

Warrington Updated Proposed Submission Version Local Plan 2021 - 2038

September 2021

Representations on behalf of Satnam Millennium Ltd,

Peel Hall, Warrington

POLICY MD4 - LAND AT PEEL HALL

1. Planning Permission for this site was granted at appeal on 9/11/21 (reference 317853ORD) for its development in form similar to the proposed allocation. As such the plan should be amended to notate the site as a commitment rather than an allocation and the Policy thus deleted.
2. If, for whatever reason the proposed allocation remains relevant, then the following representations are made.
3. We support the principle of the allocation; it relates to a site within the designated urban area of Warrington. The site is not in the green belt. The site is green field but surrounded by the residential area of suburban Warrington. The site is not protected for any use in the adopted local plan.
4. The policy as currently worded is not sound. In particular it fails the tests of soundness set out at paragraph 38(a) and (d) of the NPPF.
5. In essence, policy MD4 as drafted:
 - a. Is not positively prepared as it sets out the aspiration to deliver a sustainable community at Peel Hall, but then imposes so many conditions and provisos as to impede effective delivery.
 - b. Is not consistent with the NPPF and the PPG, in that the policy is not clearly written and concise.
6. We consider that changes should be made to the policy to make it sound.
7. Paragraph 16 of the NPPF states that policies should (amongst other things):
 - a. Be prepared positively, in a way that is aspirational but deliverable, and

- b. Contain policies which are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.
8. Paragraph 2 of the NPPG on Plan Making states that plans need to be focused, concise and accessible as possible. Paragraph 2 also states that when sites are proposed for allocation “*sufficient detail*” should be given to provide clarity to developers, local communities and other interested parties about the nature and scale of development.
9. The policy as currently worded does not meet this policy guidance.
10. The policy is overly long and verbose, many of the matters raised are detailed points for the application and determination stage. They are not matters that should be raised in a local plan policy. The policy also duplicates and/or repeats requirements. For example the educational requirements are set out at MD 4.1 (1) (b) and again at MD 4.3 (13). As a consequence, there is a lack of clarity in the plan and its allocations as a result of the length and unnecessary detail of the policies. These should be revised and shortened to present a clear and unambiguous set of policies.
11. The policy is negatively phrased and is not positively prepared. For example, the policy promotes development of a sustainable community, and then in MD 4.2 (5) states that ‘*no development will be permitted until ...*’. As a result of this negativity, the housing trajectory of the plan does not anticipate housing delivery on this site within the first 5 years of the plan period, whereas other sites with far more obvious or even unexplored constraints are suggested to have potential for early housing delivery (within the first 5 years). Peel Hall is the most investigated and worked up of the development areas allocated in the plan (as a result of the 2 recent planning appeals on the site) and the development of homes on the site should be included in the first 5 years of the trajectory.

Detailed points on the wording of the policy.

12. “*of up to 1,200 new homes...*” This wording is negative and not positive planning. It places an artificial ceiling on the capacity of the site. This should be contrasted with the wording used for the other strategic development areas allocated in the plan,
- i. MD1.1 (Warrington Waterfront) “*around 1,334 new homes*”
 - ii. MD2.1 (Southeast Warrington) “*a minimum of 4,200 homes*”
 - iii. MD3.1 (Fiddlers Ferry) “*a minimum of 1,760 new homes*”
 - iv. MD5 (Thelwall Heys) “*a minimum of 300 homes*”
 - v. OS1 (Croft) “*a minimum of 75 homes*”
 - vi. OS2 (Culcheth) “*a minimum of 200 homes*”
 - vii. OS3 (Hollins Green) “*a minimum of 90 homes*”
 - viii. OS4 (Lymm) “*a minimum of 170 homes*”
 - ix. OS5 (Lymm) “*a minimum of 136 homes*”
 - x. OS6 (Winwick) “*a minimum of 130 homes*”

THE POLICY SHOULD BE AMENDED TO REQUIRE "A MINIMUM OF 1,200 NEW HOMES".

13. Point 1 e. of policy 4.1 requires highway improvements "*as agreed by the Council and Highways England*". It is not appropriate for a policy to require a particular party to give their agreement. The policy should be phrased in such a way to allow an objective assessment to be made. It would be more appropriate to delete the words "*as agreed by the Council and Highways England*" and replace it with "*as are proportionate and necessary to prevent an unacceptable impact on highway safety, and / or severe residual cumulative impacts on the road network.*"; such a change would be consistent with paragraph 111 of the NPPF and allow an objective decision to be made. An alternative would be to use wording similar to that used for the other allocation policies (see paragraph 12 below). The inappropriateness of the current wording can be demonstrated by considering the position that might arise. Junction improvements and other highway changes may be put forward, and it be demonstrated that the paragraph 111 NPPF requirements are satisfied, but the Council or National Highways may not agree to works. In those circumstances a proposal which was consistent with national policy would be inconsistent with the development plan policy. Such a policy cannot be considered to be sound.

14. Again, the wording in the Peel Hall policy requiring "approval" of third parties can be contrasted with wording in the other allocation policies, none of which require any such approval of third parties,
 - x*i*. MD1.1 (Warrington Waterfront) "*a comprehensive package of transport improvements including supported bus services*"
 - x*ii*. MD2.1 (Southeast Warrington) "*a comprehensive package of transport improvements, for both on and off site works*"
 - x*iii*. MD3.1 (Fiddlers Ferry) "*a comprehensive package of transport improvements*"
 - x*iv*. MD5 (Thelwall Heys) "*a package of transport improvements will be required to support the development*"
 - x*v*. OS1 (Croft) "*a package of transport improvements will be required to support the development*"
 - x*vi*. OS2 (Culcheth) "*a package of transport improvements will be required to support the development*"
 - x*vii*. OS3 (Hollins Green) "*a package of transport improvements will be required to support the development*"
 - x*viii*. OS4 (Lymm) "*a package of transport improvements will be required to support the development*"
 - x*ix*. OS5 (Lymm) "*a package of transport improvements will be required to support the development*"
 - x*x*. OS6 (Winwick) "*a package of transport improvements will be required to support the development*"

THE POLICY SHOULD BE AMENDED AS SUGGESTED ABOVE.

15. Point 5 of policy 4.2 repeats the requirement for the Councils' and Highways England's "agreement" to the mitigation package before development will be permitted. As set out above, in relation to point 1.e this does not appear in any other allocation policies.

THE POLICY SHOULD BE AMENDED AS SUGGESTED.

16. Point 7 of policy 4.2 requires the programme and funding for the delivery of the primary school and other community infrastructure to be "agreed by the Council" before the first phase of the development is permitted to come forward. Again, this is not appropriate wording for policy. No other allocation policies in the plan contain this requirement.

THE POLICY SHOULD BE AMENDED TO REMOVE THIS WORDING.

17. Point 8 of policy MD4.3 states "*A range of housing tenures, types and sizes, as identified in Policy DEV2, should be provided*". DEV2 does not identify a range of housing types and sizes, it 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. Point 8 duplicates policy MD4.1 (1) (a) and the reference to policy DEV2 lacks clarity.

THE POLICY SHOULD BE AMENDED TO REMOVE THE WORDS "*AS IDENTIFIED IN POLICY DEV2*"

18. Point 21.a of policy MD4.3 requires "*no access and egress from Poplars Avenue, except for public transport, active travel, emergency services and a minimal number of dwellings fronting the access links*". This requirement is without basis, unjustified and therefore unsound. The evidence of the Council and the Appellant to the recent public inquiry into an appeal on this site (March 21) confirmed the acceptability of some access onto this road (albeit not an exact, agreed quantum).

THE POLICY SHOULD BE AMENDED TO REMOVE THIS WORDING.

19. Point 21.b of policy 4.3 repeats the requirement for the Council and Highways England's "agreement" for the highways mitigation package. See points 9 and 10 above.

THE POLICY SHOULD BE AMENDED TO REMOVE THIS WORDING.

20. Point 21.e is unclear and imprecise. It requires other necessary network improvements on the Local and Strategic Road Network as identified by an appropriate Transport Assessment. The policy assumes that such improvements are necessary before an assessment has been conducted.

THE POLICY SHOULD BE AMENDED TO REMOVE THIS WORDING.

21. Point 24 is vague and unspecified; it refers to the development changing "*the character of these established residential areas*". There is no reference within the plan as to the character assessment appropriate for the consideration of harmful change to these areas. As such this undefined assessment should not be included in policy as it is unsound.

THE POLICY SHOULD BE AMENDED TO REMOVE THIS WORDING.

22. Point 28 is unclear. The policy provides that there should be a major new park *“to provide a proportion of the open space and recreational needs of the development as well as providing a wider resource for north Warrington.”* It is not clear from the wording whether land is intended to be allocated for a park to serve the needs of north Warrington, or whether the wording seeks to note that the park which provides for the needs of the development will also be a wider resource for north Warrington. To avoid confusion the words *“as well as providing a wider resource for north Warrington”* should be deleted. If it is considered appropriate to note that park to serve the needs of the development will also be a wider resource for north Warrington that note could be included in the reasoned justification.

THE POLICY SHOULD BE AMENDED TO REMOVE THE WORDING *“AS WELL AS PROVIDING A WIDER RESOURCE FOR NORTH WARRINGTON”*

23. Point 31 is unclear. The extent of the contributions required is not clear. Any contribution should be limited to that which meets the tests set out in regulation 122(2) of the Community Infrastructure Levy Regulations 2010. It is unnecessary to include this provision.

THIS POINT SHOULD BE REMOVED FROM THE POLICY

24. Paragraph 10.4.10 refers to the delivery of *“a new road connecting the development to the Local Road Network”* No information on this road is set out in the plan, nor is the route of the road shown. This requirement is unjustified and is unsound; there is no evidence to demonstrate that there is a requirement for a new road to connect the development to the Local Road Network.

THE PLAN SHOULD BE AMENDED TO REMOVE THIS WORDING.

25. Paragraph 10.4.11 states that no houses from the Peel Hall site are included in the first 5 years of the plan’s housing trajectory. This is due, the plan states, to there being no agreed package of transport mitigation measures. This can be contrasted to the other strategic development areas allocated in the plan, where no agreed transport mitigation measures are in place / set out, yet housing is anticipated within the first 5 years of the trajectory. Obviously now the OLPP has been granted, there is an agreed package of highway mitigation measures and so this failure to include houses from this site within 5 years does not apply.

THIS WORDING SHOULD BE REMOVED AND HOUSES DEVELOPED ON THIS SITE SHOULD BE INCLUDED IN THE FIRST 5 YEARS OF THE TRAJECTORY.