies of an LPA to be in “conformity”, or even “general conformity”, with the Secretary of State's national policies. A LPA is entitled to put forward, justify and adopt local plan policies which depart from national policies.

(iv) Although the responsibility for formulating and adopting “its policies” for its area through a local plan, is placed upon the LPA, those policies are subject to independent scrutiny by an Inspector so as to test (*inter alia*) the justification for policies which are contentious. The process of statutory examination laid down by Parliament is important for the checks and balances and for the transparency it provides. Draft policies must be supported by a sufficient evidence base. Those policies are then publicised across the LPA's area and consulted upon. There has to be a published report on that process. The process is designed to take into account (*inter alia*) local circumstances and the views of local interests. The draft policies are subject to scrutiny by an independent Inspector and tested for (*inter alia*) soundness and compliance with various legal requirements including sustainability appraisal. The Inspector's report has to be published. The LPA's ability to adopt its local plan is broadly dependent upon the Inspector's recommendations. The legislation allows for legal flaws in the policies or process to be pursued in the courts.

(v) The SoS has power to intervene if he considers the content of a draft local plan to be unsatisfactory, by directing modifications to the plan or by preparing revisions himself. But in either case the revised policies are subject to statutory examination. Furthermore, those policies become part of the local plan itself;

(vi) Once adopted, there is a legal presumption that planning applications will be determined in accordance with relevant policies of the development plan, including the local plan, unless material considerations indicate otherwise (section 38(6) PCPA 2004). The legislation requires decision-making on planning proposals to be led by the development plan.

19. There can be no doubt, therefore, that a key aspect of the legal and planning policy requirement for an emerging development plan to be “sound” is that it is based on reasonable evidence and consistent with national policy (unless a contrary approach is justified). If it is not, the Inspector must make recommendations to amend it (if possible) or find the Plan unsound.

ISSUE 1 – EXCEPTIONAL CIRCUMSTANCES

Planning Policy and Guidance

20. The NPPF (Feb 2019) applies to this eLP as it has not yet been submitted (see NPPF 214). Chapter 3 NPPF addresses plan-making. NPPF 35 sets out the policy tests for soundness. Chapter 13 addresses the Green Belt. NPPF 133-142 sets out the protection afforded to the Green Belt. In particular:

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

137. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:

- a) makes as much use as possible of suitable brownfield sites and underutilised land; ^[L]_[SEP]*
- b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city*

centres and other locations well served by public transport; and

- c) *has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.*^[1]

138. When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policy-making authorities should consider the consequences for sustainable development of channeling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.

21. Further guidance on plan making is contained in the NPPG.
22. The legal interpretation of the exceptional circumstances test has been the subject of a number of judicial authorities (albeit in the context of NPPF 2012). It was expressly considered in *IM Properties v Lichfield* by Patterson J and Sir Ross Cranston. Whilst Patterson J’s judgment was expressly upheld by Sullivan LJ in the Court of Appeal, it was “finessed” by Jay J at paragraph 44 of *Calverton PC v Notts CC* [2015] EWHC 1078 (Admin).
23. A convenient summary is provided by Hickinbottom J in *Gallagher* at 125 (see also *IM Properties* at para 90). This formulation has been endorsed by Laws LJ in the Court of Appeal (see [2014] EWCA Civ 1610). 4 propositions are clear:²

² See Arup Green Belt Assessment at 46

i) Planning guidance is a material consideration for planning plan-making and decision-taking. However, it does not have statutory force: the only statutory obligation is to have regard to relevant policies.

ii) The test for redefining a Green Belt boundary has not been changed by the NPPF (nor did Mr Dove suggest otherwise).

*a) In **Hunston**, Sir David Keene said (at [6]) that the NPPF “seems to envisage some review in detail of Green Belt boundaries through the new Local Plan process, but states that ‘the general extent of Green belts across the country is already established’”. That appears to be a reference to paragraphs 83 and 84 of the NPPF. Paragraph 83 is quoted above (paragraph 109). Paragraph 84 provides:*

“When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development...”.

However, it is not arguable that the mere process of preparing a new local plan could itself be regarded as an exceptional circumstance justifying an alteration to a Green Belt boundary. National guidance has always dealt with revisions of the Green Belt in the context of reviews of local plans (e.g. paragraph 2.7 of PPG2 : paragraph 83 above), and has always required “exceptional circumstances” to justify a revision. The NPPF makes no change to this.

*b) For redefinition of a Green Belt, paragraph 2.7 of PPG2 required exceptional circumstances which “necessitated” a revision of the existing boundary. However, this is a single composite test; because, for these purposes, circumstances are not exceptional unless they do necessitate a revision of the boundary (**Copas** at [23] per Simon Brown LJ). Therefore, although the words requiring necessity for a boundary revision have been omitted from paragraph 83 of the NPPF, the test remains the same. Mr Dove expressly accepted that interpretation. He was right to do so.*

*iii) Exceptional circumstances are required for any revision of the boundary, whether the proposal is to extend or diminish the Green Belt. That is the ratio of **Carpets of Worth**.*

iv) Whilst each case is fact-sensitive and the question of whether circumstances are exceptional for these purposes requires an exercise of planning judgment, what is capable of amounting to exceptional circumstances is a matter of law, and a plan-maker may err in law if he fails to adopt a lawful approach to exceptional circumstances. Once a Green Belt has been established and approved, it requires more than general planning concepts to justify an alteration.

The Emerging Local Plan (eLP)

24. The history of the Warrington Green Belt is set out in detail in the Arup Green Belt Assessment (GBA), dated 21st October 2016. The Green Belt boundary was first formally introduced in the Cheshire Structure Plan 1977.³ Indeed, the current Green Belt boundaries are still based upon the designation established in 1979⁴, save for minor changes in the UDP (2006).⁵ It is clear, therefore, that it is appropriate for this eLP to consider whether such Green Belt boundaries are up to date, such that they meet objectively assessed needs (NPPF 35 and 60).
25. The eLP plans for the period 2017-2037. It plans for a minimum of 18,900 new homes (945 d/pa) between 2017 and 2037 (Objective W1 and Policy Dev 2). The housing target has been established through the LPA's Local Housing Need Assessment (2019). It is ~4% higher than the minimum requirement set by the standard methodology (using the 2014-based household projections). The higher housing requirement is justified by the growth strategy set out in the Cheshire and Warrington LEP Strategic Economic Plan. A 10% buffer is added to the housing requirement to add necessary flexibility to the eLP. This results in a total requirement of 20,760.⁶
26. Policy Dev 2 sets out the proposed spatial housing distribution and housing trajectory. The majority of new housing will be delivered within the existing main urban area of Warrington, existing inset settlements and other sites set out in the SHLAA – a minimum of 13,726 homes. That

³ GBA at 14

⁴ GBA at 15

⁵ GBA at 16 and 17

⁶ How the housing target is set is explained in the eLP at 4.1.6 *et seq* and Table 1

leaves a residual Green Belt requirement of 7,064 (20,760-13,726).⁷ Two sustainable urban extensions will deliver a minimum capacity of 5,832 in the Plan period (Garden Suburb – 4,201 and South West Extension – 1,631). A minimum of 1,805 homes will be delivered on allocated sites to be removed from the Green belt adjacent to 6 outlying settlements. A minimum of 430 homes will be delivered adjacent to Lymm.⁸

27. The Plan also seeks to set in place a housing strategy which will continue to deliver housing beyond the Plan period.⁹ However, a review of this version of the Plan should have been undertaken long before the end of this proposed Plan period.
28. Further, there is a need to deliver a significant amount of affordable housing (AH), amounting to 377 AH/pa (2017-2037).¹⁰ Policy DEV2 requires that 30% AH provision will take place on the greenfield Green Belt sites. It is clear, therefore, that new Green Belt development will be a major vehicle to meet the need for AH in the Plan period. In the absence of Green Belt delivery, there is no basis on which it can be concluded that this very significant need for AH can be met.
29. Objective W2 seeks to ensure that Warrington's revised Green Belt boundaries maintain the permanence of the Green Belt into the long term. Policy GB 1 maintains the general extent of the Borough's Green Belt throughout the Plan Period and to at least 2047. To that end: land is removed from the Green Belt, including land at Lymm (see Policy GB 1(a. to i.)).

⁷ *ibid* Table 1

⁸ The Housing Distribution and Trajectory is set out at 4.1.17 *et seq*

⁹ See eLP at 4.1.24 *et seq*

¹⁰ eLP at 4.1.32

30. The eLP explains why there are exceptional circumstances which exist to justify the removal of significant amounts of land from the Green Belt (eLP at 5.1.4 *et seq*). The analysis concludes that there is compliance with NPPF 137 (eLP at 5.1.8).

Analysis

31. NPPF 136 requires that, once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. In this case, in the light of the above, I consider that exceptional circumstances have been fully evidenced and justified, for the reasons given in the eLP (*supra*). In essence, the Green Belt boundaries were set out many years ago, in a different planning context, when the LPA was seeking to meet a very different housing requirement which has long since expired. There is now, applying the latest NPPF housing requirement (derived from the national planning imperative to boost significantly the supply of housing by applying the standard methodology) an exceptional level of housing need. If the required level of housing is not delivered, there will be an unacceptable impact on the LPA's housing and economic development strategies and growth aspirations. Furthermore, the delivery of market housing in the Green Belt will result in the delivery of a significant amount of AH, for which there is a very substantial need, which will not otherwise be met.
32. It is not just the delivery of market and affordable housing which constitute the exceptional circumstances. They are further justified through the spatial strategy of the eLP.¹¹ The eLP seeks to meet the objectively assessed need for market and affordable housing but, importantly, seeks to do so in accordance with the most sustainable spatial distribution of

¹¹ eLP at 5.1.10

housing, applying the settlement hierarchy, supported by the delivery of strategic infrastructure. Such an approach is expressly consistent with NPPF 138. Lymm is, therefore, rightly regarded as one of the most sustainable settlements in Warrington Borough, which can accommodate future development in the Green Belt, on accessible sites adjacent to its existing settlement boundaries, where development will increase housing choice and support the vitality and viability of local services.¹²

33. I consider that there are, in this case, exceptional circumstances for the release of Green Belt sites for housing. In reaching this conclusion, I am also re-assured and supported by the conclusions of the Planning Inspectors at Lichfield and Guildford, who concluded (in those areas) that Green Belt release was justified for reasons which are comparable.
34. Further, the eLP contains strategic policies which establish the need for the changes to the Green Belt, having regard to their intended permanence in the long term, so they can endure beyond the Plan period (see policy GB 1). The eLP also permits detailed amendments through non-strategic policies (see policy GB 1(1)). This is expressly consistent with NPPF 136.
35. On the basis of the evidence before me, which has been critically assessed by Avison Young, I consider that the LPA is able to demonstrate that it has examined fully all other reasonable options for meeting the identified need for housing (in accordance with NPPF 137). In particular:
 - (i) The eLP has sought to make as much use of brownfield sites and under-utilised land (NPPF 137(a)). The LPA has interrogated the Brownfield register and SHLAA. Further, it has undertaken masterplanning work to deliver significant additional urban

¹² eLP at 3.4.10

capacity above that which is currently identified. This work has been reviewed by Avison Young, who conclude that the LPA has sought to maximise previously developed and under-used sites. Indeed, Avison Young demonstrate that (in fact) the analysis demonstrates that the LPA has assumed too much land will be delivered from such sources. Accordingly, for the reasons set out in Avison Young's written reps, more housing on Green Belt sites (not currently allocated) will actually have to be delivered, if the Plan is to be found sound;

- (ii) The LPA has also reviewed its density assumptions (consistent with NPPF 137(b)). Avison Young agree that, whilst the methodology is not entirely clear, the LPA has sought to deliver policies which promote a significant uplift in the density of development.¹³ The LPA have, therefore, demonstrated exceptional circumstances.
- (iii) The LPA has also demonstrated that its approach has been informed by discussions with neighbouring authorities, pursuant to the statutory duty to so-operate.¹⁴ It is highly unlikely that any neighbouring authorities will be able to meet WBC's need for housing. On the contrary, all of WBC's neighbouring authorities are releasing Green Belt land.¹⁵ Indeed, WBC may need to release yet further Green Belt land, once the need for housing in the Greater Manchester authorities has been resolved.

36. Accordingly, the eLP has demonstrated exceptional circumstances, as required by the NPPF. Indeed, a review of the evidence demonstrates that

¹³ See eLP at 3.4.5

¹⁴ See eLP at 3.4.6

¹⁵ *ibid*

substantially more land in the Green Belt is required to be allocated to meet the minimum housing requirement of the eLP.

37. However, I am concerned that the eLP has given insufficient regard (if any) to the last part of NPPF 138, which requires the LPA to consider ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land. This is not an issue which is addressed in the eLP in any adequate detail.
38. It is, however, a site specific benefit of the proposed development at Cherry Lane Farm, which would result in a very substantial portion of the proposed site being set out as a country park for the benefit of new and existing residents, consistent with *inter alia* NPPF 138.

ISSUE 2 – FLOODING AND THE SEQUENTIAL TEST

Planning Policy

39. Ch. 14 NPPF addresses the challenge of climate change, flooding and coastal change. It states *inter alia*:

157. All plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

a) applying the sequential test and then, if necessary, the exception test as set out below; ^[L]_[SEP]

b) safeguarding land from development that is required, or likely to be required, for current or future flood management; ^[L]_[SEP]

c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and ^[L]_[SEP]

d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations. [SEP]

158. *The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.* [SEP]
159. *If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.* [SEP]
40. The NPPG on Flooding and Climate Change provides *inter alia*:

What is the aim of the Sequential Test for the location of development?

The Sequential Test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. The flood zones as refined in the Strategic Flood Risk Assessment for the area provide the basis for applying the Test. The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.

41. The interpretation of this policy and guidance is clear: development should not be allocated or permitted in the eLP if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding i.e. in a lower flood zone.

The Emerging Local Plan

42. A number of documents are relevant to a consideration of the manner in which flood risk has been assessed by the LPA at different stages of the emerging Local Plan process:
- (i) The Strategic Housing Land Availability Assessment (SHLAA) Final Report (January 2016);^{[1][1]}_[SEP]
 - (ii) Preliminary Flood Risk Assessment (May 2017);^{[1][1]}_[SEP]
 - (iii) Warrington Local Plan Preferred Development Option Regulation 18 Consultation – Representations on behalf of Richborough Estates (September 2017);^{[1][1]}_[SEP]
 - (iv) Level 1 Strategic Flood Risk Assessment (July 2018);^{[1][1]}_[SEP]
 - (v) Level 2 Strategic Flood Risk Assessment (March 2019);^{[1][1]}_[SEP]
 - (vi) Warrington Local Plan Review Pre-Submission Sustainability Appraisal: SA Report (March 2019);^{[1][1]}_[SEP]
 - (vii) Warrington Proposed Submission Version Local Plan 2017-2037 (March 2019).^{[1][1]}_[SEP]
43. The eLP proposes to remove 2 adjacent sites from the Green Belt at Lymm and allocate them for housing:
- (i) Pool Lane – allocated for a minimum of 40 homes (see eLP at 10.10); and
 - (ii) Warrington Road – allocated for a minimum of 130 homes (see eLP at 10.12).

44. In order to understand whether the eLP had applied national policy concerning flood risk, in a manner which was consistent with the sequential and exception tests, Richborough Estates instructed BWB Consulting to review the (above) relevant documents. Specifically, BWB were asked to:¹⁶

- (i) Consider whether flood risk had been appropriately accounted for in the decision making of the eLP;
- (ii) Appraise the risk of the Richborough Estates site at Land at Cherry Lane Farm located off Cherry Lane, compared to two sites located off Warrington Road, Lymm. [REDACTED]

45. The Cherry Lane Farm site is shown to be located within Flood Zone 1 (Low Probability), as shown in Figure 2.1 BWB Report. [REDACTED]

46. Conversely: (i) the Pool Lane site is located in Flood Zone 2 (Medium Probability), with a small encroachment of Flood Zone 3 (High Probability); and (ii) the Warrington Road site is located in Flood Zone 1 and 2 (Low-Medium Probability), as shown in Figure 2.2 BWB Report. The sites are located approximately 150m south of the nearest EA Main River, an unnamed tributary of the Thelwall Brook, which is shown to enter the River Mersey approximately 1.8km west of the site. [REDACTED] The BWB Report notes that the sites in the north of Lymm are located at the downhill extent of large upstream catchments with numerous watercourses and hydraulic connectivity surrounding the Manchester Ship Canal and River Mersey. The Cherry Lane Farm site is located at the upstream extent of the catchment with a relatively small upstream catchment (at 2.5). [REDACTED]

47. The BWB Report concludes (at 5.5) that:

¹⁶ See BWB Report May 2019 at 1.4 appended to the written reps of Richborough Estates, dated June 2019

It remains unclear as how the two Warrington Road sites have been allocated for residential development in preference to the Cherry Road site. Both sites seem to perform equally across most criteria. The main differentiator should be the clearly different fluvial flood risk classification which, if this had been assessed in accordance with the procedure set out within NPPF, should have concluded that the Cherry Road site was sequentially preferable to the Warrington Road sites. [SEP]

48. The eLP does not make any reference to the relevant flood zones or the sequential test in the allocation of these sites. There is, however, a requirement for both sites to provide flood alleviation measures (Policy OS6 16 and OS 8 16). The Key Evidence section does not refer to the relevant FRA's at all.

Analysis

49. On the basis of the evidence before me, the eLP fails to apply the sequential test. Cherry Lane Farm is located in FZ 1. Pool Lane is located in FZ 2 and 3. Warrington Road is located in FZ 1 and 2. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. In this case, out of the 3 sites considered by BWB, it is Cherry Lane Farm, for which all the built development can take place in FZ 1 (BWB Report at 5.2).
50. Development should not, therefore, be allocated at Pool Lane or Warrington Road because Cherry Lane Farm is a reasonably available site appropriate for the proposed housing development in an area/zone at a lower risk of flooding. Further or alternatively, the exception test has not been applied for the 2 allocated sites. The eLP is, therefore, currently unsound because it conflicts significantly with extant national policy (see NPPF 157-159). The eLP could, however, become sound were the 2 allocated sites to be excised from the eLP.

51. That would, however, leave a shortfall in the minimum housing requirement in Lymm of 170 units. Logically, such a shortfall could be made up by allocating sustainable sites in Lymm, such as Cherry Lane Farm, in sequentially preferable flood zones.
52. I have not separately considered whether the Cherry Lane Farm is “a reasonably available site appropriate” for the proposed housing development. This is, however, an issue which is addressed in the written submissions by Avison Young, dated June 2019.
53. I advise accordingly. Please do not hesitate to contact me, should anything further arise.

GILES CANNOCK QC

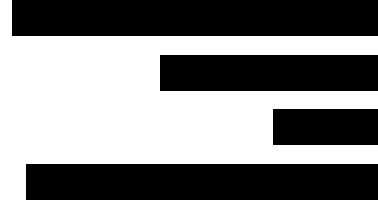
Kings Chambers

11th June 2019

Appendix III

Flood Risk Appraisal by BWB

ENVIRONMENT



May 2019

Document Number:	CLL-BWB-ZZ-XX-RP-YE-0001_FRS
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Revision	Date of Issue	Status	Author:	Checked:	Approved:
P01	31/05/19	S0	Rachel Meredith BSc (Hons)	Keith Alger BSc (Hons) MSc	Stuart Nelmes BSc (Hons) MRes C.WEM CEnv
P02	06/06/19	S0	Rachel Meredith BSc (Hons)	Keith Alger BSc (Hons) MSc	Stuart Nelmes BSc (Hons) MRes C.WEM CEnv

Notice

All comments and proposals contained in this report, including any conclusions, are based on information available to BWB Consulting during investigations. The conclusions drawn by BWB Consulting could therefore differ if the information is found to be inaccurate or misleading. BWB Consulting accepts no liability should this be the case, nor if additional information exists or becomes available with respect to this scheme.

Except as otherwise requested by the client, BWB Consulting is not obliged to and disclaims any obligation to update the report for events taking place after: -

- (i) The date on which this assessment was undertaken, and
- (ii) The date on which the final report is delivered

BWB Consulting makes no representation whatsoever concerning the legal significance of its findings or the legal matters referred to in the following report.

All Environment Agency mapping data is used under special license. Data is current as of May 2019 and is subject to change.

The information presented, and conclusions drawn, are based on statistical data and are for guidance purposes only. The study provides no guarantee against flooding of the study site or elsewhere, nor of the absolute accuracy of water levels, flow rates and associated probabilities.

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1. INTRODUCTION

Summary Information

- 1.1 This document has been produced by BWB Consulting Ltd on behalf of Richborough Estates following the recent production of the Warrington Borough Council (WBC) Proposed Local Plan.
- 1.2 BWB Consulting has been appointed to review the flood risk elements associated with the draft Local Plan allocations and to try and determine to what extent flood risk has informed these allocations.
- 1.3 Richborough Estates is promoting land located off Cherry Lane, Lymm, prior to the most recent publication, the Proposed Submission Version Local Plan¹. However, the document suggests that this site has not been considered as a housing allocation and that flood risk may have been a determining factor in this decision. Furthermore, the Local Plan includes sites which appear, based upon available mapping, to be at greater risk of both fluvial and pluvial flooding.
- 1.4 From a flood risk perspective, BWB Consulting have been tasked to review the documents and processes associated with the Proposed Local Plan. Specifically, BWB has been asked to explore whether the flood risk element has been appropriately accounted for in the decision making associated with the Proposed Local Plan and appraise the risk of the Richborough Estates site located off Cherry Lane compared to the sites located off Pool Lane and Warrington Road, also in Lymm, which have been successfully promoted into the Proposed Local Plan despite clear differences in flood risk classification.

Site Information

Cherry Lane

- 1.5 The Cherry Lane site is located approximately 900m southwest of the centre of Lymm, Cheshire. The site is bordered by Cherry Lane to the west, The Avenue to the south, Lakeside Road to the east and existing residential development to the north.

Pool Lane

- 1.6 The Pool Lane site is located approximately 1.2km west of the centre of Lymm. It is bordered by Pool Lane and associated residential development to the west, greenfield land to the north, existing residential development to the east and Warrington Road to the south.

Warrington Road

- 1.7 The Warrington Road site is located approximately 1.2km west of the centre of Lymm.

¹ Warrington Proposed Submission Version Local Plan 2017-2037, produced by Warrington Borough Council, March 2019.

- 1.8 The site is bordered by Warrington Road to the north, Statham Community Primary School to the east and predominately greenfield land to the south and west. The Trans-Pennine Trail public footpath is located adjacent to the southern boundary.
- 1.9 The locations of the Cherry Lane, Pool Lane and Warrington Road sites are shown in **Figure 1.1**.



Figure 1.1: Site Locations

2. POTENTIAL SOURCES OF FLOOD RISK

Fluvial Flood Risk

Cherry Lane

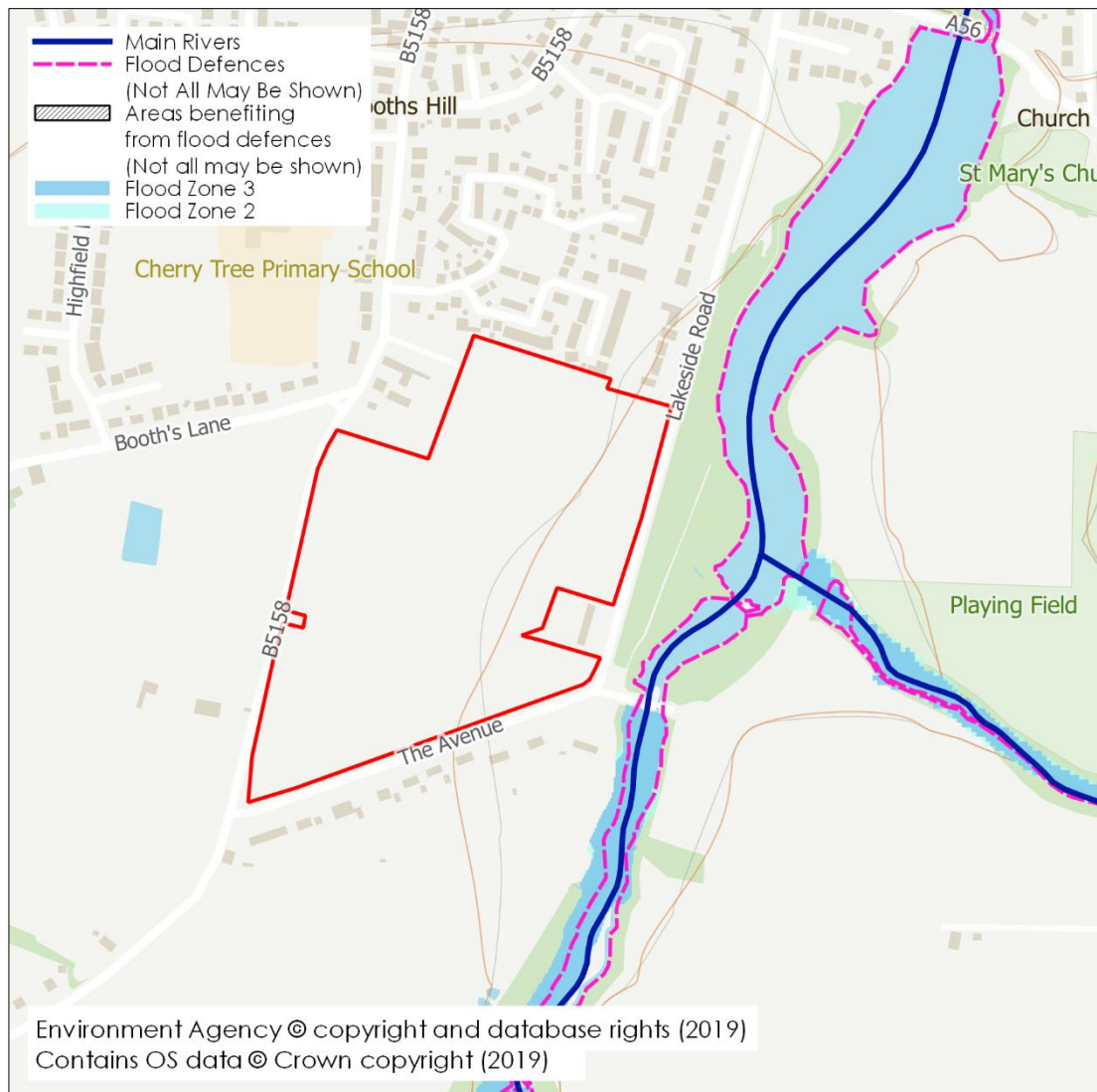


Figure 2.1: EA Flood Map for Planning (Cherry Lane site)

- 2.1 The Cherry Lane site is shown to be located within Flood Zone 1 (Low Probability), as shown in **Figure 2.1**.
- 2.2 The site is located less than 100m to the west of the Lymm Dam and Reservoir, part of the EA Main River known as the Slitten Brook, a tributary of the Sow Brook which enters the Manchester Ship Canal approximately 2km north of the site. The Lymm Dam and Slitten Brook adjacent to the site are shown to be protected by flood defences. Data from the National Flood and Coastal Defence Database indicates that the defences close to the site are formed of natural high ground and have a 1 in 5-year standard of protection. The site lies outside of any area of direct or residual fluvial flood risk.

Pool Lane

- 2.3 The Pool Lane site is located predominately in Flood Zone 2 (Medium Probability) with a small encroachment of Flood Zone 3 (High Probability) as shown in **Figure 2.2**. The site is located approximately 140m south of the nearest EA Main River, an unnamed tributary of the Thelwall Brook which enters the River Mersey approximately 1.8km west of the site.

Warrington Road

- 2.4 The Warrington Road site is located in Flood Zones 1 and 2 (Low – Medium Probability), as shown in **Figure 2.2**. The site is located approximately 300m from the unnamed tributary of the Thelwall Brook.

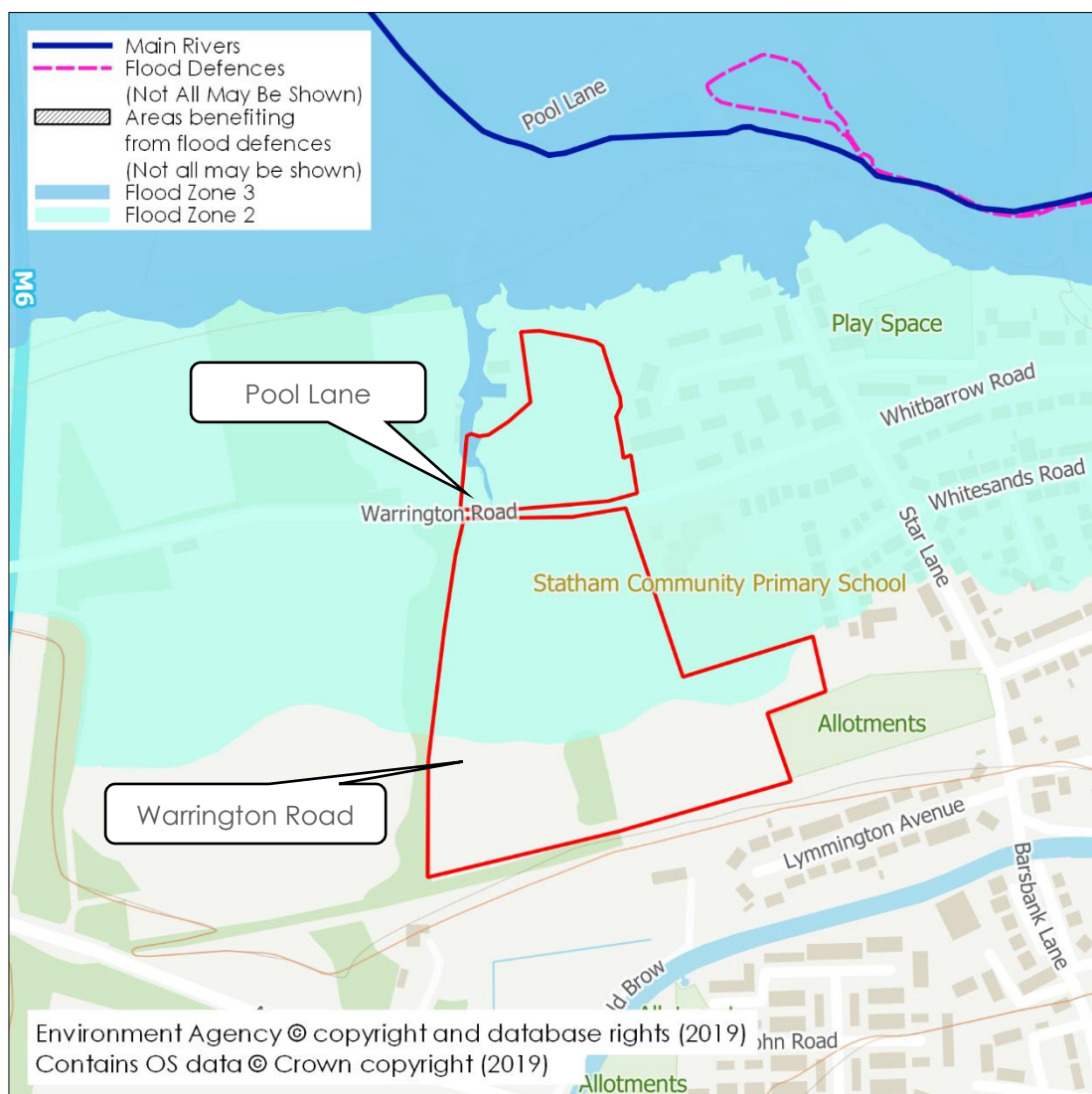


Figure 2.2: EA Flood Map for Planning (Pool Lane and Warrington Road sites)

- 2.5 It is also important to note that the sites in the north of Lymm are located at the downhill extent of large upstream catchments with numerous watercourses and hydraulic connectivity surrounding the Manchester Ship Canal and River Mersey. The Cherry Lane

site is located at the upstream extent of the catchment with a relatively small upstream catchment.

Recorded Flood Outlines

- 2.6 The Environment Agency historic flood event data identifies two areas to the north of Lymm which experienced fluvial flooding on 26th December 2015 as a result of a number of breaches along the Manchester Ship Canal. The flood waters during this event were recorded to be 115m from the north of the Pool Lane site.

Pluvial Flood Risk

- 2.7 Risk of flooding from surface water mapping has been reviewed, this shows the potential flooding which could occur when rainwater does not drain away through the normal drainage systems or soak into the ground but lies on or flows over the ground instead.

Cherry Lane

- 2.8 The Cherry Lane site is shown to have small, or limited, areas of both low and high susceptibility to surface water flooding. The site appears to slope towards the Lymm Dam and a flow route exists from the centre of the site towards The Avenue following the fall of the land. A further three pools of Low to High risk exist, two adjacent to Lakeside Road and one in the north west of the site. The flood depths predicted for the medium design event range from less than 150mm to greater than 1200mm within the areas identified to be at risk. A large proportion of the site however is shown to have very low susceptibility.
- 2.9 The total site area is approximately 12ha and approximately 7% of this site area is identified to be at risk of surface water flooding, as shown by the EA mapping. The southern portion of the site is reserved within the current masterplan for use as 'Lymm Country Park' and therefore of the area identified for residential development only 4% is identified to be at risk of surface water flooding according to the EA mapping.

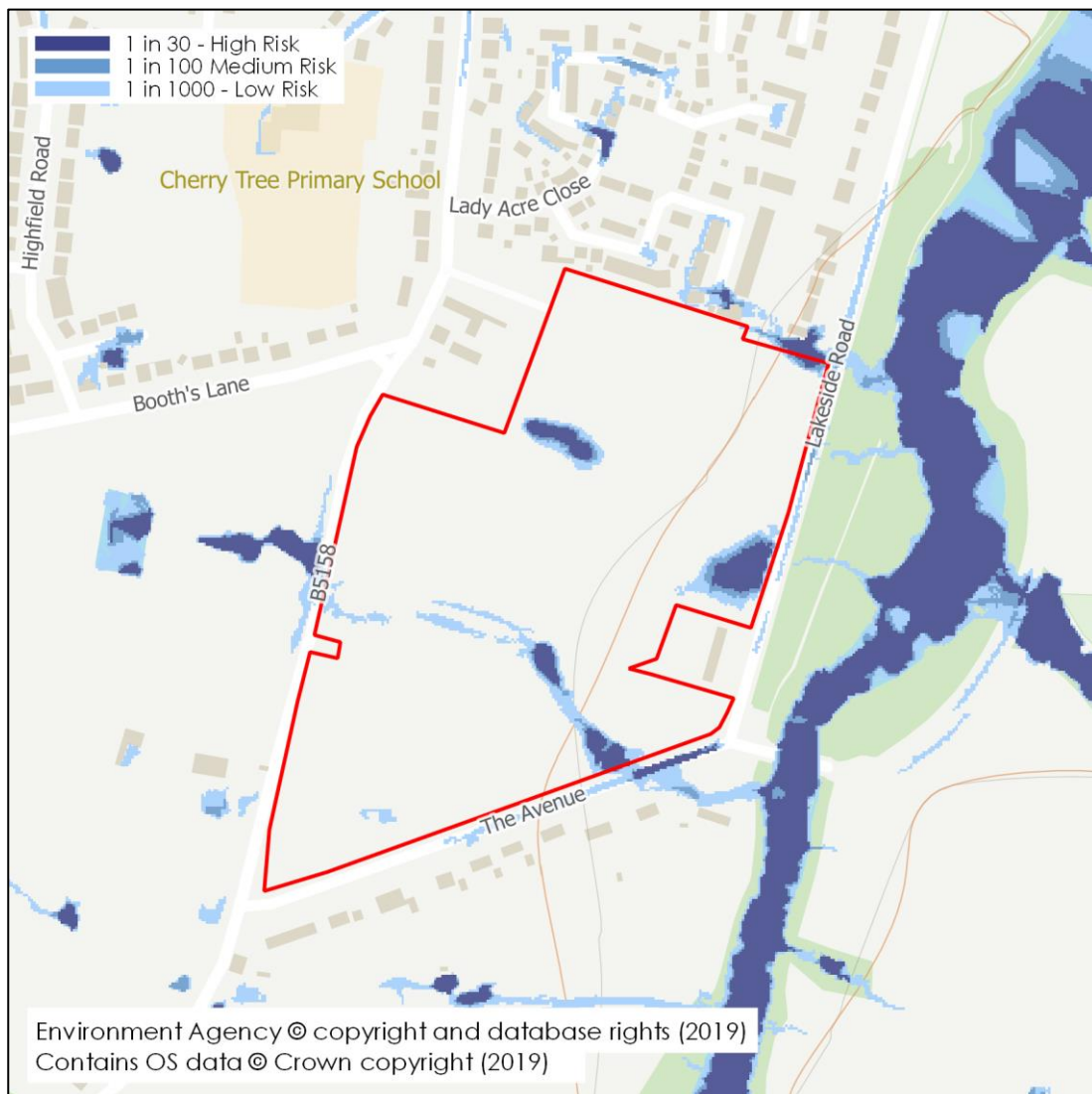


Figure 2.3: EA Surface Water Flood Risk Mapping (Cherry Lane)

Pool Lane

- 2.10 The Pool Lane site is shown to be at low to very low susceptibility to surface water flooding. The total site area is 1.43ha and approximately 6% of this is identified to be at low risk of surface water flooding according to the EA mapping shown in **Figure 2.4**.
- 2.11 The mapping identifies a route at low risk of pluvial flooding which broadly follows the area identified to be within Flood Zone 3. The background mapping suggests an unnamed watercourse traverses the corner of the parcel from Warrington Road towards Pool Lane with a similar trajectory to the route within the surface water mapping. The frequency of pluvial flooding identified in the northern parcel is outside the design standard and therefore development will not require specific pluvial flood risk mitigation.

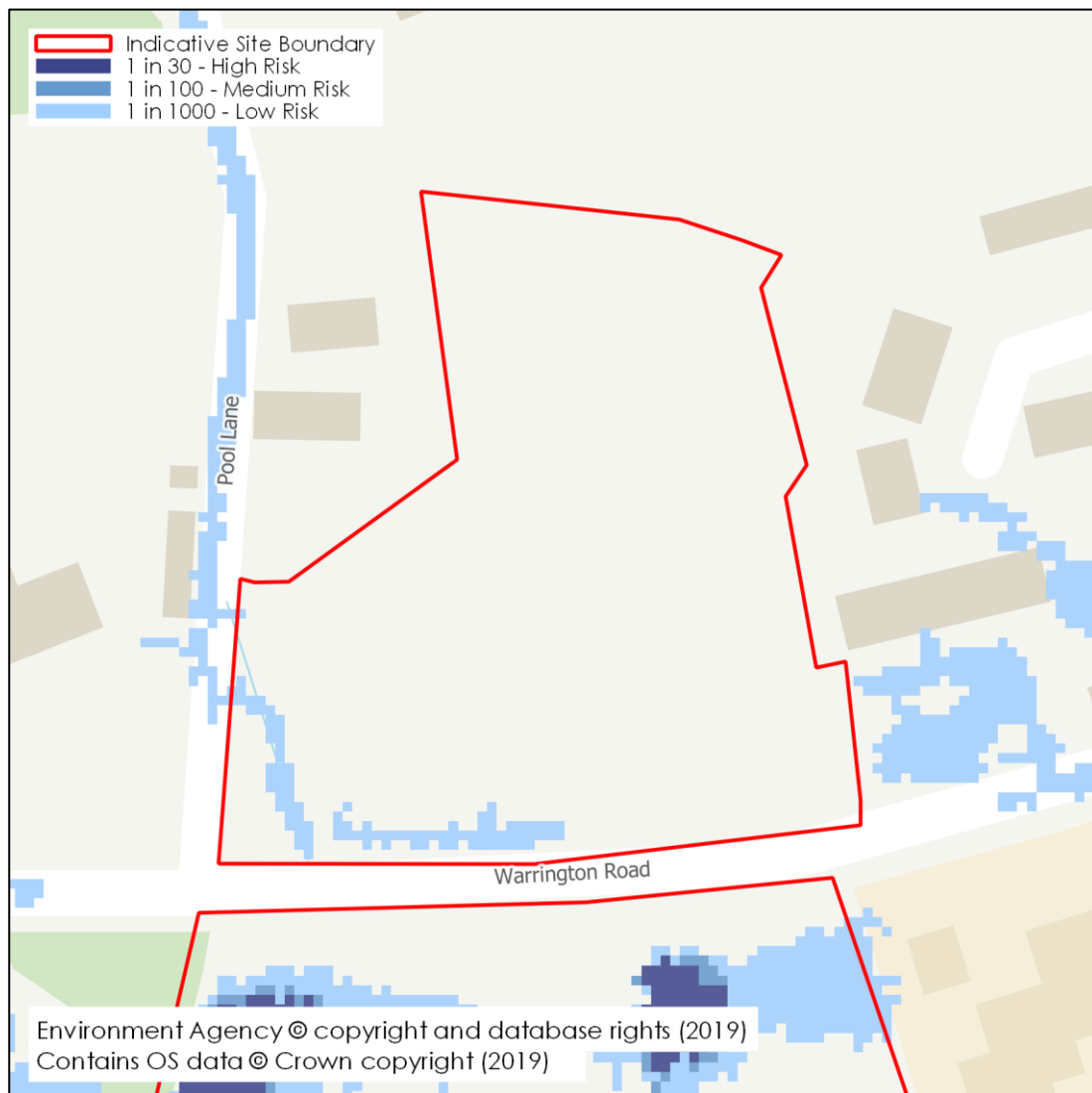


Figure 2.4: EA Surface Water Flood Risk Mapping (Pool Lane)

Warrington Road

- 2.12 The Warrington Road site is shown to be at low to high susceptibility to surface water flooding. The total site area is approximately 6ha and approximately 9% of this site area is identified to be at risk of surface water flooding according to the EA mapping. This percentage includes 1.81% at high risk, 1.2% at medium risk and 5.76% at low risk according the WBC assessment.
- 2.13 The site is identified to contain two routes at low to high risk of pluvial flooding. These appear to follow the topography of the site, sloping downhill towards Warrington Road. In the medium risk design event the depths associated with these areas of risk can range from less than 150mm to a maximum 900mm depth. NB. These are not the actual depths and instead represent the standard risk range for 'medium risk' of surface water flooding susceptibility.

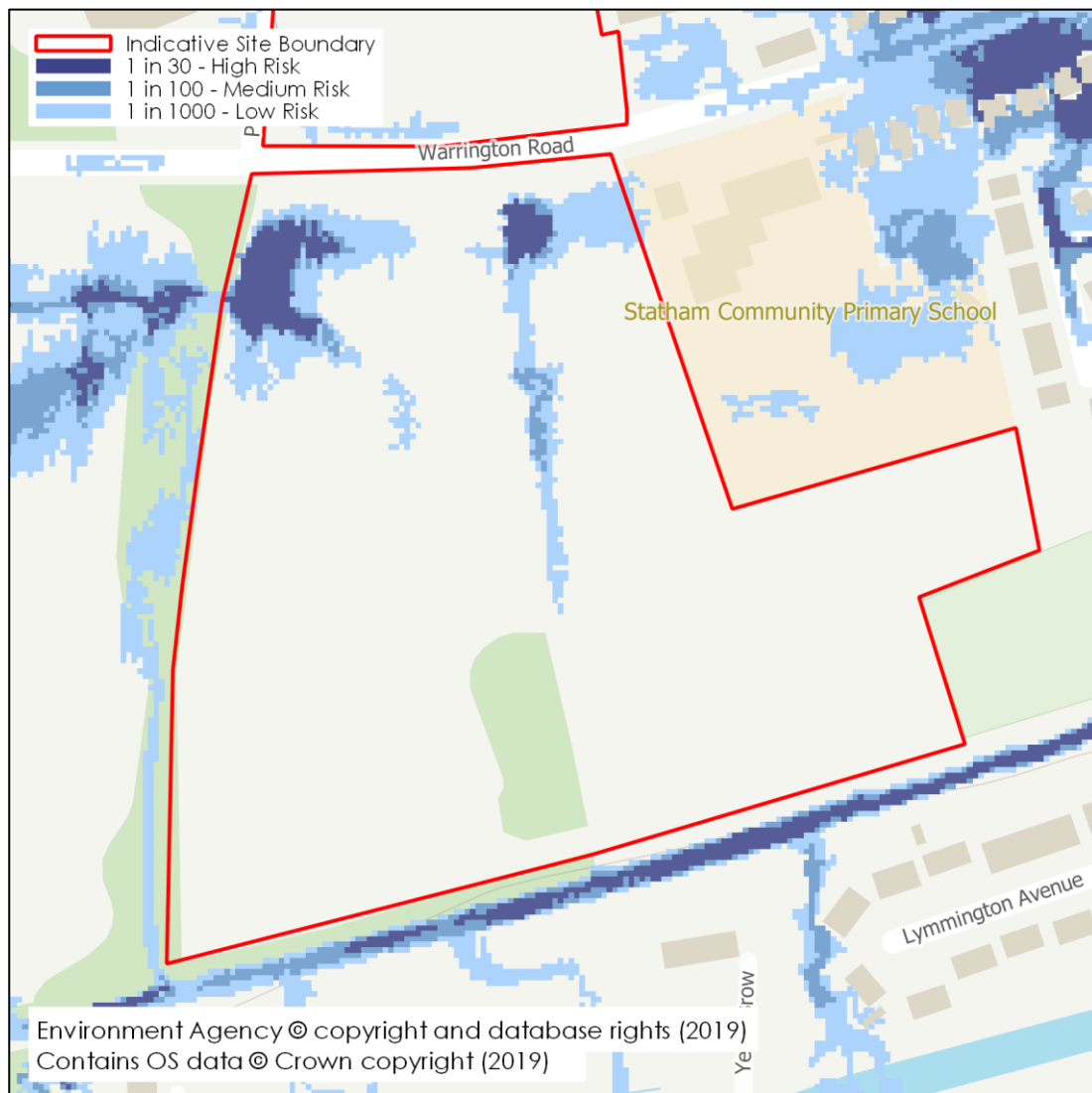


Figure 2.5: EA Surface Water Flood Risk Mapping (Warrington Road)

Flood Risk from Canals

Cherry Lane

- 2.14 The site is located approximately 750m south of the Bridgewater Canal which traverses the centre of Lymm. The available contour data indicates that the site is elevated more than 10m above the Bridgewater canal and therefore in the event of a breach scenario the site should be raised significantly above flood waters. Therefore, the Cherry Lane site is considered to be at low risk of flooding due to canal breach.

Pool Lane

- 2.15 The Pool Lane site is in close proximity to two local canals. The Bridgewater Canal is located approximately 375m south of the site and the Manchester Ship Canal is located approximately 700m north of the site.

- 2.16 The available contour data indicates that the site is located downhill of the Bridgewater Canal, however the intervening undulating topography would act as a natural barrier between the watercourse and the site in the event of overtopping.
- 2.17 The Pool Lane site is raised above the Manchester Ship Canal by approximately 4m and therefore in the event of a breach scenario the site would not be at risk from this source. The reporting for the 2015 recorded flood event highlighted three breach locations along the Manchester Ship Canal and the floodplain extended to within 115m of the site.
- 2.18 Therefore, the Pool Lane site is considered to be at residual risk of flooding due to a potential breach/overtopping of the local canals.

Warrington Road

- 2.19 The Bridgewater Canal and Manchester Ship Canal are located approximately 100m south and 800m north of the site respectively. The available contour data indicates that the site is located downhill of the Bridgewater Canal, however, as above, the intervening topography provides preferential flow routes away from the site in the event of overtopping.
- 2.20 The majority of the site is raised above the Manchester Ship Canal by more than 4m and therefore in the event of a breach scenario the site would not be at risk from this source.
- 2.21 Therefore, the Warrington Road site is considered to be at low residual risk of flooding due to a potential breach/overtopping of the Bridgewater Canal. Such a breach is deemed to be of low probability, but if it were to occur it would have potentially significant consequences to the site.

Groundwater Flood Risk

Cherry Lane

- 2.22 The British Geological Survey (BGS) mapping identifies the site to be underlain entirely by Tarporley Siltstone Formation – Siltstone, Mudstone and Sandstone. The Environment Agency considers this bedrock layer to be a Secondary B aquifer. These are lower permeability layers with limited amounts of groundwater storage.
- 2.23 The mapping identifies that the site is expected to be entirely underlain by Till, Devensian – Diamicton superficial deposits. This layer is considered to be a Secondary (undifferentiated) aquifer by the Environment Agency and therefore are expected to be either capable of supporting local scale water supplies or lower permeability layers.
- 2.24 Overall, the Cherry Lane site is considered to be at low risk from groundwater flooding.

Pool Lane

- 2.25 The BGS mapping identifies the to be underlain entirely by the Wilmslow Sandstone Formation – Sandstone. The Environment Agency considers this bedrock layer to be a Principal Aquifer which suggests high levels of water storage.
- 2.26 The site is also expected to be underlain by superficial deposits - Glaciofluvial Sheet Deposits. These deposits are considered by the Environment Agency to be Secondary A aquifer and therefore capable of supporting water supplies at a local scale.
- 2.27 The Pool Lane is considered to be at medium risk of groundwater flooding.

Warrington Road

- 2.28 The site is identified to be underlain by the Wilmslow Sandstone Formation – Sandstone in the north and the Helsby Sandstone Formation – Sandstone, Pebbly (Gravelly) in the south. These bedrock layers are considered to be Principal Aquifers by the Environment Agency and are therefore capable of providing high levels of water storage.
- 2.29 The site is expected to be underlain by three superficial deposits – Glaciofluvial Sheet Deposits, the Shirdley Hill Sand Formation and Till. These superficial deposits are considered to be Secondary A aquifers and therefore may be capable of supporting water supplies at a local scale.
- 2.30 Overall, the Warrington Road site is considered to be at medium risk of groundwater flooding.

Flood Risk from Reservoirs & Large Waterbodies

- 2.31 The Cherry Lane, Pool Lane and Warrington Road sites are identified to be outside the area at risk of flooding during a reservoir failure event. The extents associated with the Lymm Dam (368160,386935) show that flood flows would be routed towards the Manchester Ship Canal avoiding the majority of the urban extent of Lymm.

3. RELEVANT DOCUMENTS

- 3.1 In order to understand the methodology undertaken as part of the WBC Proposed Local Plan a number of relevant documents have been reviewed. In particular, a review of the methodology pertaining to flood risk has been undertaken, including at which stage in the allocation process flood risk has been considered and to what extent flood risk has been considered.
- 3.2 The reports reviewed and discussed below include:
- i. Planning Practice Guidance: Flood risk and coastal change (March 2014)
 - ii. Strategic Housing Land Availability Assessment (SHLAA) Final Report (January 2016)
 - iii. Preliminary Flood Risk Assessment (May 2017)
 - iv. Warrington Local Plan Preferred Development Option Regulation 18 Consultation – Representations on behalf of Richborough Estates (September 2017)
 - v. Level 1 Strategic Flood Risk Assessment (July 2018)
 - vi. Level 2 Strategic Flood Risk Assessment (March 2019)
 - vii. Warrington Local Plan Review Pre-Submission Sustainability Appraisal: SA Report (March 2019)
 - viii. Warrington Proposed Submission Version Local Plan 2017-2037 (March 2019)
 - ix. Proposed Submission Version Local Plan: Responding to Representations Report (2019)

Planning Practice Guidance: Flood risk and coastal change

- 3.3 The guidance provided in the NPPF relating to the Sequential Test² has been reviewed as part of understanding the WBC assessment process. The policy refers to the aim of the sequential test and applying the sequential test in the preparation of a local plan.

The Aim of the Sequential Test:

- 3.4 The following text has been taken from the first section of the NPPF relating to the sequential test:

‘The Sequential Test ensures that a sequential approach is followed to steer new development to areas with **the lowest probability of flooding**. The flood zones as refined in the Strategic Flood Risk Assessment for the area provide the basis for applying the Test. The aim is to **steer new development to Flood Zone 1** (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding)

² Planning Practice Guidance: <https://www.gov.uk/government/collections/planning-practice-guidance>

be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.' [Highlighted text added by BWB]

BWB Observations:

The highlighted sections confirm that the purpose of the Sequential Test is to direct new development to areas identified in the relevant SFRA as being at lowest flood risk. The text specifically refers to fluvial Flood Zones 1, 2 and 3. The WBC SFRA will be discussed in relation to the sites below. An initial observation from the text above is that if a site in Flood Zone 1 is available this would be the preference for proposed new development.

Applying the Sequential Test in the preparation of a Local Plan

- 3.5 This section includes an outline of the process to be undertaken by Local Authorities in preparation of the Local Plan. It states that:

'As some areas at lower flood risk may not be suitable for development for various reasons and therefore out of consideration, the Sequential Test should be applied to the whole local planning authority area to increase the possibilities of accommodating development which is not exposed to flood risk.'

- 3.6 Furthermore, a diagram is provided to illustrate the review process. The first stage refers to the sequential test and notes that the Level 1 SFRA should be used to locate sites within Flood Zone 1. These sites will therefore pass the sequential test. The second stage refers to sites in Flood Zone 2 and notes that lowest risk sites within this category should be considered first. The diagram indicates that the Level 2 SFRA should be used to locate these sites and that allocation can be made for sites unless they are Highly Vulnerable. The third step refers to sites in Flood Zone 3 and again dictates that the lowest risk sites within this flood zone should be considered first. These sites can be allocated, subject to the exception test where necessary.

BWB Observations:

The summary above indicates the process that WBC should follow in the preparation of the Local Plan. The first stage appears to suggest that the Sequential Test is passed by sites in Flood Zone 1 but does not clearly highlight that these sites can then be allocated as clearly as the second and third stages. The references to identifying sites in Flood Zone 2 and 3 which are the lowest risk in these flood zones suggests a factor of consideration which is not defined by the NPPF. It is unclear whether a threshold should be considered, for example the percentage of the site located within the flood zone.

Strategic Housing Land Availability Assessment

- 3.7 The methodology section of the SHLAA³ report identified the process undertaken to outline the sites to be considered for further assessment. The report states that nominations for sites were made, as well using knowledge of current pre-application sites or previously allocated sites.

³ Strategic Housing Land Availability Assessment Final Report (Warrington Borough Council, January 2016)

- 3.8 The report notes that an initial assessment was made which identified a significant group of the sites to be located within the identified Green Belt and were not considered to be 'appropriate' forms of development. These sites were identified as constrained for the purpose of supplying deliverable or developable sites for residential development. The online WBC Local Policy mapping identified the Cherry Lane, Pool Lane and Warrington Road sites to be located within the Green Belt and therefore constrained under the SHLAA review.
- 3.9 The SHLAA referenced flood risk in terms of site-specific assessment and notes that the Environment Agency's Flood Zone Mapping was used alongside the following assumptions for development potential:
- EA FZ 1 – development not constrained
 - EA FZ 2 – development not constrained
 - EA FZ 3 – development potentially constrained by flood risk
- 3.10 The Appendices included a list of constrained sites and the summary reason for each of three land parcels in this appraisal was 'Green Belt'. Therefore, the SHLAA assessment did not consider flood risk to be a constraint, even for the land allocation representing the Pool Lane site which is identified to be in located entirely in Flood Zones 2 and 3.
- 3.11 The SHLAA⁴ was reviewed in 2018 as part of the Proposed Local Plan Evidence Base. The update report referred to flood risk screening as part of the SFRA. The report notes that whilst the SFRA identified specific requirements for each SHLAA site in terms of managing flood risk, the SHLAA assessment assumed that in most cases the presence of flood risk would not preclude development. The only sites which were deemed unsuitable for residential development were those which contained a significant proportion of Flood Zone 3b. The threshold for this 'significant proportion' is not detailed but would not preclude development at any of the Lymm sites as these have been identified to include Flood Zone 3a in the worst case.

Preliminary Flood Risk Assessment 2017-2023

- 3.12 The Warrington Preliminary Flood Risk Assessment (PFRA)⁵ was updated in 2017 and therefore superseded the 2011 PFRA. The PFRA outlines past flood events and future predicted flooding across the Warrington area.
- 3.13 The PFRA includes mapping of historic flooding events from a number of different sources and this suggests that neither of the sites have been recorded to flood previously according to both WBC and United Utilities. The proposed development sites are not specifically referenced but are shown within wider mapping of the WBC area.

⁴ Strategic Housing Land Availability Assessment 2018 (Warrington Borough Council, 2018)

⁵ Preliminary Flood Risk Assessment (Warrington Borough Council, May 2017)

Level 1 Strategic Flood Risk Assessment

- 3.14 The WBC Level 1 Strategic Flood Risk Assessment (SFRA)⁶ has been reviewed as part of this study.
- 3.15 The Level 1 SFRA gives details of risk posed to a number of potential development sites and outlines the methodology used for screening development sites with reference to fluvial/tidal flood risk, pluvial flood risk and residual risk.
- 3.16 Appendix B of the Level 1 SFRA indicates the “high level broad-brush strategic recommendations on the viability of development for each site”. The recommendations are based upon the Flood Zone, Pluvial Risk and three paragraphs within the Planning Practice Guidance: Flood Risk and Coastal Change documentation which outline considerations for delivering a sufficient supply of housing. The intention is that the strategic recommendations will assist WBC in applying the Sequential Test. The five strategic recommendations are summarised in **Table 3.1**.
- 3.17 The Strategic Recommendations relating to the Cherry Lane, Pool Lane and Warrington Road sites are further reviewed in **Section 4**.

Table 3.1: WBC Strategic Recommendations (as listed in Level 1 SFRA)

Strategic Recommendation	Description
A	Consider withdrawing site based on significant level of fluvial, tidal or surface water flood risk and site vulnerability.
B	Exception Test required if site passes Sequential Test.
C	Consider site layout and design around identified flood risk if site passes Sequential Test, as part of a detailed FRA or drainage strategy.
D	Site-specific FRA required.
E	Site permitted on flood risk grounds due to little perceived risk, subject to consultation with the LPA/LLFA.

- 3.18 The Sequential Test is defined in the Level 1 SFRA in reference to the NPPF (Level 1 SFRA Paragraph 4.3.2, Page 28). The report states that the ‘Sequential Test is used to direct all new development to locations at the lowest probability of flooding. It states that development should not be permitted or allocated if there are reasonably available sites appropriate for the proposed development in areas at a lower probability of flooding’.
- 3.19 The Level 1 SFRA further notes that the SFRA document should be utilised in preparing the Local Plan so that land allocations are located in areas at lowest risk of flooding.
- 3.20 The Level 1 SFRA used the EA Flood Map for Planning (as issued in February 2018) for the assessment of fluvial and tidal risk to potential development sites as per the NPPF

⁶ Level 1 Strategic Flood Risk Assessment (Warrington Borough Council, July 2018)

guidance. The methodology notes that the Fluvial Flood Zones are considered in isolation by the highest level of risk. Therefore, any area within Flood Zone 3a is excluded from Flood Zone 2 so that the sequential assessment of risk considers the highest risk first.

- 3.21 The Level 1 SFRA used the Risk of Flooding from Surface Water third generation map produced by the EA. It is noted that for this SFRA, surface water flood risk is afforded the equivalent level of importance as fluvial and tidal risk in terms of the strategic recommendations assigned. The SFRA describes the assessment process of surface water flood risk as utilising the EA's Risk of Flooding from Surface Water flood zones and, as such, refers to the high risk 1 in 30 AEP zone, the medium risk 1 in 100 AEP zone and the low risk 1 in 1000 AEP zone. As above, these surface water flood zones have been assessed in isolation by highest level of risk and therefore any potential development site including both High and Medium risk areas will be considered to be at High risk.
- 3.22 The Level 1 SFRA includes a Site Assessment table which references the percentage of the site areas at risk of both fluvial and pluvial flooding. An extract of this is included in **Table 3.2**. The assessment undertaken in **Section 2** highlights that the pluvial risk to the Cherry Lane site occurs in isolated areas and these are located in topographical depressions according to the available LiDAR data. Isolated areas of pluvial risk do not indicate that a site is undevelopable, however a site-specific FRA should consider appropriate mitigation and the illustrative layout should consider appropriate arrangements accounting for these small areas of risk.

Table 3.2: Extract of Site Assessment for the Lymm sites

Site Reference	Flood Zone 1 (%)	Flood Zone 2 (%)	Flood Zone 3 (%)	Low Risk of Surface Water (%)	Medium Risk of Surface Water (%)	High Risk of Surface Water (%)	Recommendation
1622 (Land off Pool Lane)	-	99.07	0.94	6.24	-	-	C
1528 (Land off Warrington Road)	52.03	47.97	-	5.76	1.20	1.81	C
2705 (Cherry Lane)	100	-	-	3.2	1.04	2.60	C

- 3.23 **Figure 3.1** shows the process undertaken in the high-level assessment.

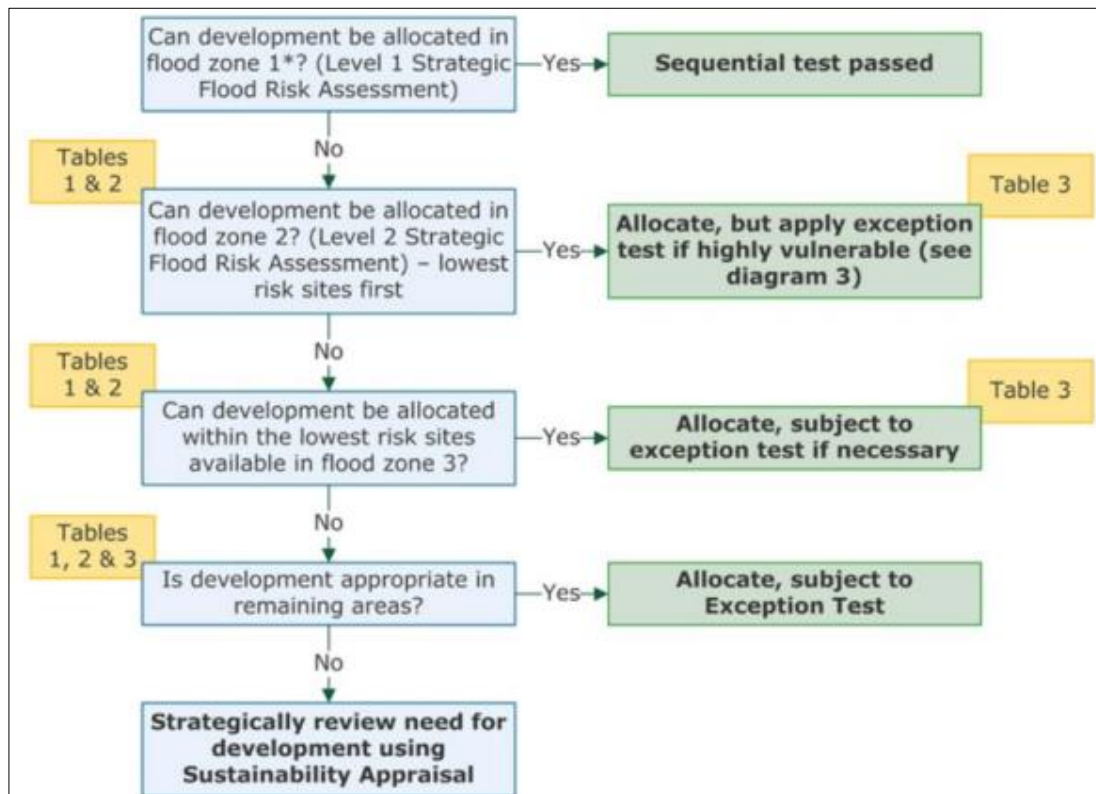


Figure 3.1: Local Plan Sequential Approach to site allocation (taken from Level 1 SFRA)

- 3.24 The Level 1 SFRA continues by noting that ‘this Level 1 SFRA does not assess each individual site in detail. Each individual site will require further investigation, as local circumstances may dictate the outcome of the strategic recommendation. The strategic recommendation may therefore change upon further investigation’.
- 3.25 Local circumstances may include, but are not limited to, flood depths and hazards at site-specific level, local ground conditions and groundwater levels, safe access and egress, existing planning permissions on site, cumulative effects of development on wider WBC area and the possibility of developing around flood risk.

BWB Observations:

The Level 1 SFRA was used to produce the Site Assessment table, including strategic recommendation, and it is this assessment table which is referred to within the Proposed Local Plan as the Evidence Base for each allocation.

The Level 1 SFRA utilises the EA Flood Map for Planning and Risk of Surface Water Flooding Mapping. Therefore, the Level 1 SFRA, and WBC Strategic Recommendation assessment, has made use of the same data which has been reviewed as part of **Section 2** of this Appraisal.

To summarise the findings, the area of the Cherry Lane site shown to be at risk from pluvial sources is relatively low and does not mean the site is undevelopable. Furthermore, the site is entirely located in Flood Zone 1. On the other hand, the Warrington Road site is partially located in Flood Zone 2 with a small percentage of the site area at pluvial risk. The Pool Lane site is located entirely within Flood Zones 2 and 3

and therefore offers no opportunity for sequential development when considered as an allocation in isolation.

The above suggests that the WBC Local Plan preparation process has deviated from the process outlined in the Planning Practice Guidance. The Pool Lane site located entirely in Flood Zone 2 and 3 and the Warrington Road site located partially in Flood Zone 2 have been allocated instead of the Cherry Lane site located entirely in Flood Zone 1. The sequential test guidance clearly states that development should aim to be delivered in areas identified to be at lowest flood risk and this does not appear to have been the case for the sites in Lymm.

Warrington Local Plan Preferred Development Option Regulation 18 Consultation

- 3.26 The Representations⁷ submitted on behalf of Richborough Estates for the Cherry Lane site have been reviewed as part of the evidence base for the WBC Proposed Local Plan.
- 3.27 The Representations include an analysis of the Proposed Local Plan evidence base from the stance of Richborough Estates, with a number of concerns and contradictions identified within the WBC report expressed.
- 3.28 The first notes that the SHLAA (July 2017) identifies both the Cherry Lane and Warrington Road sites as constrained for development due to their location within the green belt. The Representations note that no further constraints, including ground contamination, site access or infrastructure issues, were reported for the site as part of the SHLLA 2015.
- 3.29 The second concern is identified in Chapter 5 (Pages 11-17) of the Representation document and relates to the Warrington Green Belt Assessment (GBA). The document notes that the Cherry Lane parcel has a strong contribution towards the five purposes of the green belt. The Pool Lane and Warrington Road site have been assessed as having a moderate contribution towards the five purposes of the green belt, contradicting the statement in the Proposed Local Plan (Proposed Local Plan paragraph 10.10.3, Page 230) noting that the Pool Lane site can be released from the green belt owing to its weak contribution to the principles. The Representations include an argument by Richborough for reducing the GBA for the Cherry Lane parcel to weak.
- 3.30 The Representations includes a statement noting that Richborough Estate's are concerned that the conclusions reached in the GBA regarding the Cherry Lane site are fundamentally flawed. The conclusion of these findings is that the site is demonstrated to make an overall weak contribution to the purposes of the Green Belt. Therefore, the site should be considered suitable for development from a GBA perspective and should be considered to be similar to the Pool Lane and Warrington Road sites in this aspect.
- 3.31 The final key argument within the Representations relates to flood risk (Chapter 7, Page 21), reiterating that the Cherry Lane parcel is located entirely within Flood Zone 1 and is therefore not constrained by flood risk, compared to the sites located in the north of Lymm which lie in areas at risk including Flood Zones 2 and 3.

⁷ Warrington Local Plan Preferred Development Option Regulation 18 Consultation (July 2017) Representations on behalf of Richborough Estates (Nexus Planning, September 2017)

BWB Observations

The findings appear to suggest that the sites are relatively comparable in all aspects apart from fluvial flood risk. The statement that development should be focused in areas at lowest flood risk appears to have been overlooked in the Lymm site allocations and is therefore considered not to have not followed national policy discussed earlier in this report.

Regardless of whether development is to be located outside of Flood Zone 2 and 3 a sequential test would be required to be undertaken to review other sites at less risk as stated by the NPPF. This would appear to have been overlooked as part of the review process.

Level 2 Strategic Flood Risk Assessment

- 3.32 WBC prepared the Level 2 SFRA⁸ as part of the WBC Local Plan Site Screening following the Level 1 SFRA. The Level 2 SFRA notes that a total of 14 potential development sites required the Exception Test and the SFRA incorporates the review process as part of this.
- 3.33 The Level 2 SFRA does demonstrate that WBC have recommended site allocations in both Flood Zones 2 and 3 and therefore the inclusion of the Pool Lane and Warrington Road sites is not an isolated case.

BWB Observations:

The Level 2 SFRA does not specifically refer to the Cherry Lane, Pool Lane, or Warrington Road sites. Therefore, the detailed process for the assessment of flood risk at the two sites is unclear. Specifically, the NPPF process notes that the Level 2 SFRA should be used to inform decision making regarding sites in Flood Zone 2 and therefore the reasoning for allocating the Pool Lane and Warrington Road sites remains unclear.

Warrington Local Plan Review Pre-Submission Sustainability Appraisal

- 3.34 The Warrington Local Plan Sustainability Appraisal (SA) Report⁹ has been reviewed as part of this assessment. The SA outlines the impacts of potential development sites and options based upon differing environmental, social and economic effects.
- 3.35 The SA Objective 14 'Protect, manage and improve local environmental quality including land, air and controlled waters and reduce the risk of flooding'. The report notes that provided a site is not wholly within a flood zone 2/3 area it should be possible to sequentially arrange the site outside of the flood zone or mitigate the effects of flooding. Furthermore, the report states 'sites wholly within zones 2 and 3 should be sieved out' due to a lack of space for sequential arrangement.

BWB Observations

This statement does not include a specific threshold of site area within Flood Zone 1 and therefore it may be suggesting that even if a site has a marginal area in Flood Zone 1 then the development may be sequentially arranged. In relation to the Lymm sites this

⁸ Level 2 Strategic Flood Risk Assessment (Warrington Borough Council, March 2019)

⁹ Warrington Local Plan Review Pre-submission Sustainability Appraisal: SA Report (Warrington Borough Council, March 2019)

suggests that the Pool Lane site should not be allocated as the parcel does not contain any area within Flood Zone 1. The allocation of the Warrington Road site may be reasonable, however almost 50% of the development is located in Flood Zone 2. It has been noted that the loss of half the developable area within the Warrington Road site would result in the loss of approximately 70 residential units.

Warrington Proposed Submission Version Local Plan 2017-2037

- 3.36 The WBC Proposed Submission Version Local Plan¹⁰ was published in March 2019 for consultation and has been reviewed as part of the appraisal. The settlement allocations outlined in the Proposed Local Plan are shown in **Figure 3.2**.

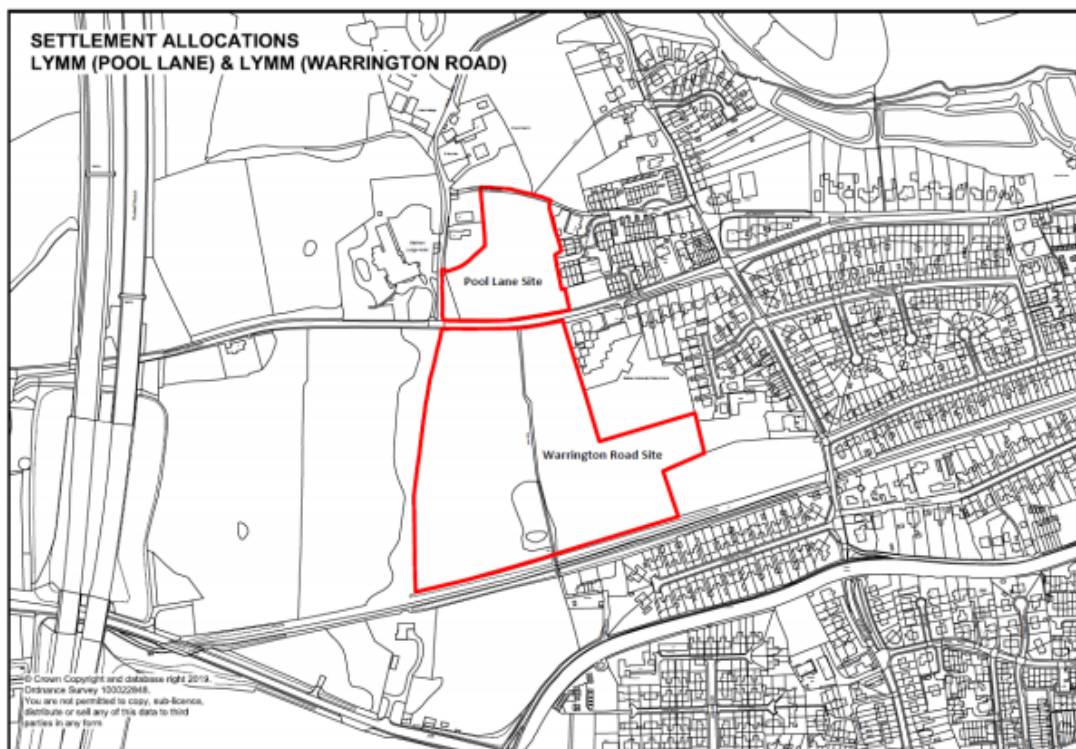


Figure 3.2: Proposed Local Plan Allocations

- 3.37 The Proposed Local Plan includes reference to the spatial strategy for addressing the housing and development demands in the region with specific focus on green belt release. The chosen spatial strategy focuses largely on the Warrington urban area and refers to 'incremental growth' across outlying settlements of approximately 1100 homes. This 'incremental growth' includes the Lymm allocations at both Pool Lane and Warrington Road.
- 3.38 The report notes that the options considered by WBC included a more extensive green belt release around outlying settlements however this was discounted due to the potential impact on the settlement character, increased car trips due to distance between development and town centres and the thought that investing in outlying

¹⁰ Warrington Proposed Submission Version Local Plan 2017-2037 (Warrington Borough Council, March 2019)

settlements would not provide benefit across the wider region particularly as deficiencies are still to be addressed within the main Warrington urban area.

- 3.39 Policy DEV1 – Housing Delivery notes that a minimum of 430 homes are to be delivered on allocated sites to be removed from the Green Belt adjacent to Lymm.
- 3.40 Policy ENV2 – Flood Risk and Water Management notes that water is a defining feature of the WBC area. The first general principle of this policy is that 'development should be focused towards areas at lowest risk of flooding from all sources.'
- 3.41 The Proposed Local Plan outlines the assessment process for each allocated site, as such the northern and southern parcels of the Warrington Road are included.
- 3.42 The Pool Lane and Warrington Road site allocation summaries outline the assessment considerations but do not refer specifically to the location of the site in either Flood Zone 2 and 3a. The report notes that a site-specific surface water strategy is required alongside flood alleviation measures. WBC have justified their approach for allocating these sites using a number of reasons including suitable location for access to Lymm, the two sites are identified to make a weak contribution to the green belt and the fact that the allocation policy will allow the two sites to be delivered quickly.

BWB Observations

The Proposed Local Plans explicitly states that development should be focused towards areas at lowest risk of flooding from all sources.

The Cherry Lane site may be at some level of surface water risk, approximately 7% of its total area, however it is entirely within Flood Zone 1 and therefore not at any level of fluvial flood risk.

The Warrington Road site, however, is at a similar, if not marginally, greater risk of surface water flooding and it is located partially within Flood Zones 2 and 3a. This general principle suggests a contradiction between the assessment principles behind the Proposed Local Plan and the allocation of the Warrington Road site which is at greater risk compared to others in the Lymm settlement.

The Pool Lane site summary within the Proposed Local Plan does not refer to the presence of fluvial flood risk and therefore this suggests the presence of Flood Zones 2 and 3a appear to have been overlooked on the site.

Warrington Proposed Submission Version Local Plan – Responding to Representations Report

- 3.43 The WBC Responding to Representations Report¹¹ has been produced to summarise the consultation process which informed the Proposed Local Plan including a review of the responses received during the consultation phase. These responses have been categorised and the 'Flooding' category has been explored as part of this review.

¹¹ Proposed Submission Version Local Plan: Responding to Representations Report (Warrington Borough Council, 2019)

- 3.44 The overview for the responses within this theme concludes that ‘the Council has worked extensively to ensure that the evidence base and the Proposed Submission Version Local Plan Policies, specifically Policy ENV2 Flood Risk and Water Management, are appropriate to respond to and deal with the threat of flood risk across the Borough. It is therefore considered that the Submission Version Local Plan sets out a clear policy approach and guidance as to how proposed development should respond to the impacts of flood risk and water management’.
- 3.45 Specific responses and Council comments relating to the Lymm sites have been summarised in **Table 3.3**.

Table 3.3: Responding to Representations Report – Flood Risk comments and council responses specific to the Lymm sites

Issue	Council Response	BWB Observations
<p>The fields and areas around the Trans Pennine Trail are already prone to flooding, this will make development difficult.</p>	<p>All sites that have been submitted to the Council for consideration as a potential development site as part of the Local Plan process have been screened for the risk of all sources of flooding through the Council's Level 1 Strategic Flood Risk Assessment (SFRA). The risk of flooding is also one of a number of considerations to be taken in to account through the Council's Local Plan Site Selection Methodology, when considering the suitability of a potential development site for inclusion in the Proposed Submission Version Local Plan.</p>	<p>Whilst this comment does not relate to specific areas it should be noted that the Trans Pennine Trail is located adjacent to the southern boundary of the Warrington Road site and this may indicate local knowledge of historic flooding here.</p>
<p>[No] reference to flood risk areas (e.g. flood zone 2, flood zone 3), as classified by the Environment Agency</p>	<p>The Council also commissioned JBA Consulting to carry out a Level 1 and Level 2 Strategic Flood Risk Assessment (SFRA) to support the preparation of the Proposed Submission Version Local Plan and the proposed development, taking into account the latest Environment Agency flood risk data.</p>	<p>This response is accurate as the Proposed Submission Version Local Plan does not appear to include any reference to zones (fluvial or pluvial) and notes that only the 'WBC Development Site Assessments' have been used in the evidence base. The Level 1 SFRA is not listed as evidence.</p>
<p>The process should have taken account of Partner Plans (i.e. Mersey Forest Plan/Mersey Environment Gateway Trust area of interest (Upper Mersey Estuary)/Environment Agency's flood map.</p>	<p>A high-level appraisal of flood risk was undertaken as part of the PDO with further detailed studies, for example, a Level 1 and Level 2 Strategic Flood Risk Assessment (SFRA), incorporating the latest flood risk data from the Environment Agency, being undertaken as part of the evidence base to inform the</p>	<p>This response is accurate as the Proposed Submission Version Local Plan does not appear to include any reference to flood zones (fluvial or pluvial) and notes that only the 'WBC Development Site Assessments' have been used in the evidence base. The Level 1 SFRA is not listed as evidence.</p>

	preparation of the Draft Submission Version Local Plan.	
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- 3.46 Whilst these represent only a snapshot of the comments received in response to the Proposed Local Plan, they do indicate that local stakeholders have concerns, similar to those expressed by BWB Consulting, that flood risk has not been appropriately considered in the allocation of land for housing in the Local Plan. The comments highlight that the 'Proposed Submission Version Local Plan' does not reference area specific fluvial Flood Zones or pluvial susceptibility areas. Furthermore, the responses suggest local knowledge of past flood events which has not been appropriately addressed by WBC. The statements made referring to the Level 1 SFRA and overall selection methodology are standard comments and are used throughout the table of responses within the report where specific parcels of land are referred to as being at flood risk or having previously been flooded.

4. REVIEW PROCESS

4.1 It was considered necessary to undertake a review of the available documents, specifically to review how the Lymm sites appraised in this report appeared within the Local Plan evidence base.

Level 1 Strategic Flood Risk Assessment

4.2 A summary of the assessment classifications and strategic recommendations for the sites located in Lymm is included in **Table 4.1**.

Table 4.1: Assessment of Cherry Lane and Warrington Road Sites (from Level 1 SFRA)

Site	Reference	Flood Zone	Surface Water (Maximum Risk)	Vulnerability	Strategic Recommendation
Cherry Lane	2705	1	2.6% High Risk 1.04% Medium Risk	More Vulnerable	C
	R18/051	1	2.6% High Risk 1.04% Medium Risk	More Vulnerable	C
	R18/101	1	2.6% High Risk 1.04% Medium Risk	Unknown	D
	R18/P2/024	1	2.6% High Risk 1.04% Medium Risk	More Vulnerable	C
Pool Lane	1622	2/3a	6.24% Low Risk	More Vulnerable	C
Warrington Road	1528	1/2	1.81% High Risk 1.2% Medium Risk	More Vulnerable	C

4.3 The criteria for Strategic Recommendation C are listed below:

- <10% of the area of any site type is within Flood Zone 3b
- <10% of any highly or more vulnerable site is within Flood Zone 3a
- <10% of any highly or more vulnerable site is within the high or medium risk surface water flood zone
- 10% or greater of a less vulnerable site within the medium risk surface water flood zone

4.4 It should be noted that these strategic recommendations do not consider local circumstances.

4.5 The Level 1 SFRA notes that the 10% threshold is based upon the assumption that if less than 10% of the site is at risk (either in Flood Zone 3b or 3a, or in terms of high or medium surface water risk) than it may be possible to sequentially arrange the site to avoid more vulnerable development in these areas.

4.6 For reference the criteria for Strategic Recommendation D are also listed below:

- Any site within Flood Zone 2 that does not have any part of its footprint within Flood Zone 3a, with the exception of a highly vulnerable development which would be subject to passing the Exception Test
 - Less vulnerable and Water Compatible sites within Flood Zone 3a with no part of the site in Flood Zone 3b
 - Any sites 100% within Flood Zone 1 where surface water flood risk is apparent but not considered significant
 - Any site 100% within Flood Zone 1 that is greater than or equal to 1 hectare in area.
- 4.7 As with Strategic Recommendation C above this does not take into account local circumstances.

BWB Observations

The Cherry Lane site has been included under multiple references and has been categorised as recommendation C for two of these with one classification as recommendation D where the site vulnerability was listed as unknown. However, the site appears to meet the criteria for recommendation D or E as it is entirely within Flood Zone 1.

The percentage of the Cherry Lane site at surface water risk is approximately 7% and therefore the subjective statement relating to surface water flood risk being 'apparent but not considered significant' has determined the strategic recommendation.

The Pool Lane site has been awarded the same classification as the Cherry Lane site despite the substantially higher fluvial flood risk. As the entire site is located in either Flood Zone 2 or 3 it would not be possible to sequentially arrange the site.

The Warrington Road site has also been given the same classification as the Cherry Lane site despite the presence of Flood Zone 2 within approximately 50% of the site. The percentage of the site identified to be at medium or high pluvial flood risk is comparable to the percentage of the Cherry Lane site at similar levels of risk.

The criteria does not clarify at what threshold surface water flood risk is considered to be 'significant' and therefore the sites have apparently been classified based on the fact that less than 10% of the sites are at risk.

From the criteria listed above it is not possible to understand how the sites have been given a comparable recommendation given the significant difference in fluvial flood risk and broad similarity in pluvial flood risk, other than to conclude that the presence of Flood Zone 2 has been ignored in the assessment criteria, in direct conflict to the requirements of the NPPF and Sequential Test process

Warrington Local Plan Review Pre-Submission Sustainability Appraisal

- 4.8 The Cherry Lane site is not specifically referred to within the report text, however it is highlighted within an image showing allocated sites and sites considered for allocation alongside the green belt boundary.
- 4.9 The Pool Lane site is referred to in the text outlining potential issues beyond flood risk alone. The Pool Lane and Warrington Road sites are referenced in a table of allocated

sites identified to be appropriate as incremental increases to the urban extent of settlements.

- 4.10 The report notes that the four sites allocated in Lymm, including the Pool Lane and Warrington Road sites, are relatively small and are located in areas which are not significant in terms of green belt function and therefore development would not substantially alter the settlement character.

BWB Observations

The Pool Lane site was identified within the Level 1 SFRA to be entirely located within Flood Zone 2/3a, however it has still been allocated which contradicts the advice within the Planning Practice Guidance, Level 1 SFRA and SA report noting that development should be focused towards areas at lowest flood risk.

The SA report outlines further potential negative impacts of the Pool Lane and Warrington Road development sites, beyond flood risk, including heritage concerns and impacts on local ecology. Therefore, it is suggested that non-flood risk criteria have had a greater influence on site allocation. As the Sustainability Appraisal does not refer to the Cherry Lane site it is not possible to compare the non-flood risk considerations.

It would seem that the fact that the Warrington Road site could be developed to avoid areas of Flood Zone 2 is a key element for it being included in the Local Plan. The key fact that a sequential arrangement would not be required for the Cherry Lane site has been overlooked.

Warrington Proposed Submission Version Local Plan

- 4.11 The Proposed Local Plan outlines the assessment process for each allocated site, as such the Pool Lane and Warrington Road sites are included.
- 4.12 The Pool Lane and Warrington Road site allocation summaries outline the assessment considerations but do not refer specifically to the location of the site in either Flood Zone 2 and 3a. The report notes that a site-specific surface water strategy is required alongside flood alleviation measures. WBC have justified their approach for allocating these sites using a number of reasons including suitable location for access to Lymm, that the current site only makes a weak contribution to the green belt and the allocation policy will allow the site to be delivered quickly.

BWB Observations

The Pool Lane site summary within the Proposed Local Plan does not refer to the presence of fluvial flood risk and therefore this suggests the presence of Flood Zones 2 and 3a appear to have been overlooked on the site.

Warrington Local Plan Preferred Development Option Regulation 18 Consultation

BWB Observations

The sites are comparable from a non-flood risk point of view as both are constrained by the SHLAA due to their position within the Lymm green belt.

The sites are comparable from a GBA perspective and both would require release of land parcels from the Lymm green belt, however this would be in line with the spatial strategy of 'incremental growth' outside of Warrington.

The key difference between the sites appears to be the presence of fluvial and pluvial flood risk zones. However, this seems to be absent from the decision-making process for allocation.

5. CONCLUSIONS

- 5.1 The review undertaken by BWB Consulting has identified an apparent contradiction between the Proposed Local Plan evidence base and the site allocations made for the sites identified in Lymm. Beyond the listed recommendation criteria for each strategic recommendation, there is a lack of clarity regarding how the sites have been assessed in terms of flood risk.
- 5.2 Following a review of the Richborough Estates Representations document for the Cherry Lane site and available Flood Risk mapping, it is our conclusion that all of the built development and access to the site can be delivered in Flood Zone 1. The Level 1 SFRA confirms the Flood Zone 1 status of the site and notes some pluvial flood risk, at a similar proportion of site area to the Warrington Road site (but with both substantially less than 10% of site area). The Local and National Policies relating to allocating sites within areas at lowest risk of flooding appears to have been overlooked in the allocation of the Pool Lane and Warrington Road sites ahead of the Cherry Lane site.
- 5.3 A table summarising the observations outlined throughout this appraisal is included in **Table 5.1**.

Table 5.1: Summary of BWB Observations

Stage noted in BWB Appraisal	Observations
Summary of Representations submitted by Richborough Estates	<p>The findings appear to suggest that the sites are relatively comparable in all aspects apart from fluvial flood risk.</p> <p>The statement that development should be focused in areas at lowest flood risk appears to have been overlooked in the Lymm site allocations.</p>
Summary of Level 1 SFRA	<p>The Level 1 SFRA was used to produce the Site Assessment table, including strategic recommendation, and it is this assessment table which is referred to within the Proposed Local Plan as the Evidence Base for each allocation.</p> <p>The Cherry Lane site has been included under multiple references and has been categorised as recommendation C for two of these with one classification as recommendation D where the site vulnerability was listed as unknown. The site appears to meet the criteria for recommendation D as it is entirely within Flood Zone 1. The observations made in this Appraisal highlight that the Cherry Lane site may be categorised as recommendation D or E.</p> <p>From the criteria listed it is not possible to understand how the sites have been given a comparable recommendation given the significant difference in fluvial flood risk and broad similarity in pluvial flood risk. It appears that the presence of Flood Zone 2 and 3 extents within the Pool Lane and Warrington Road sites has been overlooked.</p>
Summary of Level 2 SFRA	<p>The Level 2 SFRA does not specifically refer to either the Cherry Lane or the Warrington Road sites. Therefore, the detailed process for the assessment of flood risk at the sites is unclear.</p>

<p>Proposed Submission Version Local Plan</p>	<p>The Proposed Local Plan explicitly states that development should be focused towards areas at lowest risk of flooding from all sources.</p> <p>The Cherry Lane site may be at some level of surface water risk, approximately 7% of its total area, however it is entirely within Flood Zone 1 and therefore not at any level of fluvial flood risk.</p> <p>The Warrington Road site, however, is at a similar, if not marginally, greater risk of surface water flooding and it is located partially within Flood Zones 2. The Pool Lane site is located entirely within Flood Zones 2 and 3a. This general principle suggests a contradiction between the assessment principles behind the Proposed Local Plan and the allocation of the Pool Lane and Warrington Road sites which are at greater risk compared to others in the Lymm settlement.</p> <p>The Pool Lane site summary within the Proposed Local Plan does not refer to the presence of fluvial flood risk and therefore this suggests the presence of Flood Zones 2 and 3a appear to have been overlooked on the site.</p>
<p>Proposed Submission Version Local Plan – Responding to Representations Report</p>	<p>The Local Plan does not appear to include any reference to flood zones (fluvial or pluvial) and notes that only the 'WBC Development Site Assessments' have been used in the evidence base. The Level 1 SFRA is not listed as evidence.</p>

- 5.4 This Appraisal has provided a summary of findings and observations following a review of the WBC Proposed Local Plan and evidence base. Further formal consultation with the Local Planning Authority is now recommended to facilitate a greater understanding of the processes undertaken in the production of the Proposed Local Plan and the assessment undertaken to inform site allocation.
- 5.5 It remains unclear as how the Pool Lane and Warrington Road sites have been allocated for residential development in preference to the Cherry Road site. The sites seem to perform equally across most criteria. The main differentiator should be the clearly different fluvial flood risk classification which, if this had been assessed in accordance with the procedure set out within NPPF, should have concluded that the Cherry Road site was sequentially preferable to both the Pool Lane and Warrington Road sites.
- 5.6 The approach outlined with the National Planning Policy Framework (NPPF) of sequentially arranging the site, with development in the low risk areas would appear to have been overlooked in favour of local policy. It has also been identified that not all available documentation correctly outlines the Flood Zone 2 designation, within the Warrington Road site, thus giving an impression that the site is entirely located in Flood Zone 1.
- 5.7 This review was limited to an assessment of readily available documentation outlining the assessment methodology and criteria, and to a direct comparison with the Pool Lane and Warrington Road allocation sites, due to proximity and clear and obvious discrepancy. Further review would be required to determine whether there are further allocations that have also not been adequately assessed with respect to flood risk.

Appendix IV
Development Statement
(September 2017)

LAND OFF CHERRY LANE, LYMM



DEVELOPMENT STATEMENT
SEPTEMBER 2017



Richborough
Estates

For More Information Contact:

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1. INTRODUCTION



This Development Statement has been prepared by Richborough Estates in relation to a parcel of land off Cherry Lane in Lymm (“the site”). It is submitted to inform the preparation of the Warrington Local Plan. It demonstrates that the site is in an appropriate location for housing and should be released from the Green Belt and identified as a residential allocation in the Local Plan.

The site comprises three agricultural fields which lie immediately adjacent to the south western edge of Lymm. The site is adjacent to residential development to the north, and surrounded by existing roads on its other three sides. Its development would represent a logical extension to the existing settlement. The site is also easily accessible to the services and facilities in the centre of the village.

Purpose of this Document

This document provides an overview of the technical constraints and opportunities presented by the site and demonstrates that the site is available, suitable, achievable and can therefore be considered deliverable, well placed to contribute towards meeting future housing needs in Warrington. It demonstrates how, with regard to relevant technical and design considerations, the site is able to accommodate in the region of 200 dwellings.

The remainder of this document is structured as follows:

- Richborough Estates Track Record
- Site Location and Description
- Planning Context
- Green Belt Assessment
- Sustainable Location
- Deliverable Site
- Design Principles and proposed Indicative Masterplan
- Summary and Conclusions

2. RICHBOROUGH ESTATES TRACK RECORD

Richborough Estates is one of the UK's most successful strategic land promotion companies.

They work on behalf of a wide range of landowners including private individuals, charities, trusts and Local Council / Government estate departments - promoting land through the planning system to secure housing allocations and planning permissions for residential development. They then manage the sale of the site from the landowner to the housebuilder who then build out the site and deliver homes.

Richborough was founded in 2003 and the team works in partnership with landowners, LPAs and stakeholders to bring land forward for housing. The team is made-up of a wide range of development experts who deal with land acquisition and planning issues. Richborough's objective is to deliver 'oven-ready' sites to house builders ensuring that planning permissions are quickly turned into homes for local people. Its approach is closely aligned with the Government's key aim of boosting significantly the supply of new homes.

Richborough is currently promoting over 20,000 dwellings through various stages of the planning process across the United Kingdom, and on average can be promoting up to 100 sites at any one time. Their aim is to leave a lasting legacy for the communities within which they work.



Richborough Estates experience of residential land promotion leaves them in a good position to be able to confirm with confidence that the Cherry Lane site is deliverable.

3. SITE LOCATION AND DESCRIPTION

The Site

Land off Cherry Lane (“the site”) lies immediately adjacent to the existing settlement of Lymm. It extends to approximately 12 ha and comprises three agricultural fields forming a polygonal shape. It is bounded by the existing settlement to the north, and three roads along the eastern, southern and western boundaries.

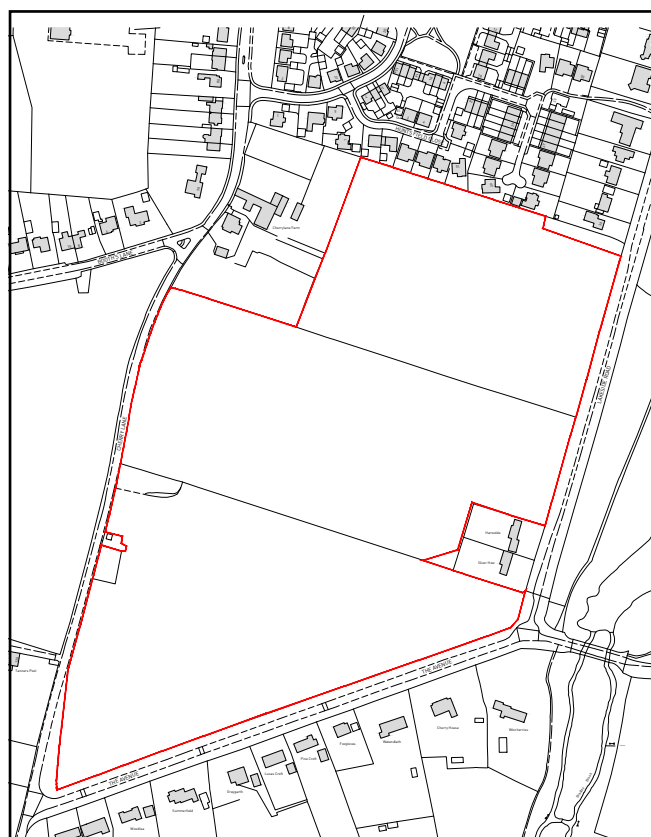
The site has previously been used for arable farming. Existing landscaping is therefore limited to the boundaries of the site – particularly the northern, eastern and southern boundaries. There are also several mature trees scattered across the site. A hedgerow with scattered trees also partly screens the site from Cherry Lane to the west.

The northern boundary of the site is formed by the existing properties of Hunts Field Close and Lady Acre Close, part of a residential estate, which was built in the late 1990s/ early 2000s.

The eastern boundary of the site is formed by Lakeside Road, to the east of which is Lymm Dam and the woodlands and pathways which surround it. The eastern boundary of the site wraps around the rear gardens of the large detached properties of ‘Harwolde’ and ‘Silver How’, which front onto Lakeside Road on its western side. Lakeside Road connects to Church Road (the A56) approximately 500 metres to the north of the site and from there to the village centre.

The southern boundary of the site is formed by another road – The Avenue. A row of large detached houses front onto The Avenue along the full extent of its southern side. These properties have substantial gardens, south of which are further agricultural fields and the woodlands around Bradley Brook.

The western boundary of the site is formed by Cherry Lane (the B5158) which provides the main route between the centre of Lymm to the north to the M6/M56 Junction 20/9 to the south. In the northern part of the site, the western boundary wraps around the Cherry Lane Farm buildings. Some have recently been converted into residential properties. The western boundary of the site also excludes an existing pumping station which is accessed from Cherry Lane. Land immediately to the west of Cherry Lane comprises further agricultural fields, and to the north west, the residential built-up area of Lymm.



Site Location Plan



Lakeside Road



Converted buildings adjacent to Cherry Lane Farm



Site looking north



Footways to west of Lymm Dam



Cherry Lane looking south

Surrounding Area

The centre of the village is within approximately 700 metres walking distance to the north east of the site via Lakeside Road and Eagle Brow. Within the village centre there are several pubs, restaurants and shops, Lymm Youth and Community Centre, a Post Office and a Pharmacy.

Even closer to the site, a Co-operative Food Store and The Crown Pub are located at the junction of Cherry Lane and Booth's Hill Road approximately 650 metres walking distance via Cherry Lane. Cherry Tree Primary School is around 700 metres to the north west of the site off Hardy Road. Lymm High School is located around 2.5 kilometres of the site on Oughtrington Lane.

Further detail about the connectivity of the site to local services and facilities is contained Section 6.

The centre of Lymm is historic, with several listed buildings. Lymm 'Village' Conservation Area was designated in 1971. It encompasses the centre of the village and extends south to include Lymm Dam which lies to the immediate east of the site.

Lymm is located in the west of the Borough of Warrington, approximately 8 kilometres from Warrington town centre to the west, 5.5 kilometres from Partington and Cadishead to the north east and 8.5 kilometres from Altrincham town centre to the east. The M6 runs in a north to south direction approximately 1.6 kilometres from the village centre.



Houses in the surrounding area



Village centre



Shops and services in Village centre



Historic Centre

4. PLANNING CONTEXT

Adopted Development Plan

The currently adopted Development Plan for the area comprises the Warrington Local Plan Core Strategy which was adopted on 21st July 2014. The site is located within the Green Belt as defined on the adopted Proposals Map.

Emerging Warrington Core Strategy Local Plan

The Council are currently progressing a Local Plan Review to take account of up-to-date evidence of the Borough's growth needs. The Council have recently consulted on the 'Preferred Development Option Regulation 18 Consultation July 2017' between July and September 2017. This proposes a housing target of 1,113 houses per annum over the 20 year plan period. The Council recognise that in order to accommodate this housing requirement it will be necessary to release green belt land across the Borough. The 'Preferred Development Option' document identifies that Lymm has an indicative capacity to accommodate up to 500 dwellings through Green Belt release. The Council will now undertake detailed site assessment work to inform specific site allocations in the next stage of the Local Plan. Consultation on the proposed Submission Version of the plan is now anticipated to take place in February 2018.

Evidence Base

Strategic Housing Market Assessment (May 2017)

The latest evidence on housing need being used to inform the Local Plan Review is the Mid-Mersey Strategic Housing Market Assessment Update – Warrington Addendum (May 2017). This identifies an Objectively Assessed Need (OAN) based on Economic Growth scenarios of 955 per annum up

to 2037.

In order to ensure that the level of anticipated jobs growth is capable of being achieved, the Council is proposing a further adjustment to the identified OAN figure to a housing requirement of 1,113 dwellings per annum.

Strategic Housing Land Availability Assessment (July 2017)

Land off Cherry Lane has been identified in the latest SHLAA (July 2017) under site reference 2705. The SHLAA identifies the site as constrained for development due to its location within the Green Belt. It concludes that it is premature for the SHLAA to endorse such sites in advance of Warrington's Green Belt Review, and has therefore discounted a number of Green Belt sites on the basis of this policy constraint. In a more detailed assessment of the site, the 2015 SHLAA recognised the site faces no constraints to housing development in terms of ground contamination, site access, surrounding land uses, infrastructure issues or amenity issues.

Green Belt Assessment

The Council have commissioned a Green Belt Assessment (GBA) of the Borough to inform the Local Plan Review. The site is identified as Parcel LY25 in the GBA (October 2016) and has been assessed as making a 'strong' overall contribution towards the 5 purposes of the Green Belt. An update to this assessment has been provided in response to the Call for Sites consultation exercise in December 2016/ The July 2017 Updated Assessment does not change the conclusions in relation to Parcel LY25. This assessment is considered further in Section 5.

5. GREEN BELT ASSESSMENT

The site is currently within the Green Belt that surrounds the existing settlement. This Section demonstrates how the site makes an overall weak contribution towards the five purposes of the Green Belt as established in paragraph 80 of the National Planning Policy Framework ('the Framework') and can therefore be considered suitable for development.

Paragraph 80 of the Framework states that Green Belt serves five purposes:

1. To check the unrestricted sprawl of large built-up areas;
2. To prevent neighbourhood towns merging into one another;
3. To assist in safeguarding the countryside from encroachment;
4. To preserve the setting and special character of historic towns; and
5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The Green Belt Assessment (GBA) (October 2016) and the Additional Site Assessments (July 2017) prepared by Arup has assessed the site at Cherry Lane (identified under reference Parcel LY25) in the original October 2016 Assessment and R18/101 and R18/051 in the July 2017 Additional Assessments.

The Parcel is assessed as making the following contribution to the purposes of the Green Belt:

Purpose 1: To check unrestricted sprawl of large built-up areas

GBA Assessment: No contribution

Purpose 2: To prevent neighbouring towns merging into one another

GBA Assessment: No contribution

Purpose 3: To assist in safeguarding the countryside from encroachment

GBA Assessment: Strong contribution

Purpose 4: To preserve the setting and special character of historic towns

GBA Assessment: Strong contribution

Purpose 5: To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

GBA Assessment: Moderate contribution

Overall

GBA Assessment: Strong

Richborough Estate's Assessment of GBA Findings

Having reviewed the methodology set out in Section 4 of the GBA, Richborough Estate's have concerns that the conclusions reached in the GBA in respect of the site are fundamentally flawed. The following is a summary of the GBA findings (July 2017) and Richborough Estate's view of the contribution of the site towards each of the 5 purposes of the Green Belt.

Purpose 1: To check the unrestricted sprawl of large built-up areas

<p>GBA Assessment of Parcel LY25 (R18/101 / R18/051)</p>	<p>The parcel is not adjacent to the Warrington Urban Area and therefore does not contribute to this purpose.</p> <p>Conclusion: No Contribution</p>
<p>Richborough Assessment:</p>	<p>Agree with GBA Assessment in line with the methodology set out in Section 4 of the GBA.</p> <p>Conclusion: No Contribution</p>

Purpose 2: To prevent neighbouring towns merging into one another

<p>GBA Assessment of Parcel LY25 (R18/101 / R18/051)</p>	<p>The parcel does not contribute to preventing towns from merging.</p> <p>Conclusion: No Contribution</p>
<p>Richborough Assessment:</p>	<p>Agree with GBA Assessment in line with the methodology set out in Section 4 of the GBA.</p> <p>Conclusion: No Contribution</p>



Lakeside Road and The Avenue - strong defensible boundaries to the south and east

Purpose 3: To assist in safeguarding the countryside from encroachment

<p>GBA Assessment of Parcel LY25 (R18/101 / R18/051)</p>	<p>The site is connected to the settlement along its northern boundary. This consists of garden boundaries, which are not durable and would not be able to prevent encroachment into the site. The site is well connected to the countryside along three sides. The Avenue to the south, Cherry Lane to the west and Lakeside Road to the east form durable boundaries which would be able to prevent further encroachment beyond the site if the site were developed. Along the east and west boundaries there are two sections of the boundary which are not formed by Cherry Lane or Lakeside Road and are the limits of dwellings and Cherry Lane Farm which are not durable however the overall boundary is predominately durable. The existing land use consists mainly of open countryside and there is little vegetation. The site helps to prevent further encroachment particularly given the residential properties on The Avenue. The site supports some long line views to the west and overall supports a strong degree of openness. Overall the site makes a strong contribution to safeguarding from encroachment due to its strong degree of openness and non-durable boundaries with the settlement.</p> <p>Conclusion: Strong Contribution</p>
<p>Richborough Assessment:</p>	<p>Having reviewed the methodology set out in Section 4 of the GBA, and the conclusions reached by the GBA in respect of other parcels in Lymm, the assessment of Parcel LY25 as having a 'strong' contribution against Purpose 3 seems unjustified and inconsistent.</p> <p>This is now set out in reference to the assessment criteria for purpose 4 as established in the GBA methodology:</p> <p><i>a. Future encroachment: Are there existing durable boundaries which would contain any future development and prevent development and prevent encroachment in the long term?</i></p> <p>In the July 2017 Additional Site Assessments the GBA considers the existing residential properties along the northern boundary of the Parcel LY25 do not constitute a 'durable' boundary and would not be able to prevent encroachment into the parcel. Richborough question the assessment of this boundary as 'not durable' given the borders of these properties form a continuous, solid line along this boundary which is well defined by a 15 metre buffer of mature landscaping.</p>

In terms of preventing future encroachment if Parcel LY25 were developed, the GBA acknowledges the existence of durable boundaries around the remaining three sides of the parcel in the form of Cherry Lane, The Avenue and Lakeside Road. We note that the permanence of these boundaries is further reinforced by the existence of Lymm Dam and the surrounding protected woodland immediately to the east of the parcel and the row of dwellings on The Avenue which further contain the parcel to the south.

Overall, it is clear the site represents a well contained parcel of land which is clearly defined by strong, defensible boundaries on all sides which would contain encroachment in the long term if the parcel were developed.

b. Existing encroachment: What is the existing land use/ uses? Is there any existing built form within or adjacent to the parcel?

The GBA correctly identifies that the Parcel currently comprises agricultural land with limited built development.

However, the methodology also requires consideration of existing built form adjacent to the parcel. It is therefore an important consideration that the entire northern and southern boundaries of the parcel are directly adjacent to existing residential properties. The GBA seems to conclude that the presence of the dwellings along the southern boundary (along The Avenue) mean the parcel plays a more important role in preventing encroachment. However, this is illogical when these properties in fact contain the southern boundary of the site and prevent any future encroachment should the parcel be developed.

The existing residential properties of Tanners Pool to the west of Cherry Lane in the southern area of the site, the recent development of Cherry Lane Farm, and the two existing properties within the south-eastern part of the site also interrupts the feeling of open countryside surrounding the site.

c. Connection to the countryside: Is the parcel well connected to the countryside? Does the parcel protect the openness of the countryside?

As described above, the site is surrounded by man-made defensible boundaries on all sides - existing development to the north, Cherry Lane to the west, The Avenue to the south and Lakeside Road to the east. It is well related to the existing built-up area to the north and north west, a continuous line of development to the south and scattered existing properties to the east fronting Cherry Lane and west fronting Lakeside Road.

We therefore dispute the assertion in the GBA that the site is “well connected to the countryside along three sides” and question the logic for this. There is in fact extremely limited connectivity between the site and the wider countryside both to the east (by virtue of Lymm Dam and the surrounding dense woodland) and to the south (by the existing properties along The Avenue). Whilst there are some views of the parcel from the west these are limited and interrupted by existing vegetation.

d. Does the parcel serve a beneficial use of the Green Belt (NPPF para 81) which should be safeguarded?

The Parcel does not serve a beneficial use of the Green Belt.

Conclusion: Weak Contribution

Purpose 4: To Preserve the Setting and Special Character of Historic Towns

<p>GBA Assessment of Parcel LY25 (R18/101 / R18/051)</p>	<p>Lymm is a historic town. The site does not cross an important viewpoint of the Parish Church. The majority of the site's eastern boundary lies adjacent to the Lymm Conservation Area and the nearby Bridge at Lymm Dam is a Grade II listed building. Therefore the site makes a strong contribution to preserving the setting and special character of historic towns.</p> <p>Conclusion: Strong Contribution</p>
<p>Richborough Assessment:</p>	<p>We understand from a review of the methodology that the GBA assessment is given on that basis that the site lies adjacent to the Lymm Conservation Area to the east, and within the 250 metre buffer from the Conservation Area.</p> <p>Richborough Estates appreciate that it is not within the scope of the GBA to undertake a more sophisticated assessment of the potential impact of development on heritage assets within the Borough. However, we take this opportunity to note that whilst Parcel LY25 is adjacent to the Lymm Conservation Area, there is limited inter-visibility between this heritage asset and the parcel given the dense woodland which surrounds the Dam and would screen the fields at Cherry Lane Farm from the majority of public vantage points in the Conservation Area. The Grade II Listed Bridge over the Brook and Dell at the Head of Lymm Dam is situated immediately to the south-east of the parcel but its surroundings are also mainly screened by the mature vegetation.</p> <p>All other designated assets within 1 kilometre of the parcel are screened from it by intervening built development, mature trees and the local topography such that development would not impact these other assets either directly or indirectly.</p> <p>CgMS have assessed the site and the impact of the proposed development on the setting of the Conservation Area. They consider how the dense woodland vegetation screens the Dam from the site and the existing adjacent residential development. The Indicative Masterplan shown in Section 8 demonstrates how development could be designed to respect the character and setting of the Conservation Area, such that development could be brought forward without adverse impact on the setting or significance of this heritage asset or others within Lymm.</p>

	<p>Land at Cherry Lane Farm is well placed to provide a new area of car parking providing visitors with direct access to the trails and woodland surrounding the Dam. This would relieve the pressure on parking along the A56 which lies within in the central part of the Conservation Area. It would reduce the issues of congestion, safety and negative visual impact which currently occur as a result of the demand for parking spaces here. In this way, land at Cherry Lane Farm provides scope to make a positive contribution to preserving the character of the conservation area along the A56 and enhancing the public experience and enjoyment of this important heritage and recreational asset.</p> <p>Richborough Estates understand that it is not the role of the Green Belt Assessment to undertake a detailed analysis of the specific impact on heritage assets or any potential for mitigation. However, scoring a 'strong' contribution against this purpose is the only element of the assessment which sets Parcel LY25 apart from the assessment of the majority of the other parcels around Lymm. Richborough therefore urge the Council to take a more detailed consideration of the actual impact of development of this parcel on the Conservation Area, with reference to the above points, over and above the high level assessment provided in the Green Belt Assessment.</p> <p>Conclusion: Weak/Moderate Contribution</p>
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Purpose 5: To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

GBA Assessment of Parcel LY25 (R18/101 / R18/051)	<p>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.</p> <p>Conclusion: Moderate Contribution</p>
Richborough Assessment:	<p>All Green Belt has the potential to make a strategic contribution to urban regeneration by restricting the land available for development and encouraging development in urban sites. As such, different parcels of Green Belt land around settlements will have the same contribution towards this purpose.</p> <p>Richborough Estates welcome the recognition of this in the GBA which assesses all sites in Lymm as having the same level of contribution towards this purpose.</p> <p>Contribution: Moderate Contribution</p>

Green Belt Assessment Summary

The following table provides a summary of the conclusions reached by Richborough when assessing the site.

	Purpose 1: To check unrestricted sprawl of large built-up areas	Purpose 2: To prevent neighbouring towns merging into one another	Purpose 3: To assist in safeguarding the countryside from	Purpose 4: To preserve the setting and special character of historic towns	Purpose 5: To assist in urban regeneration, by encouraging the recycling of derelict and other urban land	Overall Assessment
GBA Assesment of Parcel LY25 (R18/101 / R18/051)	No contribution	No Contribution	Strong Contribution	Strong Contribution	Moderate Contribution	Strong Contribution
Richborough Assessment of Parcel LY25 (R18/101 / R18/051)	No Contribution	No Contribution	Weak Contribution	Weak/ Moderate Contribution	Moderate Contribution	Weak Contribution

It has been demonstrated that the site makes an overall weak contribution towards the five purposes of including land within the Green Belt and can therefore be considered suitable for development.

6. SUSTAINABLE LOCATION

The site is in a highly sustainable location, with a wide variety of services and facilities available within a short walking and cycling distance of the site and can therefore be considered an appropriate location for residential development.

Retail and other Facilities

A Co-operative Food Store and The Crown Pub are located at the junction of the A56/ Booth's Hill Road and Cherry Lane, approximately 700 metres to the north of the site. Lymm Village Centre is located further east along Booth's Hill Road and Eagle Brow, approximately 1,200 metres walking distance from the site. In the centre of the village are a range of restaurants, cafes, pubs and shops as well as a Post Office and a Pharmacy. Lymm also benefits from a library, Lymm Youth and Community Centre, a village hall, multiple gyms and a leisure centre and several places of worship.

The village centre can also be accessed on foot/ cycle along Lakeside Road to the east of the site or via the footpaths around Lymm Dam.

Health Facilities

The nearest NHS Surgery from the site is the Lakeside Surgery, a short distance from the site along Lakeside Road. Brookfield Surgery also provides NHS services in the centre of the village. There are several dentists in and around Lymm, with Lymm Dental Practice in the centre of the village and Higher Lane Dental Practice approximately 1500 metres away, along the A56. There is also a Pharmacy in the centre of the village. The Preferred Development Option Consultation identifies the need for additional primary care capacity that new development will help deliver.

Education

Cherry Tree Primary School is approximately 700 metres walking distance to the north west of the site off Hardy Road. Statham Community Primary School and Ravenbank Community Primary School are both approximately 2 kilometres from the site. In terms of secondary education, Lymm High School is located around 2.5 kilometres of the site on Oughtrington Lane in the east of the settlement.

The evidence base supporting the Local Plan Review identifies that the 4 primary schools in Lymm are at or nearing capacity. Of the existing schools, it is noted that Cherry Tree Primary School is the only one with expansion potential.

Employment

Employment opportunities are provided through the wide range of shops and services within the centre of Lymm. Further afield, connections via public bus services enable easy access to the employment destinations of Warrington, Trafford and Manchester City Centre.

Public Open Space

Lymm Dam and its surrounds, immediately adjacent to the site provides ample opportunity for recreation. Lymm Rugby Football Club is located on the other side of the Dam, approximately 400 metres walking distance from the site. Lymm Lawn Tennis Club is approximately 700 metres walking distance via Lakeside Road. Lymm Golf Club and Sow Brook Playing Field lie to the north side of the village and provide further opportunities for outdoor sports. The Ridgeway-Grundy Memorial Park provides

formal open space approximately 1000 metres from the site. The site is well related to a network of public footpaths which lead around the Dam, through the village centre, along the canal and also provide access into the surrounding countryside.

In accordance with the National Planning Policy Framework, land at Cherry Lane is suitably located for housing development as it is accessible to a wide range of education, healthcare, retail, community and recreation facilities. It is also well served by public transport.



Facilities in village centre



Co-op at junction of Cherry Lane / Booths Hill Road



St Mary's Church



View into village centre



Village shops

7. A DELIVERABLE SITE

Footnote 11 to Paragraph 47 of the National Planning Policy Framework ('the Framework') confirms that to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing can be delivered within the next 5 years.

The site at Cherry Lane can be considered deliverable in this context.

Available

The entire site has previously been promoted by the landowners through the Warrington Call for Sites in December 2016. Richborough Estates now have an agreement with the landowners to actively promote the site as a residential allocation through the emerging Local Plan Review.

Richborough Estates have a proven track record of facilitating the delivery of high quality housing developments on suitable and sustainable sites and can confirm that the site at Cherry Lane can be delivered for housing within the early phases of the Local Plan. As such, the site can be confirmed as being available.

Suitable

Lymm is one of the largest settlements in the Borough after Warrington. It benefits from a wide range of shops and services and is an appropriate and highly sustainable location to direct a proportion of future housing growth in Warrington in accordance with national planning policy.

The Preferred Options Consultation Document identifies how additional growth in Lymm will require additional health care and education capacity in the village.

Section 6 of this Statement demonstrates that the site is well related to the village, easily accessible to a range of local facilities and services. Section 5 shows how the site does not make a strong overall contribution towards the purposes of including land

in the Green Belt, and can be considered a logical release for development. With regard to several key technical constraints and considerations, land at Cherry Lane represents one of the most appropriate sites to accommodate new housing development in Lymm over the next plan period, when compared to alternative sites in the village:

- **Highways:** The site is located to the south of Lymm and would be accessed directly via the only road which provides a direct route between Lymm and the M6/ M56 Motorways. The site is therefore unique among all other potential housing sites in Lymm in that it allows direct access to the strategic road network without the need for traffic to go via the local roads through the centre of the village and/or via the rural road network to the east.

New housing in other parts of Lymm would worsen existing traffic issues. It would add to traffic using the already constrained and congested roads through the centre of Lymm as a through route. Alternatively, traffic travelling east from Lymm, must either use Warburton Lane through Partington to the east, or the B5159 and over the congested Warburton Toll Bridge to connect to the A57/Manchester Road to the north or travel via Mill Lane (the B5169) to the south east of Lymm and via a weight and height restricted tunnel under the Bridgewater Canal.

Transport Consultants PTB have assessed the traffic impacts and access considerations

associated with potential identified housing sites in Lymm. This work has demonstrated that in general terms, sites to the north west, north east or south west of Lymm are forecast to have the least impact on the centre of Lymm and/or the A56 corridor.

- **Proximity to Local Facilities:** It can be seen that given the historic pattern of growth in Lymm, the site represents one of the most sustainable locations in Lymm to accommodate major new housing growth, being closer to facilities within the village centre than the majority of other potential housing sites.
- **Flood Risk:** The site is located entirely within Flood Zone 1. It therefore does not face constraints related to flood risk and drainage unlike the majority of land to the north of Lymm which lies within Flood Zone 3.
- **Community and Heritage Benefits:** The site at Cherry Lane is uniquely located to provide a new area of car parking for visitors to Lymm Dam and therefore help to relieve existing pressure elsewhere in the village (namely along the A56 to the north of the Dam) and contribute

towards preserving and enhancing the Lymm Conservation Area.

The Indicative Masterplan also shows how the site could accommodate a new GP's surgery to meet the need identified in the Council's evidence base.

- **Agricultural land quality:** All of the land surrounding Lymm is identified as either Grade 2 or Grade 3 agricultural land. The site is located in an area of Grade 3 land, therefore less valuable and more suitable for release than much of the land in the north east of Lymm particularly around Rushgreen, which is identified as better quality Grade 2 land.

Achievable

Richborough Estates have assessed the physical characteristics of the site along with any other technical considerations and can confirm that development of the site is commercially viable. Richborough Estates are confident that when taking all known factors into account the site could be developed for approximately 200 dwellings in a manner which would be appropriate to its setting and



Cherry Lane looking north

represent a natural, sustainable extension to the existing settlement.

The following is a summary of the technical factors associated with development of the site.

Access and Highways

The site has an extensive frontage onto Cherry Lane along its western boundary, and the road is relatively straight in the vicinity of the site. It is confirmed that a safe and suitable access can be achieved with regard to visibility splays and the proximity of other junctions. A 30 mph speed restriction along Cherry Lane currently extends from the centre of Lymm to just to the south of Cherry Lane Farm. It is anticipated this can be extended southwards if necessary.

An existing pavement runs along Cherry Lane providing a safe pedestrian access route into the centre of Lymm. Pedestrians and cyclists would also have the opportunity to access the centre of Lymm via Lakeside Road or the footpaths around Lymm Dam. The Mersey Valley Trail runs alongside the western and southern boundaries of the site. This route links Runcorn to Lymm and provides access to a wider network of public footpaths within countryside and green belt. The Indicative Masterplan in Section 8 demonstrates the opportunities to deliver a development that is well connected to the surrounding road and footway network.

The early stage assessment undertaken by PTB Transport Consultants has demonstrated that the location of the site is favourable in terms of the impact through Lymm village centre and along the A56 corridor.

Ecology

There are no designated sites of nature conservation interest within or adjacent to the site. Given its agricultural use, the habitats within the site are common and of limited value. The site is surrounded by roads on all sides and a residential estate on the other. The opportunities for links to other nearby habitats are therefore also limited.

As set out in Section 8, existing trees and hedgerows will be incorporated into any future development along with appropriate buffers to preserve their value as wildlife habitat. Opportunities for ecological enhancement would

also be incorporated such that there could in fact be a net biodiversity gain as a result of the proposals.

Overall, given the nature and location of the site, there are no overriding constraints to its development in terms of ecology and it is considered the site can be delivered in a manner which provides appropriate mitigation and biodiversity enhancements.



Hedgerows on site

Arboriculture

Given the use of the site for agricultural land, it has very limited vegetation other than hedgerows along the boundaries of the site and a number of mature trees and groups of trees within the site and scattered along the boundaries. Rows of poplar trees line the eastern and southern boundaries of the site and are excluded from the site boundary. It is anticipated that existing trees and hedgerows will be retained and incorporated into the scheme wherever possible. Along with substantial new planting, this will help to ensure that new development integrates positively in the surrounding area.

Given that the majority of the tree cover on the site is confined to the boundaries, trees on the site are not considered to present a significant constraint to development. It is anticipated development can come forward with only a very limited degree of tree loss.

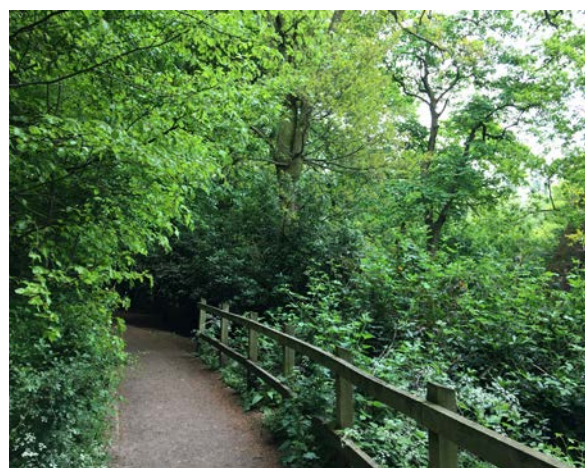
Heritage

Heritage consultants CgMS have undertaken an initial assessment of the site to inform the Indicative Masterplan. There are no designated heritage assets (Listed Buildings, Scheduled Monuments, Registered Battlefields or Parks and Gardens) on the site. Lymm Village Conservation Area abuts the east side of the study site. There are a number of designated heritage assets within 1 kilometre of the site, predominantly in the centre of Lymm. There is a Grade II Listed Bridge over the Brook and Dell at the Head of Lymm Dam, which is situated to the immediately to the south-east of the site.

There is no Conservation Area Appraisal which might provide some detailed understanding of the significance of the asset or the contribution the setting makes to it. The assessment by CgMS notes that the Dam is surrounded by mature woodland vegetation, which is particularly dense on the west side of the Conservation Area, adjacent to the site. This screens the Dam from the site and the residential development currently situated to the north along Lakeside Road. The Indicative Masterplan in Section 8 shows a green buffer along the eastern boundary of the development, with the proposed dwellings set back from the Conservation Area and at a similar rhythm and low-level density as the existing houses along Lakeside Road. This design approach will ensure the character and setting along Lakeside Road adjacent to the Conservation Area is preserved.

CgMs conclude that the Listed Bridge to the south-east of the site will not be directly impacted by the proposals. Its setting is at the head of the Dam but its surroundings and key views from the bridge are mainly screened by the mature vegetation. The other key view is to the west onto the site and out along The Avenue. The Indicative Masterplan shows a green buffer along The Avenue and within the south east corner of the site which will help to maintain this view and therefore setting of the Listed Bridge.

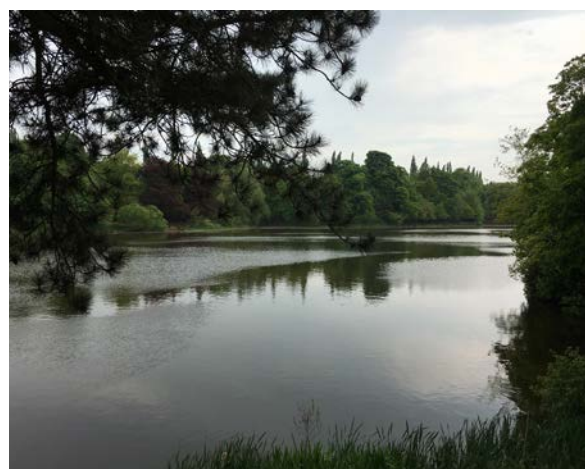
All other designated assets within 1 kilometre of the parcel are screened from it by intervening built development, mature trees and the local topography such that development would not impact these other assets either directly or indirectly.



Footpath along western side of Dam



Looking west from Listed Bridge towards the site



Lymm Dam

Flood Risk and Drainage

The entire site is located within Flood Risk Zone 1 with reference to the Environment Agency flood maps. Residential development would therefore be entirely acceptable in line with national guidance on flood risk. The site is relatively flat and therefore it is not anticipated there would be any issues with ensuring a residential development on the site could be adequately drained.

Agricultural Land

All of the land surrounding Lymm is identified as either Grade 2 or Grade 3 agricultural land. The site is located in an area of Grade 3 land, therefore less valuable and more suitable for release than much of the land in the north east of Lymm.

Utilities

There are no power lines or public sewers crossing the site which would act as a constraint to development. It is anticipated that residential development on the site will be able to connect to the existing utilities networks which serve the area. The presence of the relevant utilities networks in the area is evident given the residential development to the immediate north of the site which took place around 2000. Further investigations and enquiries would reveal any improvement works or on site provision deemed necessary.

A review of technical considerations has confirmed that there are no physical characteristics or other constraints that would prevent the delivery of housing at the site. Overall, it is demonstrated that the site is available, suitable, achievable and therefore deliverable.



The site



Nearby houses



Cherry Lane Farm from across the site



8. DESIGN PRINCIPLES

An Indicative Masterplan has been produced by Richborough Estates to demonstrate how the site could be delivered for residential development in a manner which responds appropriately to the specific opportunities and constraints of the site and integrates into the surrounding area.

Context of the Surrounding Area

The site is located to the south west of the existing settlement of Lymm and its development would form a natural extension to the existing built up area. Adjacent to the northern boundary of the site is a relatively modern development along Lady Acre Close and Hunts Field Close. This development was built around 2000 and comprises a mix of two to three storey detached dwellings and townhouses formed around cul de sacs accessed off Cherry Lane.

Linear patterns of properties along Lakeside Road and The Avenue comprise large detached properties of varying styles with generous front and rear gardens.

To the north west of the site, along Cherry Lane, Booths Lane, Highfield Road and further north are established residential areas comprising a mix of semi-detached and detached houses of varying densities and ages, predominantly post-war.

The centre of Lymm is historic and contains several listed buildings and structures. This older part of the village is separated from the site by modern residential estates.

The wider area to the south and west of the site comprises agricultural fields with hedgerows and trees defining the boundaries and a few scattered agricultural/ residential buildings. To the immediate east of the site is Lymm Dam and the surrounding dense woodland and pathways.



Lakeside Road



Modern houses to north of site



The Avenue

Site Considerations

The following physical features will be important considerations in the design of the development:

- **Trees and Hedgerows.** Existing vegetation on the site is largely limited to the field boundaries. There are a number of mature trees scattered across the site. These features should be retained as far as possible and integrated into a green infrastructure network.
- **Ecology.** Whilst the habitats on site are considered to be common and of limited value, existing on-site vegetation will provide roosting, commuting and foraging habitats for bats and birds. These features should be retained, enhanced and sensitively assimilated into a green infrastructure network.
- **Relationship with adjacent properties.** The development must be carefully designed to respect the adjacent residential properties and ensure the amenity of existing neighbours is preserved.
- **Relationship with wider countryside.** Lower density development and areas of open space and landscaping should be incorporated along the edges of the site to preserve the semi-rural character of the wider surrounding area.
- **Adjacent conservation area.** The development should be carefully designed with respect to the adjacent Lymm Dam and Woodland to ensure no adverse impacts on this important heritage asset or the public's enjoyment of it for recreational purposes.
- **Links to surrounding highways and footways.** Cherry Lane provides an opportunity to achieve vehicular access from the west of the site. The development should also maximise opportunities to strengthen pedestrian linkages

to existing footways around Lymm Dam and Lakeside Road to the east.

Proposed Indicative Masterplan

Whilst the Proposed Masterplan is purely indicative at this stage, it demonstrates Richborough Estates' vision for the site. The design principles of the Indicative Masterplan and how they respond to the site specific features and context can be summarised as follows:

Sustainable Mixed Community

- A residential development comprising approximately 200 dwellings. The indicative masterplan allows for the provision of a range of housing types and sizes in order to create a balanced community and offer new housing choice.
- Affordable housing provision in line with the requirements of local planning policy.
- An overall net development parcel of approximately 18.7 hectares, equating to a net average density of 26 dwelling per hectare, which is reflective of the surrounding area.
- Land for a GP's Surgery has been incorporated in the Masterplan in a location well-related to the existing settlement in order to serve as a key community facility for the wider population of Lymm.
- A new area of car parking to serve visitors to Lymm Dam and relieve congestion elsewhere in the village.

Landscape-led

- The Indicative Masterplan demonstrates a landscape-led approach, with 4.7 hectares of the 12 hectare site shown as publicly accessible green space.
- Two focal areas of public open space are shown in the central part of the development. These

will complement higher density development, be overlooked by the proposed dwellings and provide children's play areas. These spaces also address areas which the Environment Agency indicates as being prone to surface water flooding.

- The outer edges of the site are reserved as open green space to achieve a rural character, incorporate existing and new landscaping and help filter views of the site from the surrounding area. In particular, woodland block planting is proposed along the western boundary to achieve a soft transition to the wider countryside to the west.
- The areas of green space will provide scope for biodiversity mitigation and enhancement measures across the site.

Well-connected and Permeable

- The development is proposed to be served by two vehicular access points via Cherry Lane. Appropriate visibility splays can be achieved to accommodate the development. A principal street provides a looped route through the development and underpins a hierarchy of streets.
- A series of pedestrian links are proposed, connecting the site to Cherry Lane, Lakeside Road and the adjoining Mersey Valley Trail. These links maximise pedestrian connectivity, encouraging residents to walk/ cycle to nearby facilities and helping to integrate the development with the rest of the village.

Sensitively Designed Layout

- Higher density housing is located in the central core of the development, with lower density at the site edges. Larger detached dwellings are located in the outer edges of the development in response to the character of The Avenue, Cherry Lane and Lakeside Road.













- New streets have a linear block structure which take design cues from surrounding residential areas such as Highfield Road, Hardy Road and Booths Lane. A hierarchy of streets is indicated, allowing the outer edge of the development to be served by low-key private drives and lanes engendering a softer, more rural character.
- Development within the north of the site replicate the existing street and block structure proportions of contemporary development in Hunts Field Close, logically extending the existing urban edge southwards into the site.
- Drawing upon the character of Booths Lane, The Avenue and Lakeside Road, outer edges of the development comprise linear patterns of dwellings, set within large treed plots with varied gaps between them. These areas are proposed to be filtered by new and existing landscape which serves as a buffer to the adjoining Conservation Area and Listed Bridge, thereby preserving the setting of these heritage assets.
- Larger plots to the east, south and west provide scope to provide walled, gated and landscaped frontages to align with the character of the Conservation Area.
- A visitors car park for Lymm Dam is proposed in the southern area of the site to relieve issues of congestion, safety and negative visual impact due to parking along the A56 to the north of the Dam, which currently detract from this part of the Conservation Area.
- Land for a GP's Surgery is located in the north-west of the site to maximise its accessibility to the wider community of Lymm.

Indicative Masterplan



KEY DESIGN PRINCIPLES

1. Proposed vehicular access and linked principal street;
2. Looped residential street with landscape theme;
3. Outward facing residential blocks taking cues from existing context (Hunts Field Close);
4. Continuation of existing linear building line;
5. Low density, linear residential edge;
6. Verdant development character area;
7. New woodland planting;
8. Potential 'early implementation' area of landscape;
9. Proposed pedestrian crossing;
10. Green link between Cherry Lane and Mersey Valley trail;
11. Focal green space with children's play area;
12. Green space incorporating existing trees;
13. New visitors car park for Lymm Dam;
14. Higher density development core;
15. Continuation of existing urban edge;
16. Green edge;
17. Treed green links to Mersey Valley trail;
18. Soft linear edge mirroring Booths Lane;
19. Existing Avenue trees and housing set back to respond to existing patterns in adjoining Conservation Area; and
20. Potential location for doctors surgery.

 Site location 31.04 Acres 12.40 Hectares	 Proposed residential development	 Public Open Space	 Existing trees	 Existing hedge	 Listed buildings
 Lymm 'Village' Conservation Area	 Proposed new landscape	 Indicative sustainable drainage	 Key pedestrian routes	 Mersey Valley Trail	 Potential Doctors Surgery

9. SUMMARY AND CONCLUSIONS

Land off Cherry Lane site represents a sustainable, logical development opportunity on the edge of Lymm which is well placed to contribute towards meeting local housing needs in Lymm and those across Warrington as a whole. The site is now being actively promoted by Richborough Estates and is considered capable of delivering around 200 new homes in a matter which responds positively to the context of the site and surround area.

This Development Statement has demonstrated the following:

- The Land at Cherry Lane is well related to the existing urban area and will form a natural extension to Lymm.
- The site is within walking distance to a range of local facilities and services in the village, and has good public transport links to destinations further afield. This is therefore a particularly suitable location for housing.
- When considered against the five purposes for including land within the Green Belt set out in paragraph 80 of the Framework, the site is considered, at best, to make a weak contribution and so can be considered appropriate for release from the Green Belt.
- There are no physical or other technical constraints which would prevent the development of the site for housing. It has been demonstrated that the site is available, suitable, achievable and deliverable in the short term.
- The site lends itself to housing development and a number of opportunities exist to deliver a sustainable urban extension comprising of high quality family housing through a landscape led approach to masterplanning.
- The site presents a unique opportunity to provide additional car parking to serve visitors to Lymm Dam and relieve congestion in the centre of the village.
- The site also presents an opportunity to

deliver a new GP's Surgery, as required to accommodate the proposed housing growth in Lymm.

- The Indicative Masterplan sets out Richborough Estates' vision for the site and key design principles which would ensure the development responds positively to its context – protecting the amenity of existing residents, preserving and enhancing the special character of Lymm Dam and the adjacent Conservation Area and achieving a rural character with a soft transition to the surrounding countryside.

As a long established residential land promoter, Richborough Estates has an excellent track record of facilitating the delivery of sites. Richborough can confirm Land off Cherry Lane is available, suitable, achievable and deliverable, for housing in the short term.



Land off Cherry Lane, Lymm Development Statement

Appendix D: Highways and Transportation Note



**Preferred Development Option
Regulation 18 Consultation (July 2017)**

Representations

on behalf of Richborough Estates

September 2017

London

Birmingham

Manchester

Thames Valley

Appendix V

Updated Illustrative Masterplan



Note: This drawing is subject to detailed design and survey.

REVISION: D. C. DATE:

KEY

	Site location 31.05 Acres 12.56 Hectares		Proposed residential development		Public Open Space		Existing trees		Key pedestrian routes
	Lymm 'Village' Conservation Area		Proposed community use		Indicative sustainable drainage		Existing hedge		Mersey Valley Trail
	Lymm Dam visitor car park		Proposed new landscape		Proposed children's play		Listed buildings		

KEY DESIGN PRINCIPLES

1. Proposed vehicular access via Cherry Lane;
2. Principal residential street and looped route;
3. Green corridor and pedestrian link to Mersey Valley Trail retaining existing hedgerow;
4. Pedestrian links to Mersey Valley Trail, new Country Park and children's play;
5. Access to land reserved for maintenance;
6. Visitor car park for Lymm Dam;
7. New pedestrian crossing;
8. New community use;
9. New residential frontage to mirror Booth's Lane and continue The Avenue building line;
10. Key focal spaces;
11. Development set-back and landscape buffers to address residential amenity of existing dwellings;
12. Approximate location of existing land depression;
13. Higher density residential streets and links to new Country Park;
14. Softer development edges with landscape themes; and
15. Children's natural play trail

0A1

CLIENT:
RICHBOROUGH ESTATES LTD

PROJECT:
**LAND OFF CHERRY LANE
LYMM**

DRAWING TITLE:
PROPOSED INDICATIVE
MASTERPLAN

JOB NUMBER:
30010

DRAWING NUMBER:
3

REVISION:
-

PURPOSE OF ISSUE:
PRELIMINARY

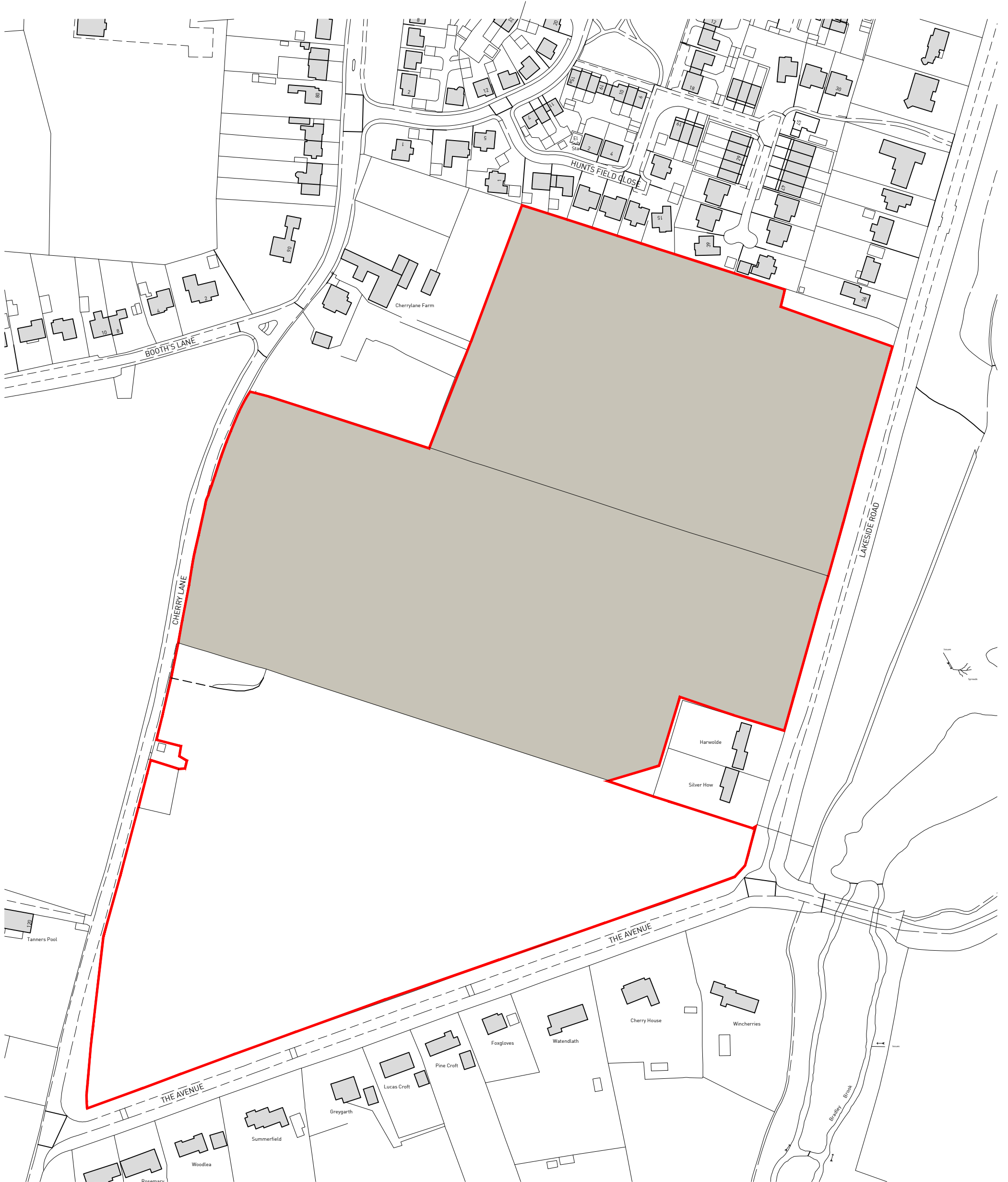
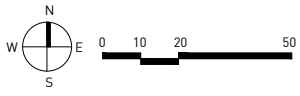
DATE:
12.06.2019

SCALE:
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Appendix VI

Site Location Plan identifying area to be removed from the Green Belt



- Site location
31.04 Acres
12.60 Hectares
- Land to be removed from Green Belt
19.02 Acres
7.70 Hectares

REVISION: D: C: DATE:



CLIENT:
RICHBOROUGH ESTATES LTD

PROJECT:
LAND OFF CHERRY LANE, LYMM

PURPOSE OF ISSUE:
PRELIMINARY

DRAWING TITLE: D C
SITE LOCATION PLAN C.JL C.JL

DATE:
14.06.2019

JOB NUMBER: DRAWING NUMBER: REVISION:

SCALE:
1:2000/GA3



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