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Pegasus Group

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DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE

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1. EXECUTIVE SUMMARY

- 1.1 Pegasus Group are instructed by Taylor Wimpey, Bloor Homes, Lone Star Limited and Mulbury Homes (Grappenhall) Limited (“the Consortium”) in relation to land interests which they hold to the south east of the main urban area of Warrington near Grappenhall (“the Consortium Land”).
- 1.2 The Consortium Land comprises a series of fields which sit to the east and west of Broad Lane. Adjacent is land controlled by Homes England, Miller Homes, Hollins Strategic Land and Langtree. It lies within the Green Belt but is not hindered by any other environmental designations (see **Appendix 1**).
- 1.3 We object to the Warrington Local Plan on grounds of legal compliance and soundness.

Legal Compliance Issues

- 1.4 We do not consider the legal requirements of the Local Plan have been met in respect of:
- The Duty to Co-operate, given there are still outstanding responses required from various key neighbouring authorities including Halton Council, which will be affected by the Fiddlers Ferry power station site;
 - The Sustainability Appraisal fails to take account of certain alternatives when considering housing growth needs and options associated with the South East Warrington Urban Extension;
 - The Local Plan seeks to allocate a site at Fiddlers Ferry Power Station which the HRA clearly confirms has the potential to lead to significant effects on a designated SAC and the Mersey Estuary SPA and Ramsar. The Council propose to submit the Local Plan with this allocation without any clear evidence relating to the linked ecological function of this site to the SAC so it cannot be concluded that the Local Plan will not lead to significant adverse impacts on a European protected site.
- 1.5 We also note that the recent Royal Assent of the Environment Act on 10th November 2021 may also raise legal compliance and soundness issues for the Local Plan. We reserve the right to comment on this further once the final text of the Act becomes available. Perhaps most notable will be the likely requirement for 10% bio-diversity net gain and how this is addressed by the Local Plan and robustly considered in the context of the various proposed site allocations including potential impacts on their viability.

Soundness Issues

- 1.6 We fully agree with the Council that Warrington, as the main settlement in the Borough, should be the focus for continued growth within the Borough and that there are plan-wide exceptional circumstances for Green Belt release, including:

- The requirement to ensure that sufficient land is provided to meet the Borough's development needs for housing and employment land;
- The requirement to address issues of housing affordability and the ability for all to have access to a suitable home;
- The requirement to provide sufficient homes to support the planned level of economic growth; and,
- The requirement to create sustainable patterns of development, in a manner which will support the delivery of strategic infrastructure to address existing issues of congestion.

1.7 However, our representations demonstrate that the exceptional circumstances for Green Belt release is more acute than anticipated in the Regulation 19 Local Plan and will require the need to release additional Green Belt land for the plan to be found sound because:

- The annual housing requirement in Warrington should be set at a minimum of **945 dwellings per annum** (rather than the Standard Methodology figure of 816) so that:
 - the economic ambitions of the Local Plan and Strategic Economic Plan are aligned with supporting housing growth and the need to accommodate the necessary workforce in a sustainable manner;
 - the needs of various groups can be met; and
 - sufficient levels of affordable housing can be delivered;
- The existing, deliverable and available land for housing within the urban area is not as large as the Council's evidence base suggests and therefore without additional, sustainable Green Belt release, the minimum housing requirements for Warrington will not be met; and
- Not all of the proposed allocated sites will deliver at the rate set out by the Council in the housing trajectory at Appendix 1 of the Local Plan. Without additional deliverable parcels of housing land being identified within the Local Plan, the overall minimum housing need requirements will not be met during the 18-year plan period.

1.8 Our representations also demonstrate that there will be a need to identify alternative Green Belt site allocations because:

- The exceptional circumstances for the release of strongly performing Green Belt parcels adjacent to the **Fiddlers Ferry Power Station** and their allocation for 1,800 homes ('Policy MD6 – Fiddlers Ferry') have not been demonstrated. This site is remote and detached from the main urban area of Warrington and therefore performs poorly in terms of accessibility and ranks highly in terms of Green Belt purposes. The need to release these parcels to facilitate the redevelopment of the Power Station has not been evidenced and the findings of the HRA have not been addressed. The site cannot be regarded as suitable;

- The proposed allocation at **Thelwall Heys** ('Policy MD5 – Thelwall Heys') for a minimum of 300 homes has not been supported by sufficient evidence demonstrating that it would not have undue impacts on designated heritage assets, including a Grade II hall that sits centrally within the site and is encapsulated by the site allocation, which contributes to its setting. There are other reasonable alternatives which would not result in harm to a heritage asset and since these have not been considered the Thelwall Heys allocation is not justified; and
- The proposed allocation at the **South East Warrington Urban Extension** ('Policy MD2 – South East Warrington Urban Extension') for 2,400 homes in the plan period (4,200 homes overall) fails to deliver the necessary highway and public transport infrastructure required within the policy to make the site sustainable and deliverable. Additional land is required for this. Critically, the proposed allocation would also blight the future growth of south east Warrington, which is fundamental to the ability for Warrington to grow in the future and beyond the plan period.

Warrington Garden Suburb

- 1.9 The consortium land sits directly between and adjacent to the proposed site boundary allocations for Policy MD2 and MD6 as identified on the Regulation 19 Local Plan Proposals Map. Policy MD2 relate to the South East Warrington Urban Extension (a significant allocation for 4,200 homes and associated services) and the South East Warrington Employment Area (an allocation for 140 ha of strategic employment development under policy MD6). It is therefore in a location where the Council are proposing significant long term growth that outstrips any other location within the Borough.
- 1.10 Like the sites identified under Policy MD2 and MD6, what sets the Consortium Land apart from all other Green Belt parcels around Warrington is that it forms part of the only developable Strategic Green Belt parcel around Warrington and the wider Borough, which the Council's own evidence confirms makes a 'Weak' contribution to the five purposes of Green Belt (see Strategic GB Parcel 10). The only other 'Weak' performing Strategic Green Belt parcel in the Borough (Strategic GB Parcel 5) is within the River Mersey flood plain and entirely covered by SSSI designations and therefore not suitable developable land. The opportunity for the main town of Warrington to grow in other directions without having a much greater/significant impacts on the role, purpose and openness of the Green Belt within Warrington and this part of the North West is therefore significantly limited.
- 1.11 Paragraph 2.1.16 to 2.1.19 of the Local Plan are highly pertinent in this context. They set out Warrington's role and position in the context of the region, its strategic location between the extensive Manchester and Liverpool conurbations and the Atlantic Gateway growth corridor which runs between the two regional cities and the M62 and M56 which define the northern and southern extents of Warrington. In particular, Paragraph 2.1.18 states:

Warrington is one of the most successful towns in the UK today in terms of economic development, investment, employment rates and growth and over the last ten years has repeatedly been recognised as such in national research and league tables such as the Centre for Cities 'Cities Outlook'.

- 1.12 One must therefore assume Warrington will continue to be a location for growth during and well beyond this plan period.
- 1.13 Any strategic housing and employment growth to the southeast of Warrington and within Strategic GB Parcel 10 must therefore be planned for in a very robust and comprehensive manner and set within a clear 30+ year vision as per paragraph 22 of the NPPF.
- 1.14 The consequences of not doing so in the context of this specific area of Warrington, would seriously undermine and blight the long-term growth of what is a key strategic settlement in the North West region and the only obvious opportunity for Warrington to grow sustainably outwards into the future. Alternative outward growth options would lead to much greater impacts on Warrington's and the wider North-West's Green Belt. As such, it is critical that this Local Plan sets the most sustainable development strategy for South East Warrington.
- 1.15 Fundamental to the sustainable growth of this part of Warrington is the delivery of a level of infrastructure and development that can encourage modal shift and reduce congestion on the adopted highway network. It is within this context that the Council adopted their Local Transport Plan, which advocates Mass Transport solutions and the delivery of new highway infrastructure that is capable of accommodating this.
- 1.16 Policies MD2 and MD6 and the specified level of development for both, when considered separately and in combination, are not capable of delivering the necessary strategic highway infrastructure requirements and the opportunity for public transport/mass transit routes. The land required to deliver the infrastructure necessary to allow development under Policy MD2 (Part 27 – Transport and Accessibility) to come forward has to utilise land controlled by this Consortium. No other options are available. However, when coupled with the Consortium Land (and other surrounding land parcels that are available and suitable for development), the opportunity to deliver a new, sustainably planned suburb of Warrington which physically connects the planned residential areas to the planned employment areas and creates a central location for key services is entirely achievable.
- 1.17 The Council's evidence base and Sustainability Appraisal supporting previous iterations of the Local Plan at Regulation 18 and 19 stages of the plan already arrived and corroborated this solution as the most sustainable option for growth in this part of Warrington, even when previously considered against smaller development options for a new Garden Suburb. On the back of that evidence, the Consortium land was put forward as a strategic allocation in Regulation 18 draft and first draft Regulation 19 Local Plan as the Warrington Garden Suburb that sought to deliver 7000-8000 new homes in this broad location. In the context of the second draft Regulation WLP, this allocation is

plainly a reasonable alternative. Accordingly, it should have re-tested through the SA process supporting the latest Regulation 19 Local Plan and considered as part of the Council's additional supporting evidence base, such as the Transport Modelling evidence prepared by AECOM. Such an approach is important so the public, other interested parties and stakeholders can accurately compare options available to the Council to determine if the option chosen is genuinely justified.

1.18 The masterplan we have prepared for these representations (see **Appendix 2**) aligns with Strategic Green Belt Parcel 10 and follows the master-planning and design principles applied and prepared by the Council and its consultants for the Warrington Garden Suburb (as per the AECOM document contained at **Appendix 8**), and shows that the larger Garden Suburb site can deliver:

- Circa 7,000-8,000 homes across four defined areas (including the land within Policy MD2); and
- A large employment area (i.e. the land within Policy MD6);
- A centrally located District Centre, including a community hub providing a leisure centre;
- A large Country Park surrounding the village of Grappenhall.
- Other areas of open space and sports pitches;
- A park and ride facility;
- A secondary school and primary schools; and,
- A complete and deliverable link road network capable of accommodating Mass Transit/Public Transport.

1.19 Critically this masterplan would deliver the following which all provide site-specific exceptional circumstances for Green Belt release at this location:

- Provide all of the land required to ensure and safeguard the delivery of necessary east west links between the A49 and A50 for highway and transport improvements, as required by the proposed MD2 policy;
- Achieve a range of accessible links and connections between the new housing and existing and new employment opportunities in the area including the ability to provide sufficient land and significant increased funding for the delivery of Mass Transit Route throughout this part of Warrington, as envisaged by the adopted Warrington Local Transport Plan so as to encourage Model shift and more sustainable travel;
- Provide a range of facilities in a central Neighbourhood/District Centre location that will then become accessible to new residents and existing residents at Appleton Thorn, Grappenhall Heys, Dudlows Green and Pewterspear so as to further reduce travel distances, whilst also relieving current overtrading pressures that exist at convenience retail facilities

near Stockton Heath to the north and providing an equitable spatial distribution of retail centres in the south of Warrington;

- Support infrastructure upgrades, including new bus routes connecting to the town centre, which would improve accessibility for existing communities and businesses in the south and south east of the urban area;
- Deliver new recreation facilities and green infrastructure for the benefit of new and existing communities including a significant Country Park that would provide key health and well being facilities, an opportunity for residents to access the open countryside and preserve the setting of Grappenhall Village and its associated Conservation Area.
- Deliver a significant number of homes which would help meet local needs, including affordable housing needs and special needs;
- Provide sufficient land to ensure sufficient ecological and landscape mitigation and enhancement can be accommodated within the allocation to address any impacts and sufficient land to ensure green field run off rates and sustainable drainage solutions can be accommodated within the landscape as well as delivering anticipated requirements for a 10% net biodiversity gain as required by the Environment Act; and
- Provide sufficient opportunities to deliver improvements to the remaining Green Belt within the area in line with the final sentence in paragraph 142 of the NPPF, which is also controlled by the Consortia and other landowners with interest in the former Garden Suburb proposals.

1.20 For the reasons set out above and throughout the remainder of our representations, the Consortium therefore call for Main Modifications to be made to the plan for it to be found sound. Those most fundamental include an increase in the annual housing requirement, deletion/reconfiguration of the Fiddlers Ferry allocation, deletion of the Thelwell Heys allocation, adjustments to the Council's housing trajectory and re-instatement of the former Garden Suburb proposals as an allocation that is set within a clear 30+ year master planned vision this part of Warrington.

2. STRUCTURE OF THE REPRESENTATIONS

1.1 The structure of these representations takes the following form:

- Section 2 introduces Warrington Garden Suburb;
- Section 3 comments on the main legal issue with the Local Plan;
- Section 4 to Section 7 comments on the soundness issue with the Local Plan; and,
- Section 8 summarises and concludes the representations.

2.2 Appended to these representations are the:

- Warrington Garden Suburb Combined Site Location Plans (Pegasus Group, November 2021) (**Appendix 1**); and,
- Warrington Garden Suburb Masterplan (Pegasus Group, October 2021) (**Appendix 2**).

2.3 This report provides a succinct account of the representations. It is supported by a series of appended notes which provide further details on the points raised in this report and include:

- **Appendix 3** - Planning Background of Warrington Garden Suburb
- **Appendix 4** - Sustainability Appraisal Background Note
- **Appendix 5** - Habitats Regulations Assessment Background Note
- **Appendix 6** - Economic Growth and Housing Need
- **Appendix 7** - Housing Land Supply Assessment
- **Appendix 8** - Highways Representations
- **Appendix 9** - Heritage Notes on Thelwall Heys Allocation

3. WARRINGTON GARDEN SUBURB

3.1 The Consortium recognises that the purpose of the Examination is not to directly consider 'omission sites'. However, the Consortium Land was seen previously by the Council as suitable for allocation and the means by which it could achieve the objectives of the Local Plan in the most sustainable way. Consideration of the Consortium Land also serves to highlight the deficiencies in the Council's proposed Green Belt releases. Finally, it is beyond question that the allocation of the Consortium Land is a reasonable alternative that should have been assessed through the Sustainability Appraisal.

The Site

3.2 The Consortium Land lies near Grappenhall to the south east of the main urban area of Warrington. It comprises a series of fields which sit to the east and west of Broad Lane, parts of which are classified as Grade 2 and 3 agricultural land and is within the Green Belt. The Consortium Land is otherwise unfettered in terms of designations. It is not within a flood zone, contains no ecological or landscape designations and whilst there are woodland areas around the edges of the Consortium Land, all would be protected as part of any potential development on the agricultural fields that make up the vast majority of the land.

3.3 The land in question is Flood Zone 1 and does not include any heritage assets or international, national or local wildlife designations. There are some hedgerows and existing trees but these can all be retained, enhanced or if required to be removed could be easily replaced with net gain improvements achievable.

3.4 The only physical matter that require consideration include public footpaths run along the eastern and western most boundaries and a COMMA pipeline runs though part of the site but both of these matters can be accommodated within any development proposal.

Land Ownership

3.5 This section should be read in conjunction with the Warrington Garden Suburb land ownership / control plan (WSP / Open, July 2020) (**Appendix 1**).

3.6 The Consortium Land includes:

- Land west of Broad Lane (Taylor Wimpey);
- Land east of Broad Land (Taylor Wimpey);
- Land at Carr House Farm – to the east and west of Broad Lane (Mulbury Homes (Grappenhall) Limited);
- North side of Cartridge Land – to the east of the land to the east of Broad Lane (Bloor Homes);

- Land adjacent to Yew Tree Farm – to the north of land to the west of Broad Land (Lone Star Limited); and,
- Land to the north of Cliff Lane – to the east of Knutsford Road (Taylor Wimpey).

3.7 Other surrounding land includes:

- Land to the west of the Consortium Land (Homes England and Miller Homes);
- Land to the north east of the Consortium Land (Hollins Strategic Land); and,
- Land to the east of the Consortium Land (Langtree)

Masterplan

3.8 This section should be read in conjunction with the Warrington Garden Suburb masterplan (Pegasus Group, October 2021) (**Appendix 2**).

3.9 The masterplan shows the vision for this part of Warrington that reflects the corroborating evidence that underpins the Local Plan Review and includes:

- Circa 7,000 homes across four defined areas;
- A centrally located District/Neighbourhood Centre, including a community hub providing a leisure centre;
- A Country Park around the Conservation Area surrounding the village of Grappenhall,
- A large employment area towards the M6/M56 junction;
- A park and ride facility adjacent to the M6/M56 junction;
- A new secondary school and new primary schools; and
- A complete and deliverable link road network capable of accommodating Mass Transit/Public Transport options (in line with the Council's adopted Local Transport Plan).

3.10 A substantial proportion of the land within Warrington Garden Suburb is in private ownership and within the control of experienced land promoters, housebuilders and Homes England. All of the land is available and suitable for residential development and accompanying uses.

Exceptional Circumstances for Green Belt Release

3.11 There are site-specific exceptional circumstances for Green Belt release at Warrington Garden Suburb given its ability to:

- Achieve sustainable strategic development, by providing a range of facilities what are accessible to new residents and existing residents at Appleton Thorn, Grappenhall Heys, Dudlows Green and Pewterspear where accessibility is not ideal;

- Achieve sustainable strategic development which is well linked to new employment land opportunities and existing employment sites;
- Support infrastructure upgrades, including new bus routes connecting to the town centre, which would improve accessibility for existing communities and businesses in the south and south east of the urban area;
- Deliver infrastructure improvements which would support growth to the south west of the urban area of Warrington, which would relieve the inner areas of Warrington and support its regeneration;
- Deliver new recreation facilities and green infrastructure for the benefit of new and existing communities;
- Deliver a significant number of homes which would help meet local needs, including affordable housing needs and special needs;
- To be planned in such a way that it can avoid sensitive areas such as woodland and heritage assets owing to the large, strategic nature of the site;
- Provide mitigation and enhancement to ensure that significant effects upon landscape are avoided owing to the large, strategic nature of the site; and,
- Provides opportunities to strengthen links between green infrastructure in this location and extend networks further out into the countryside.

Background of Warrington Garden Suburb

- 3.12 This section should be read in conjunction with the note on the background of Warrington Garden Suburb (**Appendix 3**).
- 3.13 Warrington Garden Suburb was identified as a large strategic allocation in south east Warrington in the Preferred Development Option Regulation 18 Consultation (July 2017). It was referred to then as the Warrington Garden City Suburb and had the potential development 'around 7,000 new homes', a major new employment area, a new district centre, health facilities and leisure facilities, a new country park, a network of new distributor roads, a new secondary school, and up to four new primary schools.
- 3.14 The first draft Regulation 19 WLP included the Warrington Garden Suburb as an allocation as a sustainable urban extension to deliver around 7,400 homes (5,100 in the Plan period), 116ha of employment land, and was to be supported by a neighbourhood centre comprising a secondary school, primary school, local shops, a new health facility, leisure facility and other community facilities; three local centres comprising primary schools, local shops and other local community facilities; a new country park and extensive areas of open space and recreation provision; and, extensive highways and public transport improvements.

- 3.15 It was on this basis that the Consortium and surrounding land owners came together to undertake a series of discussions and meetings and prepare more detailed plans of Warrington Garden Suburb.
- 3.16 The second draft Regulation 19 WLP proposes a reduction in the number of houses required, a reduced plan period, and a reduced need for Green Belt allocation. One of the key changes they are proposing is a move away from the Garden Suburb 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.
- 3.17 This background is provided because the Local Plan Inspector will not necessarily have sight of the previous versions of the Draft Local Plan and the evidence base that supported those iterations. The background is important in understanding why it is critical to provide a comprehensive, long term (30+ years) and robustly master-planned strategy for this particular area of Warrington bearing in mind it is the only remaining developable strategic Green Belt parcel surrounding Warrington.

Green Belt Assessment

- 3.18 The general area of land to the south east of Warrington is Green Belt and identified as being one of only two areas in the Borough which makes a 'Weak' contribution to the five purposes of Green Belt¹ (Strategic Green Belt Parcel 10).

¹ Green Belt Assessment (Arup, October 2016)

4. COMPLIANCE WITH LEGAL REQUIREMENTS

Introduction

4.1 This section of the representations report comments on the main legal requirements of the second draft WLP. It should be read in conjunction with the notes appended to this report, which provide further details on the points raised in this report in relation to:

- The Sustainability Appraisal (**Appendix 4**); and
- The Habitat Regulations Assessment (**Appendix 5**).

Sustainability Appraisal

4.2 The Sustainability Appraisal of the second draft Regulation 19 WLP does not satisfy legal requirements because:

- It does not appraise Warrington Garden Suburb as a reasonable alternative as required by Regulation 12 of the Strategic Environmental Assessment Regulations; and,
- It is skewed towards environmental considerations and does not achieve the objective of contributing to the achievement of sustainable development as required by Regulation 39 of the Planning and Compulsory Purchase Act 2004.

4.3 Section 19 of the Act requires a local planning authority to carry out a Sustainability Appraisal of each of the proposals in a plan during its preparation. More generally, section 39 of the Act requires that the authority preparing a plan must do so “with the objective of contributing to the achievement of sustainable development”.

4.4 The NPPF says at paragraph 19 that local plans and spatial development strategies should be informed throughout their preparation by a Sustainability Appraisal that meets the relevant legal requirements. The reference to relevant legal requirements refers to the Environmental Assessment of Plans and Programmes Regulations 2004, commonly referred to as the Strategic Environmental Assessment Regulations.

4.5 Regulation 12 of the Strategic Environmental Assessment Regulations says that where an environmental assessment is required, as is the case here, the responsible authority shall prepare, or secure the preparation of, an environmental report that shall identify, describe and evaluate the likely significant effects on the environment of implementing the plan or programme and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.

4.6 AECOM has been commissioned by the Council to undertake a Sustainability Appraisal in support of the Local Plan Review. Throughout this process, three main reports have been published including:

- Sustainability Appraisal: Interim SA Report (Aecom, July 2017) (2017 Interim SA Report) – published at the time of Preferred Development Option Regulation 18 consultation²;
- Sustainability Appraisal: SA Report (Aecom, March 2019) (2019 SA Report) – published at the time of the first draft Regulation 19 WLP; and,
- Sustainability Appraisal: SA Report (Aecom, August 2021) (2021 SA Report) – published at the time of the second draft Regulation 19 WLP.

1.2 The note appended to these representations provides a critique of the Sustainability Appraisal process which has been undertaken for the Local Plan Review (**Appendix 4**). It draws out and provides further details of the main point that are raised below. The Council’s approach has resulted in a process which does not pass the legal requirements for a number of reasons including:

- The failure of the Sustainability Appraisal process to provide adequate weighting across the three strands of sustainable development;
- The failure to consider 1,113 homes per annum as a reasonable alternative in the 2021 SA Report, when this was previously preferred;
- The failure to provide adequate reasons to discount 945 homes per annum in the 2021 SA Report, when this was previously preferred;
- The failure to provide justification for the locations and pattern of development (Fiddlers Ferry, Thelwall Heys and South East Warrington Urban Extension), when a less dispersed pattern of development was previously preferred (Garden Suburb and South West Warrington);
- The failure to test a larger Garden Suburb as a reasonable alternative; and,
- The failure to provide sufficient justification for a smaller Garden Suburb.

4.7 In addition, there are discrepancies in the 2021 SA Report:

- Sites are omitted from Figure 6.1 of 2021 SA Report including the Consortium Land and this should be rectified since it would provide a clear indication of land in Warrington Garden Suburb; and,
- Separate reports that are referred to in the 2021 SA Report including proforma, are missing, and need to be provided with the submission documents so that can be considered by all interest parties and the Local Plan Inspector.

4.8 It is also clear from reviewing the Sustainability Appraisal process that:

² The Interim SA Report does not constitute an ‘SA Report’ as defined by the Strategic Environmental Assessment Regulations, but it does document the stages of Sustainability Appraisal that were undertaken to help influence the plan-making process.

- The Council's preferred option is for Green Belt release to provide 4,372 homes performs less well in terms of socio-economic objectives when compared to the previously preferred high level distribution option to provide 7,064 homes for Green Belt release; and,
- It was previously found that Green Belt release for 8,791 homes and 7,064 homes could be achieved without unduly adverse social or environmental impacts.

Habitat Regulations Assessment

4.9 The Habitats Regulations Assessment of the second draft Regulation 19 WLP does not satisfy legal requirements because:

- The conclusions of the appropriate assessment do not allow the Council to ascertain that the Fiddlers Ferry allocation would not adversely affect the integrity of the Mersey Estuary SPA and Ramsar as required by Regulation 61 of The Conservation of Habitats and Species Regulations 2017; and,
- The Fiddlers Ferry allocation would only be legally complaint if the Council have first considered alternative solutions, which they have not done, as required by Regulation 62 of The Conservation of Habitats and Species Regulations 2017.

4.10 Regulation 61 of The Conservation of Habitats and Species Regulations 2017 provides that a competent authority (in this case the Council), before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives. It goes on to say that, in the light of the conclusions of the assessment, and subject to regulation 62 (considerations of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

4.11 Regulation 62 says that if the competent authority are satisfied that, there being no alternative solutions, the plan or project must be carried out for imperative reasons of overriding public interest (which may be of a social or economic nature), they may agree to the plan or project notwithstanding a negative assessment of the implications for the European site or the European offshore marine site (as the case may be).

4.12 AECOM was appointed by the Council to assist in undertaking an appropriate assessment of the policies and site allocations in the second draft Regulation 19 WLP, the findings of which are presented within the Updated Habitat Regulations Assessment (Aecom, August 2021) ("the HRA").

Other Comments

- 4.13 Other legal requirements of the second draft Regulation 19 WLP have been, or may be met, but the following is noted.

Statement of Community Involvement

- 4.14 A Statement of Community Involvement is required under section 18 of the Planning and Compulsory Purchase Act 2004 ("the Act"). To satisfy the requirements of the Act, the process of community involvement for the second draft WLP should be in general accordance with the Council's Statement of Community Involvement.

- 4.15 The SCI says under the heading 'Pre-production Stage – Evidence Gathering' that where possible, the Council will publish documents forming part of its evidence base as they are completed, rather than waiting until formal consultation on the Local Plan³. The Council have made significant changes to the second draft WLP and have prepared a number of new evidence base documents. However, the consultation on the second draft WLP (September 2021) is the first chance to view and comment on the new evidence base documents. It is also noted that several documents are absent from the evidence base of the second draft WLP but are referred to in the Plan and other evidence based document, including:

- Strategic Housing Land Availability Assessment (SHLAA)
- The Town Centre Masterplan (2020);
- Local Transport Plan;
- Site Assessment Proformas for each of the sites considered in the Sustainability Appraisal (Aecom, August 2021); and,
- Green Belt Site Assessments Collated Report.

- 4.16 Other than the latter of these documents, these documents can be found elsewhere on the Council's website. However, clarity is required as to whether these documents are intended to be submitted and considered as part of the examination of the WLP.

- 4.17 The SCI says under the heading 'Public Participation in Local Plan Contents and Scope (Regulation 18)' that where the update to the Local Plan is likely to raise significant community interest, the Council may undertake additional consultation under Regulation 18 prior to proceeding to the more formal consultation stage under Regulation 19⁴. In this instance, the Council is undertaking the formal consultation stage under Regulation 19.

³ SCI, paragraph 2.7

⁴ SCI, paragraph 2.12

4.18 The SCI says under the heading 'Preparation and Publication of Local Plan Documents (Regulation 19)' that the Council will publish the Regulation 19 document and conduct a period of consultation which will last for six weeks (or the statutory required time set out in any updated legislation). It goes on to say that the Council may increase this period as appropriate, depending on the document being prepared⁵. As mentioned, significant changes have been made to the second draft WLP and new evidence base documents have been published alongside it, although the Council are conducting a minimum period of consultation for six weeks. A longer period would have given a fairer opportunity to thoroughly digest, consider and comment on the second draft WLP especially for those who are less than familiar with the plan making process.

Local Development Scheme

4.19 A Local Development Scheme is required under the Act. A Local Development Scheme must specify, among other matters, the development plan documents which will comprise part of the development plan for the area. The Local Planning Framework Local Development Scheme (September 2021) ("the LDS") includes the second draft WLP.

4.20 It is set out in the LDS that having reviewed the responses to the consultation on the first draft Regulation 19 WLP and updated the evidence base to re-establish Warrington's future development needs, significant changes are proposed to the WLP⁶. It goes on to say that the need to update the WLP and the need to undertake a further round of Regulation 19 consultation has resulted in a significant delay to the programme set out in the previous LDS. Submission is now anticipated in March 2022 with adoption now scheduled for 2023⁷.

4.21 Whilst the Consortium consider that every effort should be made to progress the Local Plan Review as quickly as possible, this should not be at the expense of having sufficient time to comment on the second draft Regulation 19 WLP and is considered that a Regulation 18 consultation may have been more appropriate.

Duty to Cooperate

4.22 Section 33A of the Act requires the Council to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the Plan. The Council's Duty to Co-operate Statement Update (September 2021) provides minutes of the meetings held between the Council and neighbouring authorities and other bodies and summarises those meetings where minutes were not taken⁸.

⁵ SCI, paragraph 2.14

⁶ LDC, paragraph 3.11, paragraph 3.13 and paragraph 3.14

⁷ LDS, paragraph 3.16

⁸ Including Halton Borough Council, Cheshire West & Chester Council, Cheshire & Warrington Local Enterprise Partnership, United Utilities, Warrington transformation Estates Enabler Group, St. Helens Council, Halton Council, Greater Manchester Combined Authority, Manchester City Council, Salford City Council, Trafford Council, Wigan Council, Highways England, Historic England and the Environment Agency.

- 4.23 The Council has also prepared a draft Statement of Common Ground (September 2021) (“the draft SoCG”) which provides a written record of the progress made by the Council in planning for strategic cross-boundary matters. The Council acknowledge in the draft SoCG that the final SoCG will be completed following the consultation on the second draft WLP (September 2021) prior to submission to the Secretary of State for Examination⁹.
- 4.24 The Consortium reserve the right to take a seat at the Examination table on the matter of the duty to co-operate.
- 4.25 Having reviewed the draft SoCG the Council still need to address unresolved neighbouring issues to full discharge their duty under the Act in relation to:
- Whether Omega west will meet the employment needs of Warrington and / or St. Helens and any subsequent agreement between the Council and St. Helens Council on the impacts and the mitigation required at J8 of the M62¹⁰;
 - Noting the proposed Fiddler Ferry allocation, an agreement between the Council and Halton Borough Council on the separation between areas of proposed Green Belt release and the integrity of the Green Belt between Warrington and Widnes¹¹;
 - An agreement between the Council and Cheshire East Council on the consequences of the South East Warrington Urban Extension on the transport infrastructure and networks in Cheshire East¹²;
 - An agreement between the Council and Halton Borough Council on the mitigation measures required within Halton arising from the proposed Fiddler Ferry allocation¹³;
 - An agreement between the Council, Halton Borough Council and St. Helens Council on the impacts and the mitigation required at J7 of the M62 arising from the proposed Fiddler Ferry allocation¹⁴; and,
 - An agreement between the Council and St. Helens Council on the cross-boundary infrastructure requirements or other issues relating to the development of Parkside West, Parkside East and Bold Garden Suburb¹⁵.
- 4.26 It is suggested in the draft SoCG that the following matters are agreed although this will need to be monitored prior to and during Examination:

⁹ Draft SoCG, paragraph 1.4

¹⁰ Draft SocG, paragraph 4.12 and paragraph 4.36

¹¹ Draft SocG, paragraph 4.18

¹² Draft SocG, paragraph 4.26

¹³ Draft SocG, paragraph 4.31

¹⁴ Draft SocG, paragraph 4.31

¹⁵ Draft SocG, paragraph 4.31 and paragraph 4.32

- The agreement that the three authorities in the Mid-Mersey Housing Market Area (the Council, Halton Borough Council and St Helens Borough Council) will be meeting their own housing needs¹⁶; and,
- The agreement between the Council and St. Helens Council for the Omega extension at St. Helens to meet the employment needs of Warrington, subject to addressing access issues¹⁷.

¹⁶ Draft SoCG, paragraph 4.6

¹⁷ Draft SocG, paragraph 4.12

5. GREEN BELT ASSESSMENTS

Introduction

5.1 The Green Belt Assessments undertaken during the Local Plan Review include:

- Green Belt Assessment (Arup, October 2016);
- Green Belt Assessment Addendum following Regulation 18 Consultation (Arup, June 2017);
- Green Belt Assessment (Additional Site Assessments of Call for Sites Responses and SHLAA Green Belt Sites (July 2017);
- Green Belt Assessment (Additional Sites Assessment – Main Urban Area (May 2018));
- Green Belt Assessment (Additional Sites Assessment – Settlements (May 2018));
- Green Belt Assessment: Garden Suburb Options (Arup, April 2021);
- Green Belt Assessment: Fiddlers Ferry (Arup, April 2021); and,
- Green Belt Site Selection: Implications of Green Belt Release (Arup, August 2021).

5.2 Each of the Green Belt Assessments should be submitted for examination although it is noted that only the latter three assessments have been published alongside the second draft Regulation 19 WLP for comment. However, our initial observation is that the evidence on Green Belt contribution is somewhat fragmented and difficult to follow.

5.3 These assessments also refer to a combined Green Belt Site Assessments Collated Report which is intended to provide a single point of reference and also be published as part of the consultation. However, the Consortium note that, to date, the Green Belt Site Assessments Collated Report is not available for comment. As such, these representations provide comments on the available Green Belt Assessments, but Consortium reserve the right to comment on the Green Belt Site Assessments Collated Report if it becomes available for comment.

Methodology

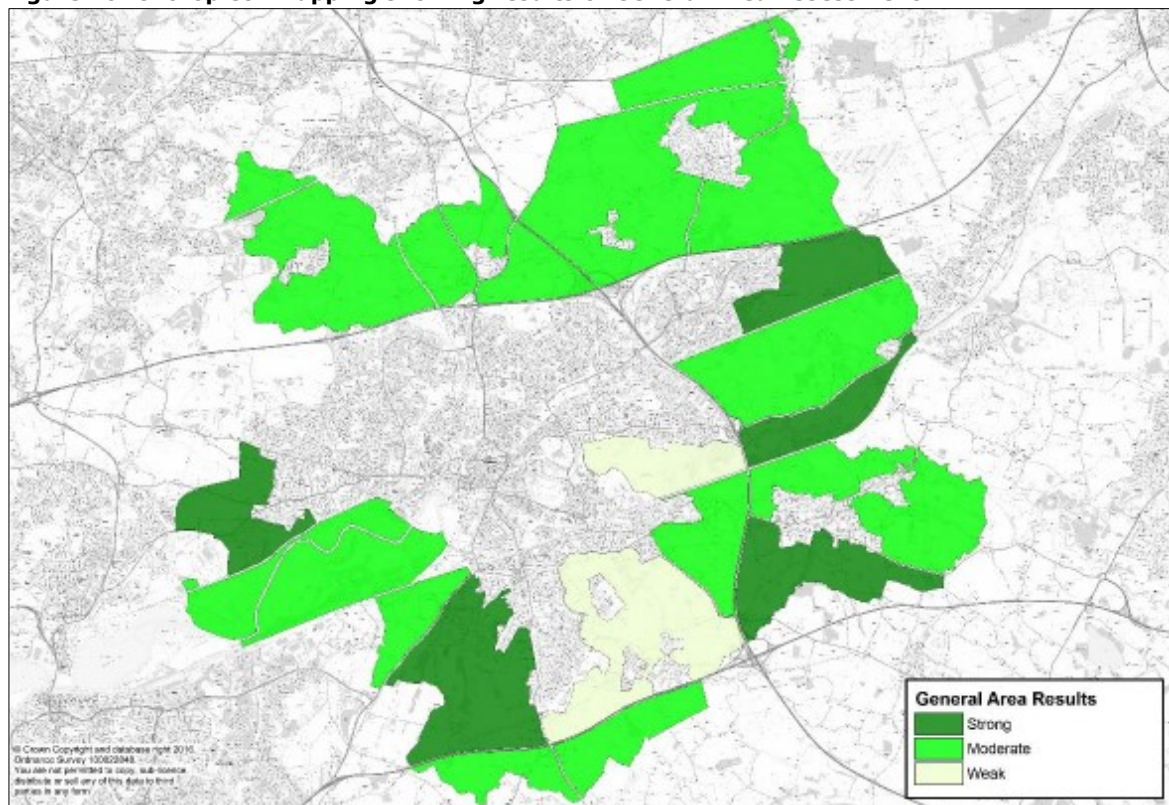
5.4 We recognise that there is no specific national guidance on how to carry out a Green Belt Assessment and there are various methodologies utilised.

5.5 We also endorse the general approach applied by Arup that utilises the five purposes of Green Belt as expressed in the NPPF. However, we do raise a number of detailed observations in relation to the methodology and how this has had a bearing on the Council's consideration of certain sites and parcels.

The Green Belt Assessment (Arup, October 2016)

- 5.6 The starting point for any of the subsequent Green Belt Assessments is the Green Belt Assessment (Arup, October 2016) considers 24 General Areas around Warrington. We consider this to be a robust report. It applies a consistent methodology and there are clear outcomes/findings presented.
- 5.7 Notably, General Area 10 relates to all of the area associated with the original Garden Suburb area allocation advocated in the Preferred Development Options Regulation 18 document and the first draft Regulation 19 WLP.
- 5.8 General Area 10 is only one of two areas afforded a 'Weak' Green Belt rating around Warrington. General Area 5, which is located to the east of the town centre and represents the other 'Weak' General Area (**Figure 10**). General Area 5 is entirely within a floodplain of the River Mersey.

Figure 10: Choropleth mapping showing results of General Area Assessment



Source: Figure 8, Green Belt Assessment (Arup, October 2016)

- 5.9 All other General Areas score either 'Strong' and 'Moderate'.
- 5.10 All the General Areas located north of the M62 are ranked as 'Moderate' but the existing motorway provides a very strong boundary to the northern extent of the main settlement. If that strong barrier is breached, development would quickly run into the various outlying Warrington Villages located to the M62 and/or towns within the St Helen's Borough boundary.
- 5.11 All General Areas to the south of the settlement and south of the M56 (i.e. General Areas 11 and 12) are ranked as 'Moderate' but are somewhat separated from the main urban areas of Warrington

and not related to an inset village. As such, they do not represent logical development parcels in light of the proposed spatial distribution of development (i.e. focus on Warrington and some dispersed development to the larger villages).

- 5.12 General Areas to the west of the settlement (including those that accommodate the Fiddlers Ferry allocation) are ranked 'Strong' and 'Moderate'. This is principally due to the proximity of the urban areas of Runcorn and Widnes and the scope to merge with these settlements.
- 5.13 General Areas located to the east of the M6 also rank 'Strong' and 'Moderate'. The M6 also provides a very strong boundary of the urban area of Warrington north of the Ship Canal (apart from the employment area of Birchwood but that is also contained by the M62 to the north of the railway line to the south). Further development beyond the M6 south of Birchwood (i.e. General Areas 4 and 23) is also fettered by flood risk areas and those General Areas south of the Ship Canal (i.e. General Areas 6 and 8) would quickly result in merger issues with the large village of Lymm if released.
- 5.14 As such, General Area 10 relating to the former Garden Suburb allocation is the only unfettered 'Weak' General Area surrounding Warrington. It is also bound by very strong Green Belt boundaries in the form of the A50 and M6 to the east, the M56 to the south and is also potted with existing developed areas inset from the Green Belt including Grappenhall Heys, Appleton Thorne and existing employment areas. From a Green Belt release perspective, General Area 10 therefore represents the most optimal location for the long term, future strategic growth of Warrington.
- 5.15 The above context is particularly pertinent when reviewing:
- Arup's approach to the finer grain Green Belt parcel assessments within General Area 10 and elsewhere;
 - The Councils approach to site selection and the testing of reasonable alternative options within the former Garden Suburb allocation and elsewhere; and
 - When considering the 30 year vision that should be applied to Policy MD2 as required by paragraph 22 of the NPPF.

Smaller Green Belt Parcel Assessment (within General Area 10)

- 5.16 Overall, we agree with the boundaries utilised to assess General Area 10, the A50 and motorways represent the strongest boundaries within this general area (alongside the existing urban edge), when contemplating a Green Belt Assessment that looks at the entire 'clock face' of Warrington so as to determine what general direction Warrington is likely to grow in over the next 30+ years. As highlighted above, considering Green Belt issues alone, there are few options available, and General Area 10 represents the optimal choice (from a Green Belt perspective but also notably in terms of very few environmental constraints overall).

- 5.17 The starting point for assessing all subsequent, smaller parcels within General Area 10 (and any other strategic Green Belt parcel) should therefore be based on the 'Weak' definition applied at the strategic stage. Any assessment of smaller parcels beyond this, need to be considered in that context and how one then grades different parcels of land within the overarching 'Weak' category. In short, parcels should be graded with a 'Capital' Weak/Moderate/Strong definition and then a 'lower case' weak/moderate/strong definition thereafter so there is greater consistency, clarity and transparency in how each parcel should be considered in the context of Green Belt release.
- 5.18 The Council do go on to assess smaller parcels within each of the General Areas¹⁸. However, these assessments are principally defined by site boundaries put forward through a call for site submissions rather than an additional boundary based assessment as to how each of the General Areas could then be broken down using other physical boundaries.
- 5.19 Arup's approach leads to an inconsistent and incomplete approach and ultimately unjustified outcomes when selecting the boundaries associated with Policy MD2.
- 5.20 In the context of General Area 10, there are other strong Green Belt boundaries within the General Area that should have been considered by the Council when determining options for the urban extension at south east Warrington. For instance, Broad Lane, the B5853, and dense areas of existing woodland (some of which is protected by TPOs) would all represent obvious choices and whilst we note these are picked up in the individual parcel assessments, it is also pertinent to note that not all individual parcels within the Garden Suburb area are assessed at this micro scale. Given the overarching 'Weak' assessment given to General Area 10, we do not consider this is an overriding issue when considering the former proposals for the Garden Suburb. However, it does have an impact on how the Council are now seeking to advance 'Policy MD2 – South East Warrington Urban Extension'.
- 5.21 We state this because the proposed boundary of the South East Warrington Urban Extension in the second draft Regulation 19 WLP adopts very weak and inconsistent outer Green Belt boundaries around the proposed allocation and fails to fully recognise that the existing outer edges of this part of Warrington and Grappenhall Heys are already defined by very robust Green Belt boundaries, principally in the form of dense, protected woodland areas. Indeed, each of the options for the smaller Garden Suburb will result in boundaries which will need to be strengthened to create a new recognisable and permanent Green Belt boundary, as highlighted by the Arup Assessment that states:

¹⁸ Green Belt Assessment (Additional Site Assessments of Call for Sites Responses and SHLAA Green Belt Sites (July 2017), Green Belt Assessment (Additional Sites Assessment – Main Urban Area (May 2018), Green Belt Assessment (Additional Sites Assessment – Settlements (May 2018).

*'The remainder of the eastern boundary consists of sections of field boundaries and the south eastern boundary consists of a field boundary. These would need to be strengthened to create a new recognisable and permanent Green Belt boundary.'*¹⁹

- 5.22 Defining such weak boundaries would not be consistent with the NPPF and the proposed solution in the Council's evidence base and as put forward under Policy MD2 Criteria 24. Such an approach that seeks to 'close off' and make the new urban edge permanent would potentially hinder the long-term strategic growth for Warrington for reasons expressed earlier. Moreover, those weak boundaries must be compared as inadequate when compared to those for the larger Garden Suburb which took the form of the M56 and A50, both of which fall within the very strong/defensible category.
- 5.23 An alternative consideration would have been an assessment that considered Broad Lane, which is not an A or B road and therefore not as strong as the aforementioned M56/A50. Nonetheless, it still represents an obvious physical feature which runs north/south through a central part of the Strategic Green Belt Parcel 10 and is a boundary that is used by Policy MD2 in part but not consistently. Other obvious options that should have been tested would have been to consider the woodland that sits on the edge of Bloor Home's land interest, which is very dense and creates an obvious physical boundary to the east, which would help to screen development without the need for new planting.
- 5.24 Arup do consider Broad Lane under Option 3 of the April 2021 Garden Suburb Option Report, which would address the east / west / Howshoot link issue but that option also stops at New Lane to the south and therefore would not address the Cat and Lion Bypass requirement on the A49. Indeed, Option 3 tested by Arup is essentially considered as an option to extend Grappenhall Heys towards the existing employment areas rather than a continuation of the South East Urban Extension as proposed in the Local Plan (i.e. Option 2 with Option 3). This is despite the latter being put to the Council as one to test.

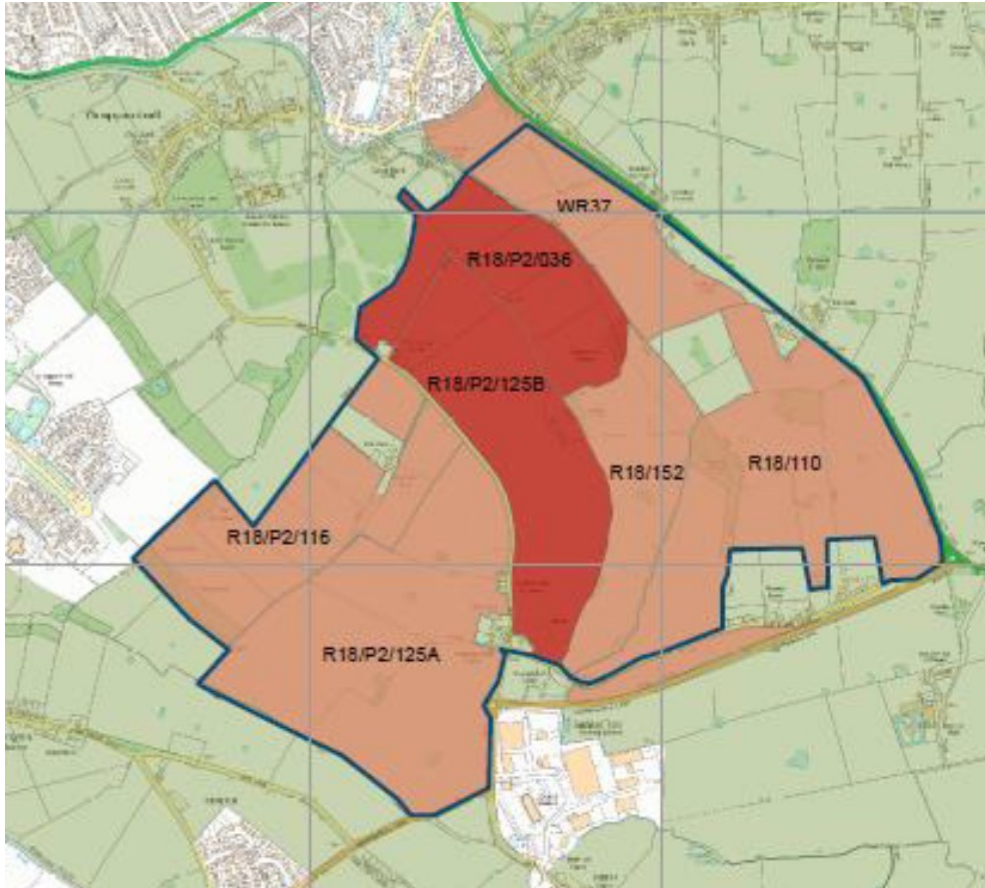
Parcel Boundary Assessments for Land East of Broad Lane

- 5.25 We object to a number of the findings associated with the smaller parcel assessments that are contained within a number of the various reports prepared by Arup since the original 2016 Strategic Green Belt parcel assessment. We do not consider the approach of findings presented by Arup are consistent when reviewing these reports for some of the reasons set out above and due to the nature of the findings/conclusions reached by Arup in certain instances.
- 5.26 For example, Arup conclude parcels R18/P2/125b and R18/P2/036 that fall within the Garden Suburb area (Strategic Green Belt Parcel 10) rank as being strong. The two parcels are sat side by side but feature in different Green Belt assessments. Their boundaries are based on ownership boundaries. The former is controlled by Taylor Wimpey and lies to the east of Broad Lane. The

¹⁹ See Page 21 Green Belt Assessment: Garden Suburb Options (Arup, April 2021).

latter is controlled by Hollins Strategic Land and is also located to the east of Broad Lane and to the north of the Taylor Wimpey Parcel. Surrounding these parcels to the east and west are other Green Belt parcels that Arup rank as moderate. Figure 9 on page 12 of the Arup 2021, Garden Suburb Options Report best illustrates their location, which we have copied below.

Figure 11: Extract Garden Suburb Option Report, Arup 2021



Source: Figure 9, Arup 2021 Garden Suburb (page 12)

5.27 Arup conclude both parcels offer the same contribution to the five Green Belt proposals, as follows:

- Purpose 1: No contribution
- Purpose 2: Weak contribution
- Purpose 3: Strong contribution
- Purpose 4: No contribution
- Purpose 5: Moderate contribution

5.28 However, Parcel 125B is ultimately ranked 'Strong' and Parcel 125A 'Moderate'. The only difference is relayed within the penultimate column entitled Justification Assessment, where we note Arup

apply some professional judgement. The only difference between the above two parcels is that one is connected to an existing urban area and the other isn't. Parcel 125B isn't and this appears to be what tips that final conclusion into a 'Strong' category despite it only getting a Strong assessment under purpose 3.

- 5.29 These conclusions then go on to inform Arup's assessment of the options for the Garden Suburb Housing Options (as set out in their 2021 report). However, the original assessments are based on ownership boundaries alone and fail to recognise that the none of the landowners have promoted their site's on an individual basis. Whilst they may have been submitted to the Council as part of a call for site exercise based on control/ownership, they have largely been put forward in the context of the Council identifying the scope for a large Garden Suburb proposal very early on in its plan making process at the Issues and Options stage. As such, Arup's professional judgement conclusions on all of the smaller parcels are arrived at out of context because they fail to recognise that the manner in which these parcels have been promoted for development by the landowners (i.e. as part of a strategic Green Belt release for the entire Garden Suburb (or a sizable proportion of it).
- 5.30 Moreover, Arup's conclusions on each parcel also fail to cross reference the overarching Strategic Green Belt Assessment review where all of the parcels fall within a Weak Strategic Green Belt Parcel. That overarching strategic reference/performance, should have a bearing on how the individual parcels are then assessed.
- 5.31 Whilst we note that Arup do go on to assess larger and various different options for Green Belt release in the Garden Suburb Option Assessment, 2021, that report does not assess the original proposal for the larger Garden Suburb options put forward at the Regulation 18 and first Regulation 19 stage and also fails to assess other logical options that were put forward by the landowners when asked by the Council in late 2020/early 2021.

6. VISION AND SPATIAL STRATEGY CHAPTER

Vision – Warrington 2038 and Beyond

6.1 The second draft WLP (September 2021) states at paragraph 3.1.3 that:

"Whilst the Plan Period extends over 18 years to 2038, the vision looks further ahead to ensure the Plan provides the basis for Warrington's long term future growth for at least the next 30 years."

6.2 The vision statement itself is titled 'Vision – Warrington 2038 and beyond', suggesting that the vision for the Borough extends beyond the end of the Plan period. However, the vision statement does not refer to the time period for the vision and leaves this open ended. Given the that the second draft Regulation 19 WLP does intend to set a 30 year version for the Borough, this time period should be referred to in the vision statement.

Objectives

Objective W1

6.3 Objective W1 sets out the strategic objective of delivering 816 homes per year (14,688 homes over the plan period). The supporting text of the second draft Regulation 19 WLP, goes on to suggest that 816 homes per annum will support the number of jobs that will be created from Warrington's future economic growth minimum (paragraph 3.2.6). This objective is not **positively prepared** or **justified** and on this basis is **unsound** (see response to Policy 'DEV1 – Housing Delivery').

Objective W2

6.4 Objective W2 seeks to ensure Warrington's revised Green Belt boundaries maintain the permanence of the Green Belt in the long term. This objective will not be achieved owing to the unsound policies in the Plan (see response to 'Policy GB1 – Green Belt').

Objective W3

6.5 Objective W3 seeks to strengthen and expand the role of Warrington Town Centre as a regional employment, retail, leisure, cultural and transport hub, whilst transforming the quality of the public realm and making the town centre a place where people want to live. This objective is supported.

Objective W4

6.6 Objective W4 seeks to provide new infrastructure and services to support Warrington's growth; address congestion; promote safer and more sustainable travel; and encourage active and healthy lifestyles. This objective will not be achieved owing to the unsound policies in the Plan (see response to (see response to Policy 'DEV1 – Housing Delivery' and 'Policy MD2 – South East Warrington Urban Extension').

Objective W5

- 6.7 Objective W5 seeks to secure high quality design which reinforces the character and local distinctiveness of Warrington's urban area, its countryside, its unique pattern of waterways and green spaces and its constituent settlements whilst protecting, enhancing and embracing the Borough's historic, cultural, built and natural assets. This objective will not be achieved owing to the unsound policies in the Plan (see response to 'Policy MD5 – Thelwall Heys').

Objective W6

- 6.8 Objective W6 seeks to minimise the impact of development on the environment through the prudent use of resources and ensuring development contributes to reducing carbon emissions, is energy efficient, safe and resilient to climate change and makes a positive contribution to improving Warrington's air quality. This objective is supported.

Spatial Strategy

- 6.9 The spatial strategy of the second draft Regulation 19 WLP is illustrated on the key diagram.
- 6.10 It is noted that land to the south east of the main urban area of Warrington is identified as a suitable and sustainable location for significant growth at the South East Warrington Urban Extension and South East Warrington Employment Allocation.
- 6.11 It is also noted that Fiddlers Ferry housing allocation is positioned within the far eastern reaches of the Borough and is remote from the main urban area in Warrington and is positioned where the Green Belt gap between the built up area of Warrington and Runcorn / Widnes is at its narrowest, and therefore performs poorly in terms of accessibility and ranks highly in terms of Green Belt purposes.

7. STRATEGIC PLANNING POLICIES CHAPTER

Policy DEV1 – Housing Delivery

- 7.1 'Policy DEV1 – Housing Delivery' confirms the overall housing target and sets out where new homes will be delivered and over what time period.

Housing Requirement

- 7.2 This section of the representation should be read in conjunction with the note on economic growth and housing needs (**Appendix 6**).
- 7.3 This part of the policy says that over the 18 year Plan period from 2021 to 2038, a minimum of 14,688 new homes will be delivered to meet Warrington's housing needs. This equates to an average of 816 homes per annum.
- 7.4 The Consortium object to the housing requirement in the second draft Regulation 19 WLP and consider that this part of Policy DEV1 is **unsound**.
- 7.5 The housing requirement proposed by the Council directly aligns with the standard method in national planning guidance. However, both the NPPF and NPPG confirm this represents the minimum requirement and that this figure should be informed by a local housing need assessment, that should account for market signals and future demographic trends. It is also important to highlight that paragraph 11 of the NPPF still requires an objective assessment of 'housing needs and other uses'. It must therefore follow that if a Local Plan strategy seeks to achieve high jobs growth, the economic and housing aspirations of the plan should be aligned to ensure sustainable development can occur, particularly when the supporting evidence prepared for the Local Plan indicates that this would be the most sustainable development option for the Local Plan.
- 7.6 Indeed, any proposition that the minimum housing requirement alone automatically satisfies the tests of being positively prepared, justified, effective and consistent with national policy must be refuted.
- 7.7 The housing requirement of 816 homes per annum is based on the standard method. However, the standard method does not consider economic growth and there is still a requirement for the Council to align their economic and housing growth strategies. Both the NPPF and NPPG confirm that standard method for calculating local housing needs represents the minimum requirement and that this figure should be informed by a local housing need assessment, that should account for market signals and future demographic trends. It is also important to highlight that Paragraph 11 of the NPPF still requires an objective assessment of 'housing needs and other uses'. It must therefore follow that if a Local Plan strategy seeks to achieve high jobs growth, the economic and housing aspirations of the plan should be aligned to ensure sustainable development can occur, particularly when the supporting evidence prepared for the Local Plan indicates that this would be the most sustainable development option for the Local Plan.

- 7.8 The Local Housing Need Assessment (GL Hearn, August 2021) identifies that between 676 and 743 homes per annum would be needed to support jobs growth at 874 jobs per annum (as a mid-point figure between Oxford Economic forecasts and Cambridge Econometrics forecasts), and since this is below the 816 homes per annum derived from the standard method this would provide sufficient labour supply.
- 7.9 Our note on economic growth and housing needs shows that the approach taken is overly pessimistic and that there is justification for a housing requirement of **945 homes per annum** which will align with the devolution bid for Cheshire and Warrington which anticipates growth of 1,240 jobs per annum. On this basis it cannot be concluded that this part of Policy DEV1 is **positively prepared**. It is therefore **unsound**.
- 7.10 Furthermore, in the first draft Regulation 19 WLP the Council opted for a high level growth option that aligned the housing requirement with the economic growth scenario (945 homes per annum) – the minimum local housing need was 909 homes per annum at that time which was 4% below the housing requirement. **No justification** has been provided for now opting to align the housing requirement with the minimum local housing need.
- 7.11 Based on our assessment, a positively prepared plan would have a housing requirement of 945 homes per annum, as in the first draft Regulation 19 WLP. This is justified on the basis of the Borough’s strong historical economic performance and the need to show a level of ambition by aiming for the job growth set out by the Cheshire & Warrington Local Enterprise Partnership. It should also be noted that the Sustainability Appraisal for the first draft Regulation 19 WLP showed that a housing requirement of 945 homes per annum can be met without undue environmental or social harm.
- 7.1 Furthermore, when identifying the amount of employment land that should be provided in the Borough, the Economic and Development Needs Assessment (BE Group, August 2021) discounts the employment growth forecast of Oxford Economic and Cambridge Econometrics in favour of the more optimistic historic land take-up forecasts. The document goes on to suggest that there is a requirement for 316ha of employment land. This is what is being planned for under ‘Policy DEV4 – Economic Growth and Employment’.
- 7.2 No evidence has been provided on the employment growth that would arise from 316ha of employment land in the Borough. As such, it has not been demonstrated that 816 homes per annum is sufficient to support employment growth generated by 316ha of employment land and that it would not result in unsustainable commuting patterns.

Housing Distribution

- 7.3 This section of the representation should be read in conjunction with the note on housing land supply (**Appendix 7**).

- 7.4 This part of the policy says that the majority of new homes will be delivered within the existing main urban area of Warrington, the existing inset settlements and other sites identified in the Council's Strategic Housing Land Availability Assessment (SHLAA), which together have identified deliverable capacity for a minimum of 11,785 new homes.
- 7.5 It is unclear where the 11,785 figure has come from as the evidence within the 2020 SHLAA does not tally with that figure. Table 3.7 of the SHLAA identifies a capacity of 10,430 homes over a 15 year period. The proforma at Appendix 1 of the SHLAA goes on to identify a further 717 homes from SHLAA sites beyond 15 years. This totals 11,147 homes, falling short of that referred to in the policy by 638 homes. This represents a significant portion of the annual housing requirement per annum and clarity is therefore required from the Council where the 11,875 figure has come from.
- 7.6 The policy goes on to suggest that 4,821 homes would come forward from Green Belt release over the Plan period including:
- 2,400 homes at the South East Warrington Urban Extension;
 - 1,130 homes at Fiddlers Ferry;
 - 310 homes at Thelwall Heys; and,
 - 801 homes at the outlying settlements.
- 7.7 The Council's housing trajectory is shown in Appendix 1 of the second draft Regulation 19 WLP, and the supporting text in the Plan says that this shows that there is a sufficient land supply to deliver the housing requirement for the Borough over the Plan period as a whole (paragraph 4.1.9).
- 7.8 Our assessment of the housing land supply identifies that there is insufficient justification for **5,240 homes** and a housing land supply of **11,436 homes**, on the basis that:
- The number of homes that will come forward in **the wider urban** area is overly optimistic – many sites are not being promoted, do not have planning permission and no lapse rate has been applied to those sites with planning permission – we have applied a 25% reduction rate to the claimed supply to take account of the likelihood of non-delivery of sites in the wider urban area;
 - The build rates at **Peel Hall** are overly optimistic and do not reflect the evidence in the 2020 SHLAA on past build rates in the Borough on large sites – we have applied an appropriate build rate at Peel Hall based on the evidence in the 2020 SHLAA;
 - The start on site dates at **Warrington Waterfront** are overly optimistic given the anticipated programme of the Western Link – we have applied realistic start on site dates;
 - Some of the build rates at **Warrington Waterfront** are overly optimistic and do not reflect the evidence in the 2020 SHLAA on past build rates in the Borough on large sites – we have

applied an appropriate build rate to some of the build rates at Warrington Waterfront based on the evidence in the 2020 SHLAA;

- Housing delivery at **Fiddlers Ferry** has not been justified – we have removed this element of the supply;
- The start on site dates of the Homes England land at the **Garden Suburb** (otherwise known as South East Warrington Urban Extension) are overly optimistic and do not reflect evidence on past delivery on Homes England sites – we have applied appropriate start on site dates based on past evidence;
- The build rates at the **Garden Suburb** are overly optimistic and do not reflect the evidence in the 2020 SHLAA on past build rates in the Borough on large sites – we have applied an appropriate build rate at the Garden Suburb based on the evidence in the 2020 SHLAA;
- Housing delivery at **Thelwall Heys** has not been justified – we have removed this element of the supply;
- The flat delivery from the **small sites allowance** over the Plan period is overly optimistic – we have reduced the delivery from this element of the supply towards the latter end of the Plan period.

7.9 A comparison between the Council’s claimed housing land supply and ours is summarised in the table below.

Table 1: Comparison Between Council and Pegasus Housing Land Supply within the Plan Period

	Council	Pegasus	Difference
Wider Urban Area			
SHLAA (Sites 0.25Ha and above)	6992	5230	-1,762
Peel Hall			
SHLAA Ref: 1506	1200	741	-459
Waterfront			
SHLAA Ref: 1541 (Parcel K7)	340	100	-240
SHLAA Ref: 1633 (Parcel K5)	730	570	-160
Fiddlers Ferry Power Stn			
Northern Parcel (GB Release)	860	0	-860
Southern Parcel (GB Release)	450	0	-450
Garden Suburb			
Option 2 (GB Release)	2430	1,776	-654
SHLAA Sites (HE consented)	772	772	0
Top-up Sites			
Thelwall Heyes (GB Release)	350	0	-350
Stockport Road (GB Release)	0	0	0
Settlements			
Croft (GB Release)	75	75	0
Culcheth (GB Release)	200	200	0
Hollins Green (GB Release)	90	90	0
Lymm - Warrington Rd (GB Release)	170	170	0
Lymm - Rushgreen Rd (GB Release)	136	136	0

Winwick (GB Release)	130	130	0
SHLAA (Sites 0.25Ha and above)	95	95	0
Other			
SHLAA (Sites 0.25Ha and above)	198	198	0
Small Sites Allowance			
SHLAA (Sites under 0.25Ha)	1458	1210	-248
TOTAL	16676	11493	-5,183

Source: Housing Land Supply Assessment (**Appendix 7**)

7.10 We have also compared our housing land supply with the housing requirement of 816 homes per annum as set out in the second draft Regulation 19 WLP and 945 homes per annum as the objectively assessed need, as shown in the table below. The housing land supply will not achieve the housing requirement for the Borough over the Plan period as a whole and on this basis 'Policy DEV1 – Housing Delivery' is **unsound**.

Table 2: Housing Supply v Requirement over the Plan Period

		Requirement / Supply	Requirement / Supply
A	Annual Target	816	945
B	2021 to 2038 (18 years) (Ax18)	14,688	17,010
C	Flexibility at 10% (10% of B)	1,469	1,701
D	Total Requirement (B+C)	16,157	18,711
E	Supply	11,493	11,493
	Deficiency (D-E)	4,664	7,218

7.11 The deficiency in the identified housing land supply results in a requirement for additional land to provide **4,664 homes** over the Plan period, against the local housing need of 816 homes per annum, or **7,218 homes** over the Plan period, with a housing requirement at 945 homes per annum.

7.12 For this part of the policy to be found sound, more housing land is required to ensure the minimum housing needs of the Borough are met during the Plan period and to ensure there is sufficient choice and competition in the market for land, as per the requirements in Section 5 of the NPPF.

7.13 The shortfall represents a significant factor favouring a conclusion that there are exceptional circumstances for further Green Belt release.

7.14 The inclusion of additional Green Belt release in south east Warrington and a return to the former Warrington Garden Suburb allocation would provide deliverable and developable land for housing development.

7.15 Allocating the remaining land in the Warrington Garden Suburb area would deliver an additional **2,334 homes** over the Plan period. In total, Warrington Garden Suburb would deliver **4,110 homes** from Green Belt release including:

- 750 homes on Miller Homes land;
- 1,026 homes on Homes England land; and,

- 2,334 homes on the remaining land at Warrington Garden Suburb.

7.16 This represents an **increase of 1,680 homes** over the Council's suggested housing trajectory of 2,430 homes from Green Belt release at South East Warrington Urban Extension. Our housing trajectory (with remaining land at Warrington Garden Suburb) shows a total housing land supply of 13,827 homes.

7.17 This would reduce the deficiency identified in the housing land supply to **2,330 homes** over the Plan period, against the local housing need of 816 homes per annum, or **4,834 homes** over the Plan period, with a housing requirement at 945 homes per annum.

Table 3: Housing Supply v Requirement over the Plan Period (including WGS)

		Requirement / Supply	Requirement / Supply
A	Annual Target	816	945
B	2021 to 2038 (18 years) (Ax18)	14,688	17,010
C	Flexibility at 10% (10% of B)	1,469	1,701
D	Total Requirement (B+C)	16,157	18,711
E	Supply (including remaining land at WGS)	13,827	13,827
	Deficiency (D-E)	2,330	4,884

Housing Density

7.18 This part of the policy says that new development should seek to achieve the following minimum densities:

- At least 130 dwellings per hectare (dph) within the defined town centre;
- At least 50dph within the wider Town Centre Masterplan area, sites adjacent to district centres and other locations well served by public transport; and,
- At least 30dph on other sites that are within the existing urban area.

7.19 It important to ensure that the prioritisation of higher density development and the use of previously developed land does not compromise the delivery of homes in sustainable locations to meet local needs. The Council will need to ensure that consideration is given to the full range of policy requirements as well as the density of development, this will include the provision of M4(2) and M4(3) standards, the nationally described space standards, the provision of cycle and bin storage, the mix of homes provided, the availability of electric vehicle charging and parking, any implications of design coding and the provision of tree-lined streets, highways requirements, and the potential requirements in relation to biodiversity net gain, changes to the Building Regulations requirements in relation to heating and energy and the Future Homes Standard.

7.20 The Consortium is concerned that the use of higher densities has implications for the type, size and tenure of the homes provided and may mean that the Council is not always able to provide an appropriate housing mix across the Council area. This may mean that the homes delivered do not meet the housing needs of the local community or the market demand in the area. It will be

important to consider the future deliverability of intensely developed residential schemes, which will be dependent on the viability of previously developed land and demand for high density urban living post Covid-19.

- 7.21 The Council should increase the flexibility of the policy to ensure that the density policies are realistic, achievable and will ensure the delivery of homes that area appropriate to market. This could be done through amendments to allow developers to take account of the evidence in relation to market aspirations, deliverability and viability as well as planning objectives in relation to any of the density requirements.

Stepped Housing Requirement

- 7.22 This part of the policy says that the housing requirement is to be stepped in the following way:

- 2021 to 2025 (first 5 years) – 678 homes per annum; and,
- 2026 to 2038 (years 6 - 18) – 870 homes per annum.

- 7.23 The stepped housing requirement is **not justified** as it appears to be an attempt to reduce the backlog in housing supply at the start of the Plan period as a way of achieving a five-year land supply position on adoption.

- 7.24 The stepped housing trajectory is completely at odds with the Government's requirement to deliver the homes that people need as soon as possible. People in Warrington need homes now and a positive approach to addressing those needs would be to identify enough land that can come forward in the early years of the Plan period, so that the full housing requirement can be achieved from the very start.

Policy DEV2 – Meeting Housing Needs

Affordable Housing

- 7.25 This policy states that residential developments of 10 or more dwellings will be required to provide 20% affordable homes on sites within inner Warrington and 30% affordable homes elsewhere in the Borough and on greenfield sites. The Consortium support the need to provide affordable housing in Warrington and fully support the need to address the affordable housing requirements of the Borough.

- 7.26 Paragraph 58 of the NPPF states that:

"Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable."

- 7.27 However, it is noted that the Emerging Local Plan Viability Assessment (Cushman & Wakefield, August 2021) highlights issues with the viability of achieving the full emerging policy requirements, including the affordable housing requirements for some of the typologies, with paragraph 8.6 and 8.7 stating:

"The base testing results indicate that the majority of the typologies in the lower value areas of Warrington (Town Centre, Inner Warrington North, Suburb Low Value and Settlement Low Value) are not viable based on full policy requirements.

This can be attributed in part to the lower assumed sales values together with the assumed abnormal / extra over development costs which means that development cannot support the total cumulative cost of all emerging policy requirements in these areas. For the higher density flatted typologies, viability is also constrained by the higher assumed base build costs which are not offset by higher sales values."

7.28 It goes on to state at paragraph 8.10:

"The results for these typologies therefore suggest that in the majority of instances, development should be able to satisfy the Council's full policy requirements. However, on the smaller sites, there may be some cases where the Council will need to seek a balance in respect of the total policy requirements sought, for example through a lower affordable housing provision and/or reduced S106 contributions."

7.29 The affordable contribution requirements set by this policy will not be viable and will lead to the non-delivery of affordable homes in the Borough, particularly since the housing distribution currently relies heavily on smaller sites within the urban area.

7.30 With regard to the overall affordable need, the Local Housing Needs Assessment Update (GL Hearn, August 2021) suggests a need for 423 affordable homes per annum (Table 57, page 104). This is over 50% of the total housing requirement set by 'Policy DEV1 – Housing Delivery', so it is clear that this policy is not going to effectively address affordable housing needs in the Borough.

7.31 Furthermore, there is an increasing need for affordable homes and affordable housing delivery is not keeping pace with demand. The Local Housing Need Assessment (GL Hearn, March 2019) identified a need for 377 affordable homes per annum at that time and the Annual Monitoring Report 2020, which covers the period 1 April 2019 to 31 March 2020, identifies that only 131 affordable housing gains were recorded across the period, and only 112 affordable housing gains over the previous period (page 3).

7.32 As such, there is a clear lack of affordable homes within the Borough and whilst affordable need is clearly increasing, the overall housing requirement has reduced (945 homes per annum to 816 homes per annum) suggesting that this policy will **not be effective**.

Housing Type and Tenure

7.33 This policy states that residential development should provide a mix of different housing sizes and types and should be informed by the Borough-wide housing mix monitoring target at Table 3; the sub-area assessment contained in the Council's most up to date Local Housing Needs Assessment; and any local target set by a Neighbourhood Plan, taking into account site specific considerations.

- 7.34 The Consortium are generally supportive of providing a range and choice of homes to meet the needs of local people however wish to underline the importance of a flexible and workable policy to ensure that housing delivery will not be compromised. The Consortium recommend that the policy be less prescriptive and recommend that a flexible approach is taken with regards to the housing mix on a site which recognises that needs and demands will vary in different locations, ensures that the scheme is viable and provides an appropriate mix for the location.

Space Standards

- 7.35 The policy goes on to say that the Council will seek to provide dwellings that are appropriately sized and arranged to create well designed homes in accordance with Nationally Described Space Standards.
- 7.36 The Consortium are supportive of providing suitable space standards however there is insufficient evidence to justify this part of the policy, in terms of need, viability and timing and the requirements of NPPG have not been met in this regard (Paragraph: 020 Reference ID: 56-020-20150327). However, if sufficient evidence is forthcoming and the policy is to remain in the Plan then the Consortium recommends that an appropriate transition period is included within the policy.

Optional Standards

- 7.37 This part of the policy says that the Council will seek, as a minimum, all homes to be provided to Building Regulation M4(2) 'Accessible and Adaptable dwellings' and 10% of new housing to meet Building Regulation M4(3) 'Wheelchair user dwellings'. This part of the policy is **unjustified** since the requirements of NPPG have not been met (Paragraph: 007 Reference ID: 56-007-20150327).

Housing for Older People

- 7.38 This part of the policy states that residential developments of 10 or more dwellings should make provision for older people. Whilst such policies should be flexible it is unclear what the requirements of this policy are.

Self and Custom Build

- 7.39 This part of the policy says that the Council will ensure a sufficient supply of plots for self-build and custom-build housing to meet the identified need on the Council's register. Whilst such policies should be flexible it is unclear what the requirements of this policy are.

Policy DEV4 – Economic Growth and Development

Employment Land Requirement

- 7.40 This part of the policy says that over the 18 year Plan period from 2021 to 2038 provision will be made to meet the need for 316ha of employment land to support both local and wider strategic employment needs. The supporting text says that in determining the amount of employment land needed for the Plan period, the Economic Development Needs Assessment (BE Group, August 2021)

concluded that the preferred forecasting method for establishing need, is a projection forward of past take-up rates that considers both strategic and local needs, resulting in a need of 316.26ha of employment land up to 2038 (paragraph 4.2.13).

7.41 However, it is unclear how many jobs this would provide, and thus how many homes would be required to support that jobs growth. It is also unclear how this employment land requirement compares to the 'policy on' approach of the SEP and again how many jobs this would provide, and thus how many homes would be required to support that jobs growth. Put simply, it is imperative that these economic and housing aspirations are aligned to:

- To provide quantity housing to accommodate the additional workers;
- To provide housing choice to attract the right range of professionals; and,
- To ensure that jobs growth does not result in unsustainable patterns of in-commuting and congestion on the highways network.

Employment Land Distribution

7.42 The Council's spatial distribution strategy for new employment allocations is driven by the proposed allocation at MD6 (South East Warrington Employment Area). We do not contest this and consider it represents a logical and viable location for future employment growth. The demand for logistics and employment uses in Warrington is well evidenced by the success of Omega and development along the M62 corridor to the north of Warrington, as well as former successes associated with the office and general employment areas associated with Birchwood (also to the north of settlement).

7.43 The proposed employment allocation at MD6 will help to balance out the spread of employment land across the Borough and provide a helpful counter weight to the draw of the north in terms of jobs distribution.

7.44 However, we do object to the fact that this allocation will become an increasingly isolated area of employment by virtue of the fact that the Policy does not secure the necessary highways and public transport link between the existing and proposed residential areas of Warrington to the south. Indeed, the omission of the former Garden Suburb allocation renders allocations MD2 and MD6 as separated proposals without any joined up thought as to how the two areas can be linked and how sustainable travel patterns can be achieved between the two.

7.45 This part of the policy also identifies the Fiddlers Ferry Power Station as one of the sites that will be allocated for employment to ensure sufficient land is required to meet employment needs. The Fiddlers Ferry Power Station is identified as providing 101ha of employment land. However, it is noted that this allocation is only viable if enabling development on Green Belt land comes forward which we comment on separately under 'Policy MD6 – Fiddlers Ferry'.

Policy DEV5 – Retail and Leisure Needs

7.46 In a similar fashion to other components of the Council's evidence base, we note that only the Nexus 2021 Retail Update has been formally issued alongside the Local Plan for consultation as part of its evidence base despite this report still relying upon the evidence in the 2015 assessment for the Borough and there being a 2019 Nexus retail assessment available elsewhere on the Council's website as well. Again, this adds to the potential confusion when members of the public are seeking to comment on the Local Plan.

Spatial Distribution of Centres / Need for Additional Retail in South Warrington

7.47 With regard to retail and leisure needs, we consider the Local Plan fails to adequately reference the disproportionate distribution of District Centres and main food shopping facilities across Warrington. The local plan also fails to adequately plan for main food retail needs in the south of Warrington based on the evidence presented by Nexus, on behalf of the Council.

7.48 Warrington Town Centre and two existing District Centres are located in the north of Warrington at Birchwood, Westbrook alongside a large number of local and neighbourhood shopping centres (see definition points below) and some large retail parks. However, there is only one District Centre to the south (Stockton Heath), which is located to the immediate south of the Ship Canal. Whilst the population in the north of the town is much greater, the distribution of retail facilities is still highly disproportionate when compared to population and expenditure levels within Warrington.

7.49 Bearing in mind the Council's housing and employment strategy focuses in on the south of Warrington in the form of the South East Warrington Urban Extension (MD2) and South East Warrington Employment Area (MD6), we would have expected to see a greater level of analysis on the quantitative and qualitative need for new retail provision and the potential for a new District Centre to be located in South Warrington, bearing in mind the new housing and employment development will generate significant additional per capita expenditure within the locality, and the current disproportionate spread of retail facilities within the town.

7.50 Instead, Nexus have simply undertaken a Boroughwide capacity assessment looking at the potential Borough wide growth in retail expenditure and comparing that against existing retail commitments in the Borough.

7.51 Looking at convenience retail needs, Table 6 in Appendix 2 of the Nexus assessment highlights that the two principal main food stores in the Stockton Heath area (Zone 9) are both significantly overtrading. The Aldi store is over-trading by £8.3m per annum and the Morrison's store is overtrading by £28.2m in 2021. The overall convenience retail provision in Zone 9 is overtrading by £23.5m in 2021 (i.e. before any population and per-capita growth is applied). Given the level of growth planned in south Warrington, that position is only going to increase.

7.52 Visits to both stores demonstrate this overtrading is manifesting itself in the way of cramped car-parks, shopping aisles and depleted levels of stock at peak times. Both are within reach of the

District Centre but are out of centre stores and due to their format and nature, they are predominately accessed by private car. Both are located just north of the Ship Canal, which means congestion on the local highway network also occurs. Nowhere within Nexus's assessment have they commented on this level of overtrading and what planning policy measures may be required other than a very minor passing comment at paragraphs 6.2 and 6.3 which state:

'6.2 In respect of qualitative deficiencies in convenience goods provision, the issue identified by the 2015 Retail and Leisure Study in respect of a lack of food shopping facilities in Lymm has been addressed through the development of a foodstore at the former Rushgreen service station site (which trades as a Sainsbury's). The 2015 Study also suggested that it would be beneficial for Warrington town centre to improve its convenience goods offer; this issue was exacerbated through the loss of the town centre Marks & Spencer store in 2017 and remains outstanding.

6.3 There will be other areas of localised need which would benefit from being addressed going forward. In particular, we again note that the Council's draft Local Plan provides for a new South East Warrington Urban Extension, together with substantial allocations at Fiddlers Ferry, the Waterfront and Peel Hall. These proposals will create their own requirement for local retail and service facilities, which should be met in a sustainable manner.'

- 7.53 This simply suggests that localised needs will need to be met but there is clearly a more pressing existing issue facing the southern parts of Warrington when compared to the north due to the disproportionate spread and availability of main food shopping destinations and District Centre's generally. At present, everything is loaded onto Stockton Heath (which makes it very vibrant but also very congested). Loading on another 4,000+ homes within the area must therefore be planned for in a robust and comprehensive manner.
- 7.54 Whilst we note the Council are proposing new retail facilities as part of the South East Warrington Urban extension under policy MD2, there has been no thorough analysis to determine if the scale, location and format of the proposed retail facilities will actually formally address these current overtrading issues and/or address other retail type needs (such as expenditure for food and drink uses, restaurants, etc). Moreover, we note that there isn't actually any obligation within the policy to deliver these facilities. We consider this could result in an inadequate level of retail provision to be provided and based on the latest proposals, we consider this will be delivered in a disjointed manner compared to the previous proposals, which specifically sought and required the delivery of a new centrally located District/Neighbourhood Centre which would have been supported by a range of other supporting uses that could have attracted a combined footfall to make a new centre viable, vibrant and sustainable and been a key destination to target public transport / Mass Transit provision towards.
- 7.55 In not providing adequate retail provision in the south, this will simply drive up vehicle movements heading north of the town and result in increased levels of unsustainable shopping trips occurring.

- 7.56 We presented various scenarios to the Council as part of a through Retail Assessment carried out in 2019 on behalf of Taylor Wimpey, which we have attached to these representations and may wish to refer to the analysis within this document as part of our overall case.

Other Retail Matters / Hierarchy of Centres

- 7.57 Policy DEV5 lists the centres within the Borough including Warrington Town Centre, District Centres, Neighbourhood Centres, and Local Centres. The key point that the Consortium would like to raise is that the naming of the centres should align with the glossary provided in the second draft Regulation 19 WLP (September 2021) and the NPPF, both of which refer to:

*"**Town centre:** Area defined on the local authority's Policies Map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in Local Plans, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres."* [our emphasis]

- 7.58 In short, the Neighbourhood Centres should be named Local Centres and vice versa.
- 7.59 This part of the policy goes on to say that new Local Centres are proposed to meet the needs of the main development areas including at South East Warrington Urban Extension, Peel Hall, Fiddlers Ferry and Warrington Waterfront. Comments are provided separately on each of these main development areas under the relevant policies.

Neighbourhood Hubs

- 7.60 This part of the policy says that where new Neighbourhood Hubs cannot be accommodated in defined centres, they should be in sustainable locations where the development would support the accessible co-location of facilities and services.
- 7.61 The Consortium consider that further clarity is required as to what constitutes a Neighbourhood Hub, since it is not included in the glossary of the second draft Regulation 19 WLP (September 2021) and it is currently unclear what this part of the policy is intended to achieve.

New Retail and Leisure Development

- 7.62 This part of the policy says that proposal for retail, leisure and office uses over 500 square metres gross will need to provide justification in the form of an impact test proportionate to the scale of the proposal.
- 7.63 The Consortium consider that clarity is required as to whether this part of the policy applies to those new Local Centres which are identified to meet the needs of the main development areas. Indeed, it appears to be a very low threshold which would be unjustified in the context of an area of such significant planned residential and employment growth.

Policy GB1 – Green Belt

General Principles

7.64 This part of the policy says that the Council will maintain the general extent of the Borough’s Green Belt, as defined on the Local Plan Policies Map, throughout the Plan period and to at least 2050, which extends 12 years beyond the Plan period. This part of the policy is **unsound** on the basis that there are exceptional circumstances for further Green Belt release from the general extent of the Green Belt as currently shown on the Local Plan Policies Map, including:

- The requirement to ensure that sufficient land is provided to meet the Borough’s development needs for housing and employment land (see response to ‘Policy DEV1 – Housing Delivery’);
- The requirement to address issues of housing affordability and the ability for all to have access to a suitable home (see response to ‘Policy DEV1 – Housing Delivery’);
- The requirement to provide sufficient homes to support the planned level of economic growth (see response to ‘Policy DEV4 – Economic Growth and Development’); and,
- The requirement to create sustainable patterns of development, in a manner which will support the delivery of strategic infrastructure to address existing issues of congestion (see response to ‘Policy MD2 – South East Warrington Urban Extension’, ‘Policy MD6 – Fiddlers Ferry’ and ‘Policy MD6 – The South East Warrington Employment Area’).

Land Removed from the Green Belt

7.65 This part of the policy lists the land which is proposed to be removed from the Green Belt including:

- South East Warrington Urban Extension
- South East Warrington Employment Area
- Land to the east and south of Fiddlers Ferry Power Station
- Thelwall Heys
- Land at Warrington Waterfront
- Land at Croft
- Land at Culcheth
- Land at Hollins Green
- Land at Lymm
- Land at Winwick

7.66 This part of the policy is also **unsound** on the basis that:

- The identified Green Belt release at South East Warrington Urban Extension is unsound (see response to 'Policy MD2 – South East Warrington Urban Extension');
- The identified Green Belt release at South East Warrington Employment Area would result in an isolated employment area that will fail to deliver suitable public transport links and other sustainable transport modes (see response to 'Policy MD6 – South East Warrington Employment Area');
- The identified Green Belt release at Fiddlers Ferry Power Station is unsound (see response to 'Policy MD3 – Fiddlers Ferry'); and,
- The identified Green Belt release at Thelwall Heys is unsound (see response to 'Policy MD5– Thelwall Heys').
- The exceptional circumstances for Green Belt release at the various villages has not been fully justified (see response to Policies OS1 to OS6) albeit we accept that some growth in the villages is likely to be justified with corroborating evidence.

Inset Settlements

7.67 This part of the policy lists those settlements which are inset in the Green Belt including:

- Appleton Thorn
- Burtonwood
- Croft
- Culcheth
- Glazebury
- Hollins Green
- Lymm
- Oughtrington
- Winwick

7.68 It goes on to says that within these settlements new build development, conversions and redevelopment proposals will be allowed providing they comply with national planning policy, other relevant Local Plan policies and any relevant Supplementary Planning Documents. It is encouraging that this part of the policy seeks to align with national policy, and it will be important that the Supplementary Planning Documents also seek to align with national policy.

Green Belt Settlements

7.69 This part of the policy lists those settlements which are washed over by the Green Belt including:

- Broomedge
- Collins Green
- Cuerdley Cross
- Glazebrook
- Grappenhall Village
- Hatton
- Heatley/Heatley Heath
- Higher Walton
- Mee Brow/Fowley Common
- New Lane End
- Stretton
- Weaste Lane

7.70 However, there is insufficient evidence which justifies these village being washed over by the Green Belt and this part of the policy is **unsound**.

7.71 These villages have been washed over since the Green Belt around Warrington was first defined. Since then, there has been a fundamental change to national planning policy following the publication of the NPPF with paragraph 144 clearly setting out that:

"If it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt."

1.3 For this part of the policy to be justified and consistent with the NPPF, the Council are required to undertake a character assessment of each village currently washed over by the Green Belt and consider how the character of the above two villages will be affected by the proposed allocation to determine if the settlements character contributes to the openness of the Green Belt. No such assessment has been carried out.

1.4 Moreover, Policy MD2 (South East Urban Extension) will also impact on the relationship Stretton and Grappenhall Village have with the Green Belt. The proposed allocation will remove half of Stretton's current infill boundary from the Green Belt (leaving the western side of the village within the Green Belt) and remove land from the Green Belt abutting the extent of Grappenhall village. This change would represent an area specific exceptional circumstance to remove both villages from the Green Belt in their entirety (subject to the completion of the individual village character assessment). As such, any character assessment undertaken should also factor in this new relationship for this policy to be justified.

Policy TC1 – Town Centre and Surrounding Area

Widening the Role of the Town Centre

7.72 This policy says that the Council will support development in the town centre, as defined on the Policies Map, which strengthens its viability and vitality and promotes a greater diversity of uses,

and in particular which, inter alia, provides new homes. However, we note that no specific housing target is cited in the policy by the Council. Whilst this is not a matter of soundness, we do note that the Council's claimed supply for housing does rely heavily on town centre residential development coming forward.

Key Development Sites in the Town Centre and Surrounding Areas

- 7.73 This part of the policy says that the Council and its partners will support and promote comprehensive redevelopment and regeneration opportunities in accordance with the Town Centre Masterplan and the Warrington Town Centre SPD.
- 7.74 However, the Warrington Town Centre SPD was adopted in June 2021 in line with the adopted Local Plan and followed the Council's master planning process for the town centre (as depicted in Figure 7 of the Local Plan). Despite being recently adopted, the SPD's status in the context of this Local Plan is not entirely clear. This is because the SPD will not be supplementary to the adopted development plan in the area once the Local Plan is adopted. Our view is that the SPD will have no status once this Local Plan is adopted and therefore it will need a full review and its evidence base will need to be update.
- 7.75 Whilst ambitious and aspirational (and to be commended), Pegasus Group undertook a thorough assessment of the Council's masterplan that was available at the time because it underpinned the evidence for the Council's first Regulation 19 Draft Local Plan. Our review demonstrated that the Council's assumptions on where housing might come forward were not realistic when seeking to identify specific developable and deliverable site. Indeed, not all of the sites identified could be reasonable put forward as being available for housing.
- 7.76 For example, the masterplan envisaged large numbers of homes on the existing Cockhedge Retail Park which occupied by ASDA Stores Limited (a Pegasus Group client) and various other retailers. ASDA have a long-term lease (which includes large parts of the associated car park) and have shown no intention of moving away from the site. As such, we highlighted at the time that it was unreasonable to include the site as being developable.
- 7.77 Nevertheless, we note that this site does feature in the 2020 SHLAA Appendices on electronic page 118 (the site isn't given a specific reference number) which we have copied below. The schedule dealing with developable/deliverable timescales suggests that 406 homes could come forward in 2028/29 (as highlighted in the image below). However, without a clear trajectory provided in the SHLAA as to which sites the Council expect to contribute to the urban housing supply within the Plan Period, we cannot say with any confidence as to whether this is allowed for in the Council's figures. Until the SHLAA is updated and made available in a transparent and accessible format, we are unable to decipher this.

<p>Site Name: Land at Scotland Road Site Address: Cockhedge Shopping Centre, Warrington, WA1 2QQ Ward: Bewsey & Whitecross Existing Use: Retail</p>	<p>Please see interactive map on the website for site boundary</p> <p>Interactive map</p> <p>(Select the SHLAA 2020 mapping layer to view)</p> <p>If you have difficulty viewing the map, Please contact Planning Policy and Programmes Team at localplan@warrington.gov.uk</p>	
<p>Gross Site Area (Ha): 1.6399999999999999</p>	<p>Net Developable Site Area (Ha): 1.4759999999999998</p>	
<p>Planning Permission History: n/a</p>		
<p>Green Belt: No GF / PDL: PDL Flood Zone (Highest Risk on site): Contaminated Land Issues: No Ground Conditions Issues: n/a Site Access Issues: n/a Surrounding Land Issues: Infrastructure Issues: Hazardous Installations Issues: Amenity Issues: Ownership / Tenancy Issues: No</p>		
<p>Active Use: Yes Site Developable Now: No Promotion by Owner: Yes Developer Interest: Yes Known Demand for Housing: Yes Similar Sites Developed Nearby in last 5 years: Yes</p>		<p>Deliverable 2020-2025: 0</p> <p>2020/21: 2021/22: 2022/23: 2023/24: 2024/25: 2026/27: 2027/28: 2028/29: 406 2029/30: Developable 2030-2035: 0</p> <p>2030/31: 2031/32: 2032/33: 2033/34: 2034/35: 2035+:</p>
<p>Recommended Gross Capacity: 405.89999999999992 Residual Net Capacity: 405.89999999999992</p>		
<p>Concluding Comments: Site is considered suitable, likely to become available and achievable but does not currently benefit from a planning approval for residential development. The site is therefore considered developable from the medium term onwards (6-10).</p>		
<p>Concluding Recommendation: Suitable, likely to become available and achievable</p>		

7.78 As such, we reserve the right to re-introduce our previous evidence on the capacity of the town centre masterplan for housing should it become apparent that the Council are relying on significant housing numbers from such sites during the plan period.

Policy INF1 – Sustainable Travel and Transport

7.79 This part of the representations should be read in conjunction with the note on highways matters in relation to Warrington Garden Suburb and the South East Warrington Urban Extension (**Appendix 8**).

7.80 This policy sets out that the Council will expect development to achieve general transport principles, encourage walking and cycling, improve public transport, protect future re-use and disused railway corridors etc.

7.81 This part of the policy will not be **effective** on the basis that:

- The proposed allocation at the South East Warrington Urban Extension ('Policy MD2 – South East Warrington Urban Extension'):
 - Fails to deliver the necessary highway and public transport infrastructure required within the policy to make the site sustainable and deliverable;
 - Cannot improve east / west links to the A50;
 - Would worsen congestion and travel times in an east west direction and substantially increase east west movements through the centre of the village of Appleton Thorne;

- o Cannot provide public transport improvements that connect the new communities to the South East Warrington Employment Area; and,
- o Does not comply with the aspirations of the Council's adopted Local Transport Plan, and fails to deliver a sustainable and comprehensive long term transport and access strategy for this part of Warrington that delivers the necessary infrastructure to ensure modal shift and that the proposals would therefore be genuinely sustainable;
- The proposed housing allocation at Fiddlers Ferry ('Policy MD6 – Fiddlers Ferry') is remote and detached from the main urban area of Warrington and therefore performs poorly in terms of accessibility;
- The proposed employment allocation at the South East Warrington Employment Area ('Policy MD6 – The South East Warrington Employment Area') is isolated and will fail to deliver suitable public transport links and other sustainable transport modes; and,
- It has not been demonstrated that jobs growth would not result in unsustainable patterns of in-commuting and congestion on the highways network.

7.82 This policy is **unjustified** on the basis that:

- It has not been demonstrated that imposing a blanket requirement for all developments to provide plug-in charging infrastructure for electric vehicles could lead to a massive over provision of capacity (additional substations etc) which is never properly utilised.

Policy INF2 – Transport Safeguarding

General Safeguarding Principles

7.83 This part of the policy says that the Council will support priorities and improvements set out in the LTP and other delivery documents by ensuring development will not prejudice the implementation of proposed transport schemes and projects that require land beyond the limits of the public highway.

7.84 This part of the policy will not be **effective** on the basis that the proposed allocation at the South East Warrington Urban Extension does not comply with the aspirations of the Council's adopted Local Transport Plan, and fails to deliver a sustainable and comprehensive long term transport and access strategy for this part of Warrington that delivers the necessary infrastructure to ensure modal shift and that the proposals would therefore be genuinely sustainable.

Safeguarded Land and Schemes

7.85 This part of the policy says that the Council will safeguard land for a number of schemes including a new replacement high level crossing of the Manchester Ship Canal and the Warrington Western Link.

- 7.86 The Manchester Ship Canal is bridged in several locations although it represents a physical barrier and the crossing points can often be congested. The safeguarding of land for a new or replacement high-level crossing of the Manchester Ship Canal between Ackers Road, Stockton Heath and Station Road, Latchford is therefore supported.
- 7.87 The Warrington Western Link is required to enable several allocations to be delivered. Safeguarding of the Western Link is supported, although hinder the effectiveness of the delivery of Warrington Waterfront over the Plan period (see response to 'Policy MD1 – Warrington Waterfront').

Policy INF3 – Utilities, Telecommunications and Broadband

Development Proposals (Broadband Provision)

- 7.88 This part of the policy says that all new residential and commercial development must be served by high speed Broadband, or if this is not feasible at the time of the development undertake all reasonable actions to enable a high speed Broadband connection at a future date, unless it can be demonstrated through evidenced consultation with Broadband providers that this would not be possible, practical or economically viable.
- 7.89 The requirements of this part of the policy will not be **effective**. It is not within the direct control of housebuilders or developers to provide this infrastructure. The NPPF at paragraph 114 makes it clear that local planning authorities should support the expansion of electronic communication networks, however it does not seek to prevent development that does not have access to such networks.

Policy IN4 – Community Facilities

General Principles

- 7.90 This part of the policy says that the Council and its partners will seek to promote health and wellbeing and reduce health inequalities within the Borough by supporting the development of new, or the co-location and co-ordination of existing education, health, social, cultural and community facilities and that, where possible such facilities should be located in defined centres or neighbourhood hubs.
- 7.91 This policy will not be **effective** insofar as only Warrington Garden Suburb can provide a centrally located District / Neighbourhood Centre to accommodate the necessary services for a large housing area in south east Warrington.

Policy INF5 – Delivering Infrastructure

- 7.92 This policy sets out how infrastructure will be delivered. It specifically states that where new infrastructure is needed to support development, the infrastructure must be operational no later than the appropriate phase of development which it is needed. The Consortium fully support this part of the policy as it is a pragmatic approach to ensuring that infrastructure is provided when it is needed.

7.93 The policy lists those matters which are to be funded by planning contributions.

7.94 This policy will not be **effective** on the basis that some developments, particularly those within the urban area, will not be viable to provide the required contributions. That said, the policy does go on to set out the viability of developments at the planning application stage in certain circumstances, which is supported.

Policy DC1 – Warrington’s Places

7.95 It would be helpful if this policy could cite those areas where a Neighbourhood Plan has been made or is in the process of being prepared. If such plans exist or are to come into place, the NPPF confirms that strategic policies should consider what level of development should be afforded to neighbourhood plan areas in line with paragraph 66 of the NPPF.

Policy DC2 – Historic Environment

7.96 We note reference to the Bridgewater Canal under part 2d and the policy expectations under Part 4 of this policy, which confirms that harm to heritage assets will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal. These components of this policy corroborates our representation towards the proposed Thelwall Heys allocation, which cannot be supported on this basis as it would be contrary to this policy and National Planning policy.

Policy DC3 – Green Infrastructure

7.97 We consider parts of this policy will need to be redrafted in the context of the recent Environment Act 2021 and therefore reserve the option to comment on this policy once the final text of the Act has become available.

7.98 We also consider the policy should list the opportunity to deliver a significant Country Park around Grappenhall in line with our representations that cite the need for a comprehensive, master planned approach to the Warrington Garden Suburb / South East Urban Extension area.

Policy DC4 – Ecological Network

7.99 We consider this policy will need to be redrafted in the context of the recent Environment Act 2021 and the July 2021 revisions to the NPPF at paragraph 7 further to resolution 42/187 of the united national General Assembly and Transforming our World: the 2030 Agenda for Sustainable Development.

7.100 In particular, we anticipate that there will be a need for a general bio-diversity net gain policy that will have to apply across the plan as a whole and to the site specific allocations. At present, the Local Plan is inconsistent in this regard. For instance, the Peel Hall site allocation policy MD4 Criteria 29 refers to measurable bio-diversity net gain but other site allocation policies don't.

7.101 We support Part 3 of the policy which notes that development proposals that may affect European sites of International Importance will be subject to the most rigorous examination in accordance

with the Habitats Directive. It goes on to confirm that development proposals or land use change not directly connected with or necessary to the management of the site but which is likely to have significant effects will not be permitted unless:

- a) There is no alternative solution; and
- b) There are imperative reasons of over-riding public interest for the development or land use change and where suitable mitigation or compensatory provision has been made. Any mitigation or compensatory provision must be assessed in a project-related Habitats Regulations Assessment and be fully functional before any likely adverse effect arises.

7.102 Neither of the above requirements have been satisfied in the context of the Fiddlers Ferry Power station allocation under Policy MD3, which the Council's HRA confirms has the ability to impact negatively on the Mersey Estuary SPA and Ramsar site by virtue of its proximity and linked functional habitats.

7.103 Part 5 of the Policy also states:

Proposals for development likely to have an adverse effect on regionally and locally designated sites will not be permitted unless it can be clearly demonstrated that there are reasons for the development which outweigh the need to safeguard the substantive nature conservation value of the site or feature and the loss can be mitigated through off-site habitat creation to achieve a measurable net gain in biodiversity/geodiversity assessed against the latest version of the DEFRA metric.

7.104 Again, we support this component of the Policy but bearing in mind the entire southern parcel of the Fiddlers Ferry site allocation falls entirely within a designated Local Wildlife Site, we also fail to see what corroborating evidence there is to demonstrate that this policy can be satisfied.

Policy DC5 – Open Space, Sport and Recreation Provision

7.105 Part 3 of the policy says that in determining the nature of new or improved provision the Council will be guided by the evidence base (Open Space Audit; Sports Facilities Strategic Needs Assessment; Playing Pitch Strategy and associated Action Plans).

7.106 The Consortium support the use the evidence base to determine the requirement but it is imperative that this is kept up to date throughout the plan period.

7.107 The policy requires all residential development of 40 dwellings to provide for open space and equipped play provision (Part 4), outdoor recreation – playing pitches (Part 4) and indoor sport and recreation facilities (Part 7). However, the requirement may not be viable in every circumstance and a clause should be included within the policy wording for provision only where it is viable. Furthermore, the policy should clarify clearly, where through reference to an SPD, how the requirement will be calculated.

Policy DC6 – Quality of Place

7.108 No comment at this stage.

Policy ENV1 – Waste Management

7.109 Part 3 of Policy ENV1 confirms proposals for new built waste facilities should be focused on industrial estates and employment areas, which is understandable given the noise and odour issues that can stem from such facilities.

7.110 We note that a new community recycling centre is required as part of Policy MD2. Given the scale of the proposed development, this is not surprising and we agree there will be a need for this type of waste infrastructure to be put in place. However, there is no clear indication as to where this well be sited within the evidence base to Policy MD2 and more importantly, that policy does not propose any employment areas.

7.111 This further demonstrates the need for a robust masterplanning exercise for the entire South East Urban Extension. Notably, the consortia land did include employment land within the previous iterations of the Draft Local Plan that could be made available for this use to the east or west of the existing and proposed employment land areas proposed under Policy MD6.

Policy ENV2 – Flood Risk and Water Management

7.112 We do not raise any specific issues with the wording of this policy but given its requirements, we fail to see how the southern parcel of the Fiddlers Ferry allocation can be justified. Whilst we note that the majority of the parcel is raised up and out of the flood plain, it is clearly surrounded by flood risk areas and sits within the environs of the Ricer Mersey flood plain and appears to be a prime candidate for significant flood risk should key defences fail and or sea levels and associated levels within the Estuary rise through climate change.

7.113 We reserve the right to comment further on this policy in the context of the above.

Policy ENV3 – Safeguarding and Minerals Resources

7.114 We note that policy does seek to protect Mineral Safeguarding areas from permanent sterilisation and some of these areas are depicted on the Proposals Map over the South East Warrington Urban Extension and land controlled by Homes England as well as land controlled by the Consortium. As noted in Figure 14 of the Local Plan, this relates to Sand and Gravel deposits which are wide spread across the Borough albeit it is noted that the quality of this resource will vary.

7.115 We consider Part 3 of the policy is sufficiently flexible for alternative forms of development to take place and there may be opportunities to extract some of the mineral resources from these sites to facilitate the construction of necessary infrastructure if suitable and viable.

7.116 We reserve the right to comment on this policy further at the examination stage should we deem it necessary.

Policy ENV4 – Primary Extraction of Minerals

7.117 No comment at this stage.

Policy ENV5 – Energy Minerals

7.118 We support part 7 of this policy relating to Peat Resources. We note Figure 16 in the Local Plan, which identifies a large area of land south of Birchwood and east of the M6 which should be protected. These areas should be depicted on the Proposals Map so it is clear to the public how this policy is to be read spatially and in the context of other land use designations affecting Warrington.

7.119 It further demonstrates the limited opportunities for Warrington to grow outwards, and why the southeast area of Warrington is so critical to the long term growth opportunities of the Borough given it is largely unfettered in terms of environmental resources.

Policy ENV6 – Restoration and Aftercare of Minerals and Waste Sites

7.120 No comment at this stage.

Policy ENV7 – Renewable and Low Carbon Energy Development

7.121 Parts 1 to 3 of the policy are supported insofar they seek to support renewable / low carbon energy infrastructure and minimise carbon emissions in new development.

7.122 However, Part 4 of this policy requires major residential development (11 units or more) in all locations outside of the strategic allocations to meet at least 10% of their energy needs from renewable and/or other low carbon energy source(s). Similarly, Part 5b requires strategic housing and employment allocations to meet at least 10% of their energy need from renewable and/or other low carbon energy source(s), or reduce carbon emission by at least 10% below Part L building regulations; and provide the opportunity for connection to a low carbon decentralised energy network if one cannot be established as part of the development and/or one is not already in existence.

7.123 Whilst the need to minimise carbon emissions is supported, applying a blanket requirement such as this is clearly unjustified and not consistent with national policy, as the Deregulation Act (2015) included an amendment to the Planning and Energy Act 2008 to remove the ability of local authorities to require higher than Building Regulations energy efficiency standards for new homes. Indeed, the government are pushing for a standardised approach in this regard so as to avoid duplication, complications and confusion.

Policy ENV8 – Environmental and Amenity Protection

7.124 This policy deals with the Council's approach towards assessing the impacts of development on the environment and in particular air quality, land quality, water quality, noise pollution and general amenity issues.

7.125 We make note of part 4 of the policy which states:

'The main allocations (Policies MD1 to MD6) and the smaller settlement allocations, which line the M62 corridor (Policies OS1, OS2 and OS6) and all other new development that exceeds the thresholds for requiring a Transport Assessment, as specified in the Council's Transport SPD, will be required to consider air quality impacts on the Manchester Mosses Special Area of Conservation (SAC). Any proposals that would result in increased traffic flows on the M62 past the Manchester Mosses SAC of more than 100 vehicles per day or 20 Heavy Goods Vehicles (HGVs) per day must devise a scheme-specific range of measures to reduce reliance on cars, reduce trip generation and promote ultra-low emission vehicles.'

7.126 This clearly highlights that need to consider air quality impacts very seriously and the need to plan for optimised public transport infrastructure investment and the encouragement of modal shift.

7.127 With this in mind, we wish to re-iterate the need for the site allocation policies to be prepared in a manner that ensures public transport infrastructure can be enhanced and delivered. In the context of MD2 and MD6, which are by far the largest of all the allocated sites in the Local Plan, we do not consider this opportunity has been grasped by the Council and the options chosen will in fact result in greater long term impacts on this European protected area due to the inability of the individual site allocations to accommodate the east west link / Howshoots link, which would provide the necessary route for public transport connections between the two allocations and scope for a future Mass Transit network to this part of Warrington in line with the Local Transport Plan.

8. SITE ALLOCATIONS CHAPTER

Policy MD1 – Warrington Waterfront

- 8.1 This section of the representation should be read in conjunction with the note on housing land supply (**Appendix 7**).
- 8.2 This policy states that Warrington Waterfront will be allocated as a new urban quarter to deliver around 1,335 homes of which 1,070 homes will be delivered in the Plan period.
- 8.3 Whilst we accept that this is a suitable location for housing development, there is a significant risk that the delivery of the site could be delayed considerably due to the need for major highway works that require a detailed business case to be ratified and a comprehensive land acquisition / CPO process to be undertaken. Critically, the new highway / link road is required to provide the necessary access into the site and there is already evidence of significant delays in the originally anticipated programme for this road.
- 8.4 Ultimately, our assessment shows that it would only deliver 670 homes over the Plan period. As such, we do not consider the policy as currently drafted is **justified or effective**.

Policy MD2 – South East Warrington Urban Extension

- 8.5 This section of the representation should be read in conjunction with:
- Warrington Garden Suburb land ownership / control plan (WSP / Open, July 2020) (**Appendix 1**);
 - Warrington Garden Suburb masterplan (Pegasus Group, October 2021) (**Appendix 2**);
 - The note on the Sustainability Appraisal (**Appendix 4**);
 - The note on housing land supply (**Appendix 7**); and,
 - The note on highways matters in relation to Warrington Garden Suburb and the South East Warrington Urban Extension (**Appendix 8**).
- 8.6 This policy says that the South East Warrington Urban Extension will deliver a minimum of 4,200 homes in total of which around 2,400 homes will be delivered within the Plan period.
- 8.7 This policy is **unsound** for the following reasons:
- It is not justified by the Council's Sustainability Appraisal process which has consistently favoured a larger Garden Suburb;
 - It is not consistent with the Council's masterplanning evidence for the area which has consistently advocated a centrally located District / Neighbourhood Centre to accommodate the necessary services for such a large area of housing growth and the need for a Country Park around Grappenhall Heys;

- It cannot deliver a fundamental building block / requirement of the Policy (i.e. improve east / west links to the A50) as required MD2 Policy Criteria 27e;
- It would worsen congestion and travel times in an east west direction and substantially increase east west movements through the centre of the village of Appleton Thorne;
- Due to the inability to provide the improved east west link, it will not be possible to provide public transport improvements that connect the new communities to the South East Warrington Employment Area;
- It does not comply with the aspirations of the Council's adopted Local Transport Plan, and fails to deliver a sustainable and comprehensive long term transport and access strategy for this part of Warrington that delivers the necessary infrastructure to ensure modal shift and that the proposals would therefore be genuinely sustainable;
- It would jeopardise the long-term ability for Warrington to grow in a sustainable manner and would result in much greater harm to Warrington's Green Belt in the future;
- The Green Belt boundary changes put forward as part of this policy are very weak and would have to be defined by large swathes of new woodland planting in order to remain defensible in the long term. That strategy in itself would then hinder the longer term growth of Warrington or would result in poorly defined urban edges to the settlement, which is also inconsistent with the NPPF and paragraph 143f.

8.8 Critically, the allocation has no means by which to deliver the east west link / Howshoots link that will improve connections between the A49 and A50. That connection represents a fundamental building block that can only be provided through the land secured by this Consortium as there is no opportunity to upgrade parts of the B5384 without the need for 3rd party land and the need for CPO. There is no suggestion within the Policy that a CPO would be necessary and that has not been factored into the Council's delivery/trajectory for housing development. To rely on such an approach would raise serious doubts about the deliverability of these proposals.

8.9 Notwithstanding all the above, our assessment of the delivery of the South East Warrington Urban Extension identified that it would only deliver 1,776 homes over the Plan period (excluding the 772 homes which already have permission and are outside the Green Belt).

8.10 The only solution to ensure the sustainable delivery of development in this strategic part of Warrington is to re-instate the original Warrington Garden Suburb allocation.

8.11 Given all of the above, and for the plan to be found sound the previously preferred Warrington Garden Suburb should be allocated instead of the South East Warrington Urban Extension.

8.12 Our masterplan shows the vision for this part of Warrington that reflects the corroborating evidence that underpins the Local Plan Review. It includes:

- Circa 7,000 homes across four defined areas;
- A centrally located District/Neighbourhood Centre, including a community hub providing a leisure centre;
- A Country Park around the Conservation Area surrounding the village of Grappenhall,
- A large employment area towards the M6/M56 junction;
- A park and ride facility adjacent to the M6/M56 junction;
- A new secondary school and new primary schools; and
- A complete and deliverable link road network capable of accommodating Mass Transit/Public Transport options (in line with the Council's adopted Local Transport Plan).

8.13 A substantial proportion of the land within Warrington Garden Suburb is in private ownership and within the control of experienced land promoters, housebuilders and Homes England. All of the land is available and suitable for residential development and accompanying uses.

8.14 The inclusion of additional Green Belt release in south east Warrington and a return to the former Warrington Garden Suburb allocation would deliver more deliverable and developable land for housing development. It would ensure all necessary physical and social infrastructure could be delivered in an appropriate and timely manner and would ensure the future long-term growth of Warrington and this part of the Borough is not jeopardised. Critical to housing delivery, the additional land proposed is all within private ownership and within the control of experienced land promoters and housebuilders who excel in bringing land to the market in a timely fashion and/or delivering new homes. This would allow for at least another six to seven outlets to commence on site within the enlarged allocation.

Policy MD3 – Fiddlers Ferry

8.15 This section of the representations should be read in conjunction with the note on the Habitat Regulations Assessment (**Appendix 5**).

8.16 We consider this policy is **unsound** on the basis that it is not justified or consistent with national planning policy. In summary, we consider:

- There is insufficient evidence available to conclude that the development of the site will not cause harm to a European protected ecological site as identified by the HRA;
- There is insufficient evidence available to demonstrate that site specific exceptional circumstances exist to release the land from the Green Belt for residential development;
- The development of the site would have significant adverse impacts on the role and purpose of the Green Belt and undermine its permanence in this particular location, and

- The residential allocations are isolated from the main urban area of Warrington and its associated services and the existing outlying villages within the Borough;
- The residential allocations would also be isolated from existing residential areas and services within Halton Borough Council;
- There is no correspondence from Halton Council confirming the proposed policy would not adversely impact on services, facilities and infrastructure with their Borough boundary; and
- There is insufficient evidence that the southern proposed residential area could be developed viably noting its current use for ash deposits and it being surrounded by flood risk area;

8.17 The policy says that land at the former Fiddlers Ferry Power Station site will be allocated to deliver a mixed-use development comprising approximately 101ha of employment land and a minimum of 1,760 new homes, of which 1,310 homes will be delivered in the Plan period. It goes on to identify that the allocation will include the removal of 82 ha of land from the Green Belt to accommodate a minimum of 860 new homes on land to the north of the railway line and a further 900 homes to the south of the railway line (450 homes in the Plan period).

8.18 It is noted that the HRA contemplates that the Fiddlers Ferry allocation could have significant effects on European Sites, especially the Mersey Estuary SPA and Ramsar. On that basis the proposed allocation is 'screened in' in the HRA. The Appropriate Assessment within the HRA notes that all qualifying bird species of the SPA and Ramsar have been recorded on land encompassing the allocation but that "it is considered that this policy wording is sufficiently protective to allow a conclusion of 'no adverse effect' at the plan level, because it ensures that further work (e.g. habitat assessments and bird surveys) will be required to support relevant planning application(s)."

8.19 Thus, the Council's HRA delegates the acceptability of development at Fiddlers Ferry to the project specific HRA(s) required through this policy. We do not consider this is a legally compliant approach without any understanding or evidence as to how the development of the site may affect the functionally connected habitats of the designated sites and without any evidence as to whether specific protected species are utilising the site. The policy site's proximity and evidence of protected species in the area warrants a clear understanding to be gathered now.

8.20 Indeed, without such evidence, it must be highly questionable whether any residential development proposed at Fiddlers Ferry is deliverable before any project specific HRA is produced. The Council have also not demonstrated the number of homes that could be delivered, having regard to potential on-site mitigation, or whether other locations with a lower potential for adverse impacts on European Sites should be considered – or indeed preferred – as reasonable alternatives. Given that the HRA treats the proposed policy wording as mitigation for likely significant effects, no consideration is given to specific mitigation measures and their potential impact on the delivery of the proposed allocation.

8.21 It is also notable that the evidence base for the second draft regulation 19 WLP (September 2021) does not include any explanation of the exceptional circumstances which the Council claims would justify the release of land to deliver 1,300 odd homes at the Fiddlers Ferry allocation. Although Arup considers the Green Belt credentials of Fiddlers Ferry they expressly do not address the exceptional circumstances test²⁰. The only justification for the Green Belt release (that we could find) is in the second draft Regulation 19 WLP itself which states:

"The exceptional circumstances for the removal of Green Belt land as part of the Fiddlers Ferry Opportunity Site relate to enabling the redevelopment of the largest brownfield site in the Borough, whilst providing a new sustainable residential community and a major ecological and recreational resource." (paragraph 3.4.10)

8.22 The Council's rationale for releasing Green Belt land close to Fiddlers Ferry is essentially an enabling development argument. In our view, whilst the existence of exceptional circumstances is a matter of planning judgement, the Council's case must be based on evidence. As such, if a key plank of the Council's argument is that releasing Green Belt land for residential development will enable *"the redevelopment of the largest brownfield site in the Borough"* then it must be shown that the housing allocation is likely to achieve that objective, especially when the parcels proposed to be released from the Green Belt exhibit either a moderate or strong contribution to Green Belt purposes²¹. In short, without this evidence, the Fiddlers Ferry allocation is **not sound**.

8.23 The Arup assessment provides a review of the existing contribution that the site at Fiddlers Ferry makes to Green Belt purposes and considers the potential implications of releasing the site (in terms of any harm to the function and integrity of the Green Belt) and the resultant Green Belt boundary. The Fiddlers Ferry allocation includes parcels WR73 and WR79. WR74 does not form part of the site boundary however it is likely that this parcel of land will need to be considered for release to avoid an islanded pocket of Green Belt remaining.

8.24 The following points of the assessment should be noted since they demonstrate the unsoundness of the allocation when considering the role, function and purpose of the associated Green Belt parcels, which rank strongly:

- Parcels WR73 and WR74 makes an overall moderate contribution to the purposes of the Green Belt and parcel WR79 makes an overall strong contribution (Figure 3, page 4);
- Parcel WR79 supports a strong degree of openness and there are non-durable boundaries between the parcel, the settlement and the countryside therefore the parcel has a strong role in preventing encroachment into the open countryside (page 7);
- Parcels WR74 and WR79 are identified as making a strong contribution to Purpose 3 of the Green Belt and are connected to Widnes on one side (page 7);

²⁰ Page 3, Green Belt Assessment: Fiddlers Ferry (Arup, April 2021)

²¹ Page 4, Green Belt Assessment: Fiddlers Ferry (Arup, April 2021)

- Development would reduce the separation between the Warrington urban area, Widnes and Runcorn and the remaining gap between the towns would be at its narrowest point in this location (page 11); and,
- In order to create a new recognisable and permanent Green Belt boundary, the existing eastern boundary and southern boundary would need to be strengthened (page 11).

8.25 Coupled with the above issues we have raised under paragraph 8.16, we therefore conclude that the exceptional circumstances required to justify this site being removed from the Green Belt do not exist.

Policy MD4 – Land at Peel Hall

8.26 This policy says that land comprising approximately 69ha at Peel Hall will be allocated to deliver a new sustainable community of up to 1,200 new homes.

8.27 Further to the recent and positive appeal decision on this site, we accept that this is a suitable and deliverable site. However, as per our comments towards the Council's proposed housing trajectory (as relayed in our representations to Policy DEV1 and our housing land supply note at **Appendix 7**), our assessment shows that it would only deliver 741 homes over the Plan period. This policy will not be **effective**.

Policy MD5 – Thelwall Heys

8.28 It has not been demonstrated that this policy is justified, effective or consistent with National Planning Policy. The proposed site allocation should be deleted on the basis that it is not a suitable site for residential development due to the harm caused to the principal heritage encapsulated by the proposed site allocation.

8.29 This policy says that land to the east of Grappenhall and south of Thelwall will be removed from the Green Belt and allocated for residential development for a minimum of 300 homes. The evidence base includes a Heritage Impact Assessment for Thelwall Heys (August 2021) noting the fact that the site allocation encapsulates the immediate grounds of Thelwall Heys, a Grade II listed Victorian House set within the surrounds of the associated fields and once occupied by the Long family – local Victorian industrialists.

8.30 Initial observations are that the associated lodge, approach drive and park all form part of how the Long family would have wanted their new house, and offices, to be experienced, echoing that the arrangements of the larger country estates. Whilst it is not identified whether Waterhouse (a renowned architect who designed the home) designed the surroundings, lodges, gate piers and boundary walls were common to his designs, and surrounding planting usually followed the trend

of informal groupings of shrubs and trees and it is known that Waterhouse corresponded with landscape designers on several of his projects.²²

- 8.31 Victorian houses were a contrasting mix between privacy and public show, and this is what the setting of Thelwell Heys contained and still does. Its isolation creates a sense of grandness and status to the house, whilst ensuring it is a private space for its residents. Whilst the site excludes the lodge and drive, they do border the site allocation and does include all of the park like setting. The site thereby contributes positively to the heritage significance of the house and enables it to be understood and experienced as it was originally designed.
- 8.32 We have reviewed the Council's evidence in this regard at provided a critique at **Appendix 9**, which should be read in full as part of our objection towards this site. In summary:
- Policy MD5 requires the preservation of heritage assets and their setting and the courts have confirmed that this must amount to no harm.
 - The Council's assessment has failed to assess the impacts on the Bridgewater Canal which is a heritage asset by definition and has failed to address the Historic Environment Record and therefore the Council's evidence base is incomplete and insufficient;
 - We agree with the Council's assessment that the allocation will result in 'less than substantial' harm to Thelwall Heys as a minimum by virtue of its impact on the setting of the Grade II listed building. As such, harm will occur on a listed heritage asset.
 - In line with the NPPF, the allocation can only be justified if the public benefit outweighs the harm. No such public benefit has been demonstrated as part of the evidence base for this allocation and how this might balance the harm caused to the heritage asset.
- 8.33 Whilst we accept that the delivery of new homes could represent a public benefit, that benefit can be easily and readily realised elsewhere in a nearby location within the Borough (i.e. the former Garden Suburb location which is located less than 200m to the south of this site) without causing harm to a heritage asset. Bearing in mind the public benefit of 300 homes in the Warrington Garden Suburb area would also help to contribute to infrastructure that would generate much wider community and public benefits, the public benefit test in the context of the Thelwall Heys site allocation cannot be met.
- 8.34 As such, the site specific exceptional circumstances required to release the land from the Green Belt have not been demonstrated. Also, notwithstanding that the site is currently Green Belt, paragraph 11 of the NPPF and the presumption in favour of sustainable development cannot be engaged in the context of this site owing to the effect on heritage assets.

²² Cunningham, C. Alfred Waterhouse, 1830-1905: Biography of a practice

Policy MD6 – The South East Warrington Employment Area

- 8.35 We accept that there are plan-wide exceptional circumstances to release land from the Green Belt to meet the Borough's employment land requirements. We also accept in general terms that this is a suitable location to meet logistic development requirements of the Borough given the site's proximity to the adopted strategic highway network (M6/M56 junction), subject to a satisfactory assessment of the impacts on the Scheduled Ancient Monument.
- 8.36 However, in isolation, this policy is not justified and will not be effective. Standing alone, the South East Warrington Employment Area is isolated and will fail to deliver suitable public transport links and other sustainable transport modes. In particular, it fails to deliver an east west / Howshoots link which necessitates the use of land controlled by this Consortium. This link is required to ensure there is a suitable public transport connection between the employment area and the existing and proposed residential areas to the east as required by criteria 12c of the Policy.
- 8.37 That link is required to provide scope for a Mass Transit solution for this part of Warrington, which is clearly set out as a policy objective in the adopted Local Transport Plan for the area. It also fails to deliver a park and ride facility, which is another policy requirement in the Local Transport Plan for the area. Both would assist in modal shift requirements, which we note the Council's Transport Evidence base relies upon.
- 8.38 In addition, insufficient evidence is available as part of this consultation period to determine if criteria 4 and criteria 12c of the Policy, which relate to improvements to the M6 Junction 20, are capable of being met without land controlled by this Consortium north of Cliff Lane.
- 8.39 As per our representations towards Policy MD2, both of these transport related issues can be resolved if the former Garden Suburb proposals are re-instated in the Local Plan as that provides the land necessary to delivery this infrastructure.

Policies OS1 to OS6 – Housing/Green Belt Release Sites in the Villages

- 8.40 The exceptional circumstances/evidence provided to release these sites from the Green Belt only seems to stem from Borough wide housing needs and the lack of available urban land to accommodate all of these needs. We agree that those matters do indeed represent plan wide exceptional circumstances. However, given the dominance of the town of Warrington within the Borough in terms of its scale, population and access to services, it must follow that the Borough wide housing needs will emulate from this settlement in the main. In light of this, we would have expected to see evidence of site specific exceptional circumstances put forward for each of these sites.
- 8.41 Bearing in mind all of these allocations fall within Strategic Green Belt parcels that perform moderately or strongly in terms of the function, role and purpose of Green Belt, as set out by the NPPF and the Council's own evidence base, we consider the above evidence is necessary to demonstrate the exceptional circumstances for each. The need for such evidence is also heightened

by the fact that there is a Strategic Green Belt parcel on the edge of the main settlement that could meet all of the proposed 800 homes in a location that ranks as being 'Weak' in the Council's own evidence base and would arguably result in much greater public benefit due to the ability for these homes to then support improved infrastructure delivery in South East Warrington.

- 8.42 We have not removed these sites from the Council's housing trajectory as we anticipate they will be developable and may well be regarded as being suitable. Moreover, the Consortium recognise that some growth is likely to be applicable to the villages to address national rural policies. However, we consider this should be commensurate to the local housing need within these villages so as to demonstrate exceptional circumstances for their release from the Green Belt. Again, we have seen no local/village based evidence in this regard.
- 8.43 In light of the comments above, we reserve the right to comment on these sites at the examination stage of the Local Plan in the event that additional or new evidence should be provided by the Council.

9. MONITORING AND REVIEW CHAPTER

Policy M1 – Local Plan Monitoring and Review

- 1.5 We welcome the inclusion of a monitoring policy within the plan. Whilst there is no legal obligation to do so, we consider this is necessary in the case of the Warrington Local Plan in ensuring a plan is effective, which is one of the key tests of soundness as prescribed by paragraph 35 of the NPPF, where it is stated:

Plans are 'sound' if they are: c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground;

- 9.1 Appendix 2 of the second draft Regulation 19 WLP sets out the Monitoring Framework. The use of appropriate targets is supported however, specific monitoring triggers should be introduced to this framework. This will help to ensure that action will be taken when a target is not met, and a policy needs reviewing.
- 9.2 We consider it is particularly pertinent in the context of Warrington's Local Plan because the Council are relying on site allocations to meet the Borough's development needs but the sites selected and being relied upon are evidently not without risk. For example, the Wirral Waterfront site is dependant on key highway infrastructure coming forward, a detailed business case for the infrastructure to be approved and a swift CPO process. Whilst we accept it is a suitable, it is one that harbours risks in terms of its delivery and therefore it is only right that the Council monitors delivery on such sites and sets out certain triggers/actions should there be evidence that sufficient progress is not being made.
- 1.6 The Council is obligated to prepare an Annual Monitoring Report as advised by the NPPG and Regulation 34 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The regulations set out the basic requirements, but the NPPG confirms that such reports can include additional information.
- 9.3 Policy M1 states that if delivery of housing including affordable housing, in any given monitoring year falls below 100% of the annual requirement, the Council will consider implementing all or some measures to bring forward development. These measures include working with developers to remove obstacles to the delivery of sites, increasing densities, and considering the ability to deliver strategic sites earlier within the Plan period. Whilst we appreciate that all of the suggested measures are generalised, our fear is that it could lead to short cuts being taken or decisions being made that would result in longer term adverse impacts and consequences.
- 9.4 For example, criteria 27c, 27e and 27g in Policy MD2 relating to the delivery and safeguarding of necessary transport infrastructure for the South East Warrington Urban Extension could be cited by Homes England and/or Miller Homes as obstacles in delivering new homes on their land (either because of future unforeseen viability issues and/or the inability to acquire the necessary land to

accommodate such requirements) and could result in planning application decisions being taken that then undermine the delivery of these particular requirements in efforts to speed up housing delivery (particularly given the repetitive focus on housing delivery in Appendix 2 Monitoring Framework – see targets for policy MD2 in particular).

9.5 As set out throughout these representations, such actions would undermine the ability for Warrington to grow sustainably into the future and ultimately cause much Greater impacts on Warrington's Green Belt in the longer term if such actions prevented additional land coming forward in South East Warrington in the future (i.e. because inadequate road/public transport infrastructure was approved within this plan period).

9.6 As such, we have called for a holistic master planned approach to the South East Warrington Urban Extension (Policy MD2) and South East Warrington Employment Area (Policy MD6) so as not to blight the long term delivery of this finite and strategic growth location for Warrington. In that regard, we have put forward representations and raised issues of soundness as to why the entire and formally proposed and preferred Garden Suburb allocation is reinstated. However, should the Council or Local Plan Inspector not agree with these representations, it consider that it will be imperative that the monitoring framework, targets and indicators associated with the delivery of Policy MD2 and MD6 are amended to become more comprehensive and encompassing of all the various extensive requirements set out in both site allocation policies. At present the targets are focused on the number of homes and amount of employment development, which are undoubtedly important, but so is the delivery of the necessary schools, retail, open space and physical infrastructure. At the very least, the Target for Policy MD2 should state

*To deliver a sustainable urban extension of around 4,200 new homes (2,400 within the Plan period) **alongside all other necessary infrastructure requirements set out in Policy MD2.***

9.7 We consider that the schedule at Appendix 2 should also set out specific actions for each policy. In the case of Policy MD2, if it is clear that that the proposed allocation cannot deliver what is necessary, a full and early Local Plan review will be necessary so as to allocate additional land that is required to ensure the site allocation is deliverable and can provide the necessary improved connections to the A50 (via the East West/Howshoots Link), which requires the Consortium land.

9.8 Whilst we note that Part 4 of the policy does call for a review or partial review of the Local Plan should an identified risk to the delivery of infrastructure essential to the delivering the Spatial Strategy of the Plan, there is no subsequent list of what the Council deem to be essential infrastructure. That either needs to be set out in the policy or made clear in the Monitoring Framework as set out above.

9.9 Whilst we note Part 5 of the policy states the Council will draw up action plans for the Main Development Areas to set out key milestones, it is unlikely those action plans will represent statutory documents and will not undergo the level of public participation and scrutiny when

compared to this Local Plan so our points above remain relevant even with Part 5 of the policy in place.

- 9.10 Just to be clear, our view is that the East / West / Howshoots Link is essential and should result in the necessary Green Belt release now in order to deliver this (alongside other requirements).
- 9.11 Part 3 of the policy states that where total delivery of housing is less than 75% of the annual requirement for three consecutive years, this will trigger the need for '**consideration of a review of the plan**'. We consider the action from this trigger should be made more robust and result in a Local Plan review in order for the policy to be deemed effective.

10. SUMMARY AND CONCLUSIONS

10.1 Pegasus Group are instructed the Consortium in relation to land interests which they hold at the Warrington Garden Suburb identified as an allocated in the first draft of the Regulation 19 WLP.

10.2 We object to the Warrington Local Plan on grounds of legal compliance and soundness.

Legal Compliance Issues

10.3 The first draft of the Regulation 19 WLP is not legally compliant because:

- The Council still need to discharge their duty under Section 33A of the Planning and Compulsory Purchase Act 2004 requires the Council to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the Plan;
- The Sustainability Appraisal does not appraise Warrington Garden Suburb as a reasonable alternative as required by Regulation 12 of the Strategic Environmental Assessment Regulations; and,
- The Sustainability Appraisal is skewed towards environmental considerations and does not achieve the objective of contributing to the achievement of sustainable development as required by Regulation 39 of the Planning and Compulsory Purchase Act 2004;
- The conclusions of the appropriate assessment do not allow the Council to ascertain that the Fiddlers Ferry allocation would not adversely affect the integrity of the Mersey Estuary SPA and Ramsar as required by Regulation 61 of The Conservation of Habitats and Species Regulations 2017; and,
- The Fiddlers Ferry allocation would only be legally complaint if the Council have first considered alternative solutions and the overriding public interest, which they have not done, as required by Regulation 62 of The Conservation of Habitats and Species Regulations 2017.

10.4 We also note that the recent Royal Assent of the Environment Act on 10th November 2021 may also raise legal compliance and soundness issues for the Local Plan. We reserve the right to comment on this further once the final text of the Act becomes available.

Soundness Issues

10.5 Our representations demonstrate that the exceptional circumstances for Green Belt release is more acute than anticipated in the first draft Regulation 19 WLP, and will require the need to release additional Green Belt land for the plan to be found sound because:

- The annual housing requirement in Warrington should be set at a minimum of **945 dwellings per annum** (rather than the Standard Methodology figure of 816) so that:

- The economic ambitions of the Local Plan and Strategic Economic Plan are aligned with supporting housing growth and the need to accommodate the necessary workforce in a sustainable manner;
- The needs of various groups can be met; and
- Sufficient levels of affordable housing can be delivered;
- The existing, deliverable and available land for housing within the urban area is not as large as the Council's evidence base suggests and therefore without additional, sustainable Green Belt release, the minimum housing requirements for Warrington will not be met; and
- Not all the proposed allocated sites will deliver at the rate set out by the Council in the housing trajectory at Appendix 1 of the Local Plan. Without additional deliverable parcels of housing land being identified within the Local Plan, the overall minimum housing need requirements will not be met during the 18-year plan period.

10.6 Our representations also demonstrate that there will be a need to identify alternative Green Belt site allocations because:

- The exceptional circumstances for the release of strongly performing Green Belt parcels adjacent to the **Fiddlers Ferry Power Station** and their allocation for 1,800 homes ('Policy MD6 – Fiddlers Ferry') have not been demonstrated. This site is remote and detached from the main urban area of Warrington and therefore performs poorly in terms of accessibility and ranks highly in terms of Green Belt purposes. The need to release these parcels to facilitate the redevelopment of the Power Station has not been evidenced and the findings of the HRA have not been addressed. The site cannot be regarded as suitable;
- The proposed allocation at **Thelwall Heys** ('Policy MD5 – Thelwall Heys') for a minimum of 300 homes has not been supported by sufficient evidence demonstrating that it would not have undue impacts on designated heritage assets, including a Grade II hall that sits centrally within the site and is encapsulated by the site allocation, which contributes to its setting. As such, there are other reasonable alternatives which would not result in harm to a heritage assets and these should be considered; and
- The proposed allocation at the **South East Warrington Urban Extension** ('Policy MD2 – South East Warrington Urban Extension') for 2,400 homes in the plan period (4,200 homes overall) fails to deliver the necessary highway and public transport infrastructure required within the policy to make the site sustainable and deliverable. Additional land is required for this. Critically, the proposed allocation would also blight the future growth of south east Warrington, which is fundamental to the ability for Warrington to grow in the future and beyond the plan period.

Warrington Garden Suburb

- 10.7 The Consortium Land in a location where the Council are proposing significant long term growth that outstrips any other location within the Borough. What sets the Consortium Land apart from all other Green Belt parcels around Warrington is that it forms part of the only developable Strategic Green Belt parcel around Warrington and the wider Borough, which the Council's own evidence confirms makes a 'Weak' contribution to the five purposes of Green Belt (see Strategic GB Parcel 10). The opportunity for the main town of Warrington to grow in other directions without having a much greater/significant impacts on the role, purpose and openness of the Green Belt within Warrington and this part of the North West is therefore significantly limited.
- 10.8 Warrington is one of the most successful towns in the UK today in terms of economic development, investment, employment rates and growth and over the last ten years has repeatedly been recognised as such in national research and league tables such as the Centre for Cities 'Cities Outlook. One must therefore assume Warrington will continue to be a location for growth during and well beyond this Plan period.
- 10.9 Fundamental to the sustainable growth of this part of Warrington is the delivery of a level of infrastructure and development that can encourage modal shift and reduce congestion on the adopted highway network. It is within this context that the Council adopted their Local Transport Plan, which advocates Mass Transport solutions and the delivery of new highway infrastructure that is capable of accommodating this. The Consortium Land (and other surrounding land parcels that are available and suitable for development), provide the opportunity to deliver a new, sustainably planned suburb of Warrington which physically connects the planned residential areas to the planned employment areas and creates a central location for key services is entirely achievable.
- 10.10 The Council's evidence base and Sustainability Appraisal supporting previous iterations of the Local Plan at Regulation 18 and 19 stages already arrived and corroborated this solution as the most sustainable option for growth in this part of Warrington, even when previously considered against smaller development options for a new Garden Suburb. The masterplan prepared for these representations shows that Warrington Garden Suburb can deliver:
- Circa 7,000-8,000 homes across four defined areas (including the land within Policy MD2); and
 - A large employment area (i.e. the land within Policy MD6);
 - A centrally located District Centre, including a community hub providing a leisure centre;
 - A large Country Park surrounding the village of Grappenhall.
 - Other areas of open space and sports pitches;
 - A park and ride facility;
 - A secondary school and primary schools; and,

- A complete and deliverable link road network capable of accommodating Mass Transit/Public Transport.

10.11 Critically this masterplan would deliver the following which all provide site-specific exceptional circumstances for Green Belt release at this location:

- Provide all of the land required to ensure and safeguard the delivery of necessary east west links between the A49 and A50 for highway and transport improvements, as required by the proposed MD2 policy;
- Achieve a range of accessible links and connections between the new housing and existing and new employment opportunities in the area including the ability to provide sufficient land and significant increased funding for the delivery of Mass Transit Route throughout this part of Warrington, as envisaged by the adopted Warrington Local Transport Plan so as to encourage Model shift and more sustainable travel;
- Provide a range of facilities in a central Neighbourhood/District Centre location that will then become accessible to new residents and existing residents at Appleton Thorn, Grappenhall Heys, Dudlows Green and Pewterspear so as to further reduce travel distances, whilst also relieving current overtrading pressures that exist at convenience retail facilities near Stockton Heath to the north and providing an equitable spatial distribution of retail centres in the south of Warrington;
- Support infrastructure upgrades, including new bus routes connecting to the town centre, which would improve accessibility for existing communities and businesses in the south and south east of the urban area;
- Deliver new recreation facilities and green infrastructure for the benefit of new and existing communities including a significant Country Park that would provide key health and well being facilities, an opportunity for residents to access the open countryside and preserve the setting of Grappenhall Village and its associated Conservation Area.
- Deliver a significant number of homes which would help meet local needs, including affordable housing needs and special needs;
- Provide sufficient land to ensure sufficient ecological and landscape mitigation and enhancement can be accommodated within the allocation to address any impacts and sufficient land to ensure green field run off rates and sustainable drainage solutions can be accommodated within the landscape as well as delivering anticipated requirements for a 10% net biodiversity gain as required by the Environment Act; and
- Provide sufficient opportunities to deliver improvements to the remaining Green Belt within the area in line with the final sentence in paragraph 142 of the NPPF, which is also controlled by the Consortia and other landowners with interest in the former Garden Suburb proposals.

10.12 The Consortium call for Main Modifications to be made to the plan for it to be found sound. Those most fundamental include an increase in the annual housing requirement, deletion/reconfiguration of the Fiddlers Ferry allocation, deletion of the Thelwell Heys allocation, adjustments to the Council's housing trajectory and re-instatement of the former Warrington Garden Suburb proposals as an allocation that is set within a clear 30+ year master planned vision this part of Warrington.