

Proposed Submission Version Local Plan

PART A - About You

1. Please complete the following:

Please note the email address (if provided below) will be sent a full copy of the submitted response and a unique reference number.

Name of person completing the form: D Matthewman (County Planning LTD)

Email address: [REDACTED]

2. What type of respondent are you? Please select one option only.
If you are an agent please select the type of client you are representing.

Other (please specify):
Agent on behalf of developer

3. Please provide your contact details:

	Contact details
Organisation name (if applicable)	County Planning Ltd
Agent name (if applicable)	Dan Matthewman
Address 1	[REDACTED]
Address 2	[REDACTED]
Postal Town	[REDACTED]
Postcode	[REDACTED]
Telephone number	[REDACTED]

PART B - Representation Form 1

1. To which part of the Local Plan does this representation relate?

From the drop down list please select one option.

GB1 Warrington's Green Belt

2. What does your comment relate to? Please select one option.

Both of the above

If a paragraph or policy sub-number then please use the box below to list. (For example - Policy MD2.1 part 3 or paragraph 10.2.13 etc as applicable).

See attached representation letter
Objection to GB1; DEV4 and Allocations plan

3. Do you consider the Draft Local Plan to be: Please select one option in each row.

	Yes	No
Legally Compliant		X
Sound		
Compliant with the Duty to Co-operate		

4. If you have answered 'No' to any of the options in the above question then please give details in the box below of why you consider the Draft Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate.

Please be as precise as possible.

See attached representation letter
Objection to GB1; DEV4 and Allocations plan

5. If you answered 'Yes' to any of the options in question 3 then please give details in the box below the reasons why you support the legal compliance or soundness of the Draft Local Plan or its compliance with the duty to co-operate.

Please be as precise as possible.

See attached representation letter
Objection to GB1; DEV4 and Allocations plan

6. Please set out what modification(s) you consider necessary to make the Draft Local Plan legally compliant or sound, having regard to the test you have identified above where this relates to soundness. (NB please note that any non-compliance with the duty to co-operate is incapable of modification at examination).

You will need to say why this modification will make the Local Plan legally compliant or sound. It would be helpful if you are able to put forward your suggested revised wording of any policy or text.

Please be as precise as possible.

See attached representation letter
Objection to GB1; DEV4 and Allocations plan

7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination? Please select one option.

Yes, I wish to participate at the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

We may wish to present further representations to the inspector, prompt discussion of important issues and precise wording in relation the policies.

8. If you wish to upload documents to support your representation form then please select 'choose file' below. You can upload a max number of 2 files (up to 25MB each).

If you are submitting more than one representation form please note: If this file upload supports more than one representation form then please do not attempt to upload the same file on subsequent forms. On additional representation forms please use the comments/file description box to type in the 'name of the file', or 'see previous form'.

If the file upload is a different document for additional representation forms then please continue to upload the file as normal.

- File: JFT01-3 Local Plan representation 12-11-2021.pdf - [REDACTED]
- File: JFT01-3 Email to policy manager 11-09-2020.pdf - [REDACTED]

Comments/file description

See attached representation letter

You have just completed a Representation Form for GB1 Warrington's Green Belt.

Please select what you would you like to do now?

Submit response (I am a Developer / Landowner / Group / Organisation)

Date 12 November 2021
Our ref JFT01/3
Your ref
LPA refs R18/P2/033



Local Plan, Planning Policy and Programmes
Growth Directorate
Warrington Borough Council
Town Hall, East annexe
Sankey Street
Warrington
WA1 1HU

BY EMAIL

Dear Sirs,

RE: RESPONSE TO EMERGING WARRINGTON LOCAL PLAN (DRAFT SUBMISSION VERSION, 2021) – FORMER KENYON LANE JUNCTION, KENYON LANE, CULCHETH, WA3 4HR.

This letter is a consultation response to the emerging Warrington Local Plan (Submission Version) submitted on behalf of our client JFT & Sons Ltd and the landowner Mr J Fallon in relation to the proposed redevelopment of the former Kenyon Lane railway junction, Culcheth, WA3 4HR.

Background

The site is a proposed allocation previously promoted by our client for redevelopment under LPA ref. R18/P2/033 in the original call for sites exercise in 2018. The site was not selected for allocation, but in spite of re-drafting the local plan, its merits have not been reappraised either.

As far as we can tell, the Council has ruled out the site for both housing and employment allocations based solely on the October 2018/19 site assessment pages 116 and 438 found [here](#). However, since then, planning application refs 2018/33144 (Sept 2018) for B8/B2 and 2019/36189 (Feb 2020) for the B2 industrial use of the land have both been approved and implemented.

In spite of the site's current location in the green belt, it is clearly brownfield land already and it has been demonstrated that it is suitable, available and deliverable for future growth. The indicative capacity for new development is estimated as to up to 9,650 sq.m of Class E (g) (formerly Use Class B1); and B2 and B8 Class uses or a business park. The units could be in the region circa 40m x 40m, which equates to 1,600sq.m (17,223 sq.ft) each, catering to small / mid-market users.

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Review of the emerging plan

The Council is proposing to release land from the green belt in order to form two main employment land allocations at Barley Castle Farm and at Fiddlers Ferry power station respectively. We do not oppose the Fiddler's Ferry power station; this decommissioned power station is obviously a very large brownfield site with numerous tall buildings and contaminated land. The scale of existing buildings and remediation potential mean it is genuinely appropriate for redevelopment.

However, the proposed allocation at Barley Castle Farm is a greenfield, green belt site. This site has been refused planning permission in July 2018 and both the appeal against refusal and the resubmission application (April 2019) were dismissed by the secretary of state as recently as 2nd November 2020. A copy of the Secretary of State Decision Letter can be found [here](#).

The plan is unsound

NPPF Paragraph 141 requires that the Council must demonstrate that it has effectively evaluated and exhausted *all* alternative brownfield sites before finding that the "exceptional circumstances" exist to release land from the green belt, particularly when releasing green field land.

No updated assessment of R18/P2/033 has been completed in spite of my writing to the Council's planning policy manager on 11th September 2020 asking for the Council engage with us on the local plan (please see copy of email attached to this letter). The lack of an updated assessment of proposed site ref. R18/P2/033 demonstrates that the council has not discharged this policy burden.

Moreover, there are also some inaccuracies in the original assessment of that warrant correction:

- i) The implications of the later planning permissions have not been re-evaluated and as such, the screening tool assessment needs to be updated;
- ii) The redevelopment could promote and assist in the remediation of potentially contaminated land and the proposed employment uses are low risk uses in any event;
- iii) Whilst the site is close to BAP Wetlands and Grassland Habitat, Woodland and Orchard Habitat, the land is already surfaced in hardcore and in active use for industrial and storage uses. The on-the ground context indicates that no harm is likely to occur from an allocation;
- iv) There is a conflict between the housing assessment (page 439) and the Employment assessment, with the former indicating that it could have an adverse impact on the historic environment – this is incorrect as there are no designated or undesigned heritage assets nearby that would be adversely impacted by the proposed allocation; and
- v) Public access improvements could be made through a financial contribution to provision of an enhanced bus service to serve the site and local area, if required.

The emerging plan is not sound

Comparing the emerging plan against the tests to be used in national policy confirms that plans are only 'sound' if they are:

- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities [etc]...;
- b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- 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; and
- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

In this case, we submit that the emerging plan is unsound because it is not *justified* and it is not *consistent with national policy* because it has not taken adequate account of reasonable alternatives and so the exceptional circumstances needed to release the proposed allocations from the green belt have not been demonstrated (it therefore conflicts with NPPF paragraph 141).

The council has failed to justify why the allocation of Barley Castle Farm is suitable, noting the recent appeal decision and Secretary of State finding. Moreover, the council must be compelled to go back to its evidence base and look more closely at brownfield sites it has previously ruled out. I am involved in the Calderdale local plan hearings and exactly that step has been mandated by the Inspector at the Examination Hearings; it would be most regrettable if that situation were to be repeated here and that in turn were to delay the adoption of a sound development plan.

We again invite the Council's meaningful engagement with us to carry forward the land at Kenyon Lane Junction (site ref. R18/P2/033) as a proposed allocation and we remain available to answer any questions or provide additional information/evidence which you require in support of it.

Yours faithfully,



Dan Matthewman LL.B (Hons) MSc ACILEx MRTPI

Managing Director





Dan Matthewman

Industrial allocations in the emerging local plan

1 message

Dan Matthewman

11 September 2020 at 12:25

To:

Dear Michael,

Hope you're well.

I wanted to get in touch with you regarding allocations in the emerging local plan.

As you know, the council currently has a shortfall in employment land and is proposing green belt releases in the emerging plan. I have previously promoted sites through the emerging plan, but those have not been taken forward for adoption. Subsequently since the call for sites, express permission has been approved by the Council and implemented for their use, such that I consider they are now proven to be suitable and available for future allocation:

These are:

Location	Type	Approved planning apps
Diggle Green Farm, Culcheth	Waste	2016/28356 and 2016/29295
Gulliver's World, Westbrook and Burtonwood	Leisure	2005/06672; 2019/34295; 2019/34309; 2005/05467; 2016/28048; 2019/34276; 2020/36670 and 2020/36760.
Former Kenyon Junction, Culcheth	B8/ B2 / B1/ Waste and Sui Generis	2018/33144 and 2019/36189

I wouldn't want to waste your time or my own, pressing for these allocations now unless you are going to be receptive to them (although obviously I reserve my client's position to do so in front of the Inspector). Irrespective, it's my reasonably held belief that before finding 'exceptional circumstances' for other green belt releases, the council must first consider brownfield land with existing permissions and scope for increase/extension as per NPPF para 137. Then follow the process of adoption/justification set out in NPPF para 135.

Together, these parcels of land comprise of more than 16ha of employment land which is currently under-utilised. I've attached the respective site location plans.

Could you let me know if you're open to a further conversation on these sites please?

Kind regards

Dan

Dan Matthewman LL.B (Hons) MSc ACILEx MRTPI

Director



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Please also be aware that the presence of a signature or footer on this email does not constitute agreement or a signature of any contract for the purposes of sale, administration or transfer of land. Any such agreements must be made through appointed legal representatives. Thank you.

3 attachments

 **C4S_Westbrook site location plan.pdf**
2646K

 **2018-33144 Location Plan.pdf**
130K

 **TRI-2039-boundary1.pdf**
1616K