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

Ref: [REDACTED]

Dear Sir / Madam

PROPOSED MAIN MODIFICATIONS TO THE WARRINGTON UPDATED PROPOSED SUBMISSION VERSION LOCAL PLAN 2021-2038

REPRESENTATIONS ON BEHALF OF PEEL L&P (HOLDINGS) UK LTD (REPRESENTOR NUMBER: UPSVLP 0426) AND PEEL L&P (HOLDINGS) UK LTD AND PEEL PORTS (REPRESENTOR NUMBER: UPSVLP 0438)

I write on behalf of Peel L&P (Holdings) UK Ltd¹ and Peel L&P (Holdings) UK Ltd and Peel Ports² (collectively referred to as “Peel”) to set out representations in relation to the above. As required at this stage of the process, these representations relate only to the modifications themselves and we have only commented on those modifications of relevance to Peel’s interests within the Borough. Peel L&P awaits with interest the Inspectors’ Report.

MM 002 – Vision and Spatial Strategy

Para 3.3.5

Support – The additional text proposed to para 3.3.5 reflects Peel’s concerns about the timescales for securing remaining funding and the delivery of the Western Link which, in turn, pulls into question the trajectory for housing delivery from the Warrington Waterfront allocation. Completion of housing on the Warrington Waterfront site cannot be relied upon as part of the Council’s identified forward supply of housing land given the reliance on the delivery of the Western Link and the extent of uncertainty around its funding and timescales.

¹ Representor number: UPSVLP 0426

² Representor number: UPSVLP 0438

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Para 3.3.26

Object – Peel welcomes the commitment to review employment land provision before the end of the Plan period but considers that the current proposed approach to review employment land needs is inadequate; the commitment is still not referenced in any formal policy (either a separate policy or included within existing Policies DEV4 or M1), just in terms of supporting text. Policy M1 (Monitoring Framework) remains silent on the commitment, precise timing and any mechanism to trigger/facilitate the review. As a result, the ‘commitment’ is weak and not supported by a clear monitoring framework (Appendix 2). As a result, the commitment is ineffective and therefore unsound and needs to be rectified.

Para 3.3.30

Support – Peel supports the proposed modifications to paragraph 3.3.30 which reflect the uncertainty around the funding and timescales for delivery of the Western Link, consistent with Peel’s previous representations on this point.

MM 003 – Policy DEV1: Housing Delivery

Part 3b

Comment – MM 003 proposes to amend part 3b of Policy DEV1 to reflect a reduced development proposition at Fiddlers Ferry (a minimum of 860 homes rather than 1,760 homes). Detailed comments on this proposed modification are provided below in respect of MM 021.

Para 4.1.10 to 4.1.14

Object – MM 003 proposes to delete paragraphs 4.1.10 – 4.1.14, including Table 1. Those paragraphs set out the approach taken to identify the housing land requirements over the plan period, including provision for flexibility of 10% on top of the overall land supply to “allow for market choice and in the event that specific sites do not come forward”³.

Peel has made representations in relation to the adequacy (or otherwise) of the identified housing land supply over the plan period (See Matter 2 and 3 Statements). This includes setting out concerns about the certainty of the proposed yield from the Town Centre, as a new market, and the wider urban area reflecting the assumed uplift in delivery (some 18% increase year on year against past trends) from this area. The extent of reliance on these sources of supply presents a high-risk strategy with a significant possibility that delivery falls short for the reasons set out.

To ensure the Local Plan satisfies the ‘Effective’ test of soundness, a sufficient flexibility allowance is therefore important such that the overall need will still be met in circumstances of under delivery from some sources. This is supported by the Council who proposed a 10% allowance for the reasons set out at paragraphs 2.14 to 2.15 of Examination Document O1. In the circumstances of the Warrington Local Plan, Peel set out its position that this should be increased to between 20 and 25%.

The reduced housing allocation at Fiddlers Ferry and the removal of any proposed plan period yield from Warrington Waterfront (Policy MD1) within the supply, have the effect of removing any flexibility allowance inherent within the supply. This will compromise the Local Plan’s ability to meet the full housing requirement with a sufficient level of certainty and means that it does not satisfy the ‘Effective’ test of soundness as a result.

³ Paragraph 4.1.11, Updated Proposed Submission Version Local Plan (September 2021)

Notwithstanding comments provided below in relation to MM021, land is required to be allocated for residential development which is sufficient in scale to reinstate the 10% flexibility allowance as a minimum. Retaining the full Fiddlers Ferry allocation would go some way to addressing this point of soundness.

Para 4.1.23

Comment – The proposed modification to paragraph 4.1.23 is supported as it clarifies how the density of sites will be considered, in terms of proximity to public transport facilities. However, the proposed text should acknowledge that sites could be made more accessible as part of development proposals, especially where they are large enough to warrant additional or diverted service provision such as at Fiddlers Ferry. Such an approach would make the text consistent with national policy which requires local planning authorities, when identifying sites to meet identified housing needs, to “*consider the opportunities presented by existing or planned investment in infrastructure*”⁴.

In order to ensure the emerging Local Plan is consistent with national policy in this respect, it is requested that paragraph 4.1.23 be amended as follows (additional text in **red**):

To ensure that land is used efficiently, Policy DEV1 encourages the use of high densities in appropriate locations, for example on sites that are close to town or district centres or to public transport facilities. **Sites that are considered to be well served by frequent bus or train services are those within, or which can be made to be within, 200m of a bus stop which has at least 3 bus services per hour or are within 1,200m of Warrington Central, Bank Quay or Birchwood railway stations.** Densities of less than 30 dwellings per hectare (dph) are discouraged except where there is a legitimate planning reason for them, for example to ensure that development integrates successfully with the prevailing built form of the area or to protect the historic environment. The density of development on the allocation sites should be at or above the minimum figures specified in the allocation policies.

Para 4.1.24 to 4.1.33

Object – MM 003 proposes to delete paragraphs 4.1.24 – 4.1.33 and replace the text with a single paragraph relating to housing needs beyond the plan period. The proposed wording of the new paragraph 4.1.24 is insufficient to provide clarity about housing supply beyond the plan period and to demonstrate that Green Belt boundaries can endure beyond the plan period (as required by national policy).

The removal of allocations which would have contributed to housing delivery beyond 2038/39, in particular the southern housing parcel at Fiddlers Ferry (see MM 021 below), reduces certainty that housing needs will continue to be met beyond the plan period. Peel’s representations to earlier stages of the Plan (including its Matter 3 Statement) highlighted a very significant concern that there was insufficient flexibility in the supply of housing land identified in the plan, and that insufficient provision had been made for meeting needs beyond the plan period such that Green Belt boundaries could endure beyond the plan period⁵.

The proposed modifications represent a backwards step in this regard with the removal of part of the Fiddlers Ferry allocation and removing Warrington Waterfront from the housing supply, resulting in a reduction in the (already insufficient) post-plan period supply by 715 dwellings.

⁴ Paragraph 73(d), National Planning Policy Framework (DLUHC, July 2021)

⁵ Paragraph 140, National Planning Policy Framework (DLUHC, July 2021)

In this context, Peel is concerned that the emerging Local Plan, as proposed to be modified, will not be *effective* in meeting longer term housing needs or ensuring that the new Green Belt boundaries will endure beyond the plan period, contrary to paragraph 140 of the NPPF. MM 003 in relation to para 4.1.24 to 4.1.33 is, therefore, not 'sound'. This could be corrected by allocating land which is capable of delivering 715 dwellings beyond 2038 as a minimum. Retaining the full Fiddlers Ferry allocation would go some way to addressing this point of soundness.

MM 005 – Policy DEV4: Economic Growth and Development

Part 1

Object – Peel has previously expressed concerns that the submitted version of the Plan (the Updated Proposed Submission Version Local Plan (UPSVP)) fails to reflect the port-specific employment needs associated with the ongoing operation and potential expansion of Port Warrington. The proposed modifications to Policy DEV4 do not address this identified failing, meaning that the emerging plan continues to fail to provide for all types of employment land required in the Borough.

Peel still maintains that the case behind expanding Port Warrington and providing new employment space at a new Warrington Commercial Park (WCP) are weighty and significant. Its representations⁶ clearly set out that there is a specific need to provide more land to meet Port needs and Port Warrington is central to meeting this need. However, rather than being a high priority, the plan continues to not take into account the specialist justification and need for an expanded Port Warrington to Peel Ports who are a leading maritime business and the primary facilitator in the movement of national and international freight imports and exports across the North West economy.

There are clearly no alternatives in meeting this demand elsewhere, either regionally or locally. The emerging Local Plan therefore fails to take advantage of existing fixed port infrastructure in the borough and is absent in respect of meeting a clear identified need for the port network to expand to accommodate identified growth in port freight demand. This is clearly inconsistent with national planning policy and is unsound. It is also against the plethora of national and regional planning and economic policy⁷ which seeks to support the delivery of port infrastructure to serve the UK economy.

The proposed modifications (and particularly MM 005) do not present a sound and reasonable alternative to meeting specialist needs at Port Warrington and WCP. The emerging Local Plan and the proposed modifications do not meet the identified development needs arising at the Port of Warrington. As a result, much of the benefits that would flow from Port Warrington and WCP will not be realised.

In modifying the Plan, the Council has continued to give insufficient weight to: (a) Peel's own evidence base for Port Warrington and WCP not only in terms of specialist need and benefits but also in respect of constraints and proposed mitigation; and (b) its own conclusions on the suitability, viability and deliverability of Port Warrington and WCP stated within the previous iteration of the Plan and its associated evidence base.

Para 4.2.22

Comment – As noted above in respect of MM 002 to paragraph 3.3.26, an explicit commitment to undertaking a review of the Borough's employment land needs before the end of the plan period is supported. However, Peel is concerned that the current wording at paragraph 4.2.22 is not sufficiently

⁶ See sections 6.18-6.28, Paper 1: Regulation 19 Representations and Chapters 6-8 in Paper 2: Case Making Document

⁷ See chapter 4 of Representations on behalf of Peel L&P (Holdings) and Peel Ports Group – Paper 1 and chapter 5 of Case Making Document – Paper 2

clear in when or how such a review would be undertaken and the factors that would be taken into account in such a review.

MM 021 – Policy MD3: Fiddlers Ferry

Para 10.3.3

Object – Peel objects to MM 021 which proposes to remove the housing allocation from the southern part of the Fiddlers Ferry allocation (Policy MD3) and associated text. Peel understands the basis for this modification is in response to concerns raised by the Inspectors⁸ that the ‘exceptional circumstances’ required to justify the release of this land from the Green Belt have not been demonstrated, with particular reference to:

- (a) The extent of the identified harm to the Green Belt, and
- (b) The potential impacts of housing development on this southern parcel on biodiversity and habitats.

Each of these concerns is considered in turn below.

(a) Harm to the Green Belt

The Inspectors’ post-hearing letter⁹ refers to the southern part of the Fiddlers Ferry allocation site, the proposal (in the Submitted plan) to alter the Green Belt to remove the land proposed for housing and that the land in question was assessed as making a moderate contribution to Green Belt purposes.

Whilst this is correct, it is worth highlighting that the Green Belt assessment considered the contribution to Green Belt purposes made by the wider parcel, rather than just that part which was proposed for release. The wider parcel (WR73) is assessed as making an overall ‘moderate’ contribution to Green Belt purposes; principally in relation to its role in preventing neighbouring towns (Warrington, Widnes and Runcorn) from merging into one another (i.e. purpose 2). The Inspectors conclude that development of this parcel would “*erode this gap*” and would “*represent a substantial encroachment into the countryside*”¹⁰. However, this conclusion fails to recognise that only part of parcel WR73 is proposed for release from the Green Belt in the Submitted plan.

As is demonstrated in WBC’s evidence base, the western part of the southern land parcel at Fiddlers Ferry can be released for development without significantly undermining the purposes of including land within the Green Belt, or indeed significantly encroaching upon or reducing the gap between Widnes and Warrington. In particular, the evidence base¹¹ demonstrates that a new, permanent boundary to the Green Belt could be established to the east of this development parcel, along the line of the Vyrnwy Aqueduct and overhead power lines; both of which need to be retained and therefore provide clear constraints to development. Ground levels in this part of the site are also relevant. The existing landform – comprising a raised lagoon – is at a higher level compared to the aqueduct easement and surrounding marsh land. This provides an existing physical feature which defines the edge of the site and, therefore, would ensure the permanence of revised Green Belt boundaries in this location. The Council’s evidence base clearly identifies that, whilst the southern housing allocation would reduce the separation between Widnes and Runcorn, the gap between the towns is already narrower elsewhere and the remaining Green Belt to the south, combined with the River Mersey and Manchester Ship Canal would ensure that

⁸ As identified in the Inspectors’ post-hearing letter to WBC in December 2022 [ID06]

⁹ ID06

¹⁰ Paragraph 33, ID06

¹¹ Section 4.2, Green Belt Assessment – Fiddlers Ferry (ARUP, 23 April 2021) [Document GB2]

separation is maintained in this location¹². Overall, the removal of the site (as a whole) from the Green Belt will not harm the overall function and integrity of the Warrington Green Belt¹³.

The Inspectors also suggest that the relationship with the built-up area of area of Widnes was not considered by WBC in their consideration of the parcel's contribution to purpose 1 (to check the unrestricted sprawl of large built-up areas. However, parcel WR73 is not directly adjacent to the built-up area of Widnes, so this is would not have affected WBC's findings in respect of the parcel's contribution to purpose 1.

Furthermore, and as explained within WBC's evidence base¹⁴, the pattern of development proposed to the south of the canal / railway line within the Submitted plan reflected the area that is at present used for ash processing and extracting and which, therefore, has a much lower landscape value than the lagoons to the east of the aqueduct. The approach proposed would ensure that development within the site would not have a greater impact on the openness of the Green Belt than the existing development, nor cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land¹⁵.

(b) Potential impacts on biodiversity and habitats

The Inspectors' post-hearing letter recognises that the southern part of the Fiddlers Ferry allocation incorporates part of the Upper Mersey Estuary Local Wildlife Site (LWS) and the St Helens Canal (disused) LWS and lies adjacent to two further LWS. The Inspectors suggest that the potential impacts of the housing development proposed on these designated sites (and related species) have not been fully assessed and, as such, the deliverability of the housing is questioned.

Notwithstanding the ecological designations, the part of the Fiddlers Ferry site that was proposed as the Phase 2 housing allocation comprises the ash tipping area associated with the former power station. The Council's evidence base¹⁶ acknowledges that this area is previously developed and, therefore, the proposal is to redevelop this area for alternative uses following completion of ash extraction. Commercial-scale ash extraction operations are ongoing within Lagoon D, including a range of extraction machinery and a significant number of HGV movements every day. This process is managed and controlled by environmental permits and is ongoing. Given the scale and nature of these extraction/quarrying activities, the ecological and biodiversity value of this part of the Fiddlers Ferry site is minimal.

There are significant areas of the wider allocation site where ecological, environmental and recreational improvements are proposed, following ash extraction, including the eastern lagoons. This provides significant scope to mitigate any ecological impacts associated with the development of housing on the south western parcel. This potential was identified in the Council's evidence base¹⁷ and reflected in the Submitted version of the Plan and can be secured through the required Development Framework.

In this context, Peel maintains that the housing allocation in the southern part of the Fiddlers Ferry allocation should remain within the emerging Local Plan as the Council's evidence base demonstrates

¹² Page 12, Green Belt Site Selection – Implications of Green Belt Release (ARUP, 26 August 2021) [Document GB3]

¹³ Page 13, Green Belt Site Selection – Implications of Green Belt Release (ARUP, 26 August 2021) [Document GB3]

¹⁴ Fiddler's Ferry Power Station – Regeneration Vision (SSE, August 2021) [Document MP2]

¹⁵ Page 14, Fiddler's Ferry Power Station – Regeneration Vision (SSE, August 2021) [Document MP2]

¹⁶ Page 17, Fiddler's Ferry Power Station – Regeneration Vision (SSE, August 2021) [Document MP2]

¹⁷ Page 17, Fiddler's Ferry Power Station – Regeneration Vision (SSE, August 2021) [Document MP2]

that it is 'developable' and new, enduring Green Belt boundaries can be established. WBC has demonstrated that 'exceptional circumstances' exist to review Green Belt boundaries in this location, and those circumstances haven't changed.

Given the wider concerns raised about the inadequacy of the identified housing land supply across the Borough, and the uncertainty that Green Belt boundaries will endure beyond the plan period, the proposed modifications to Policy MD3¹⁸ to remove the southern housing parcel are unsound as they:

- Are not justified: In fact, WBC's submitted evidence base demonstrates that a housing allocation in this location is entirely justified.
- Would not be effective: In meeting housing needs across the Borough within, and beyond the plan period, and
- Are inconsistent with national policy: Housing needs will not be met and WBC has not demonstrated that the revised Green Belt boundaries will endure beyond the plan period.

These issues with soundness could be easily rectified by retaining the southern housing parcel at Fiddlers Ferry within the Local Plan allocation, as per the Submitted version of the Plan. At the very least, this land should be 'safeguarded' as it clearly has the potential to contribute to meeting longer-term housing needs, including beyond the plan period.

Para 10.3.6

Comment – Peel supports the proposed modifications to paragraph 10.3.6 which clarify the nature of the ongoing ash extraction operations to the south of the railway line and canal. These operations are likely to remain ongoing and will, therefore, be reflected within the Development Framework for the allocation site. However, for clarity, it is requested that WBC's proposed modification is tweaked slightly to reflect the future redevelopment potential of the previously developed parts of the southern land parcel. Suggested alternative text is provided below (additional text in red):

The land to the south of the railway line and canal comprises a number of large lagoons which were associated with the cooling operation of the power station and for storage **and extraction** of fly ash deposits. **The extraction of ash from the lagoons remains ongoing as part of the restoration of the land to the south of the railway line and canal.** ~~This land provides for a second phase of development that will start later in the plan period. The western section of this area will be removed from the Green Belt for a minimum of 900 homes,~~ **This land has been included within the allocation site boundary to allow for a comprehensive approach to the regeneration and restoration of all of the operational land associated with the Power Station and in particular to facilitate the future redevelopment of the previously developed part of the site and enhancement of** ~~whilst the remaining lagoons and their setting will be enhanced to provide an ecological and major new recreational resource.~~

Part 1 and Part 2

Object – Peel objects to the proposed reduction in the expected housing delivery within the plan period (Part 1) and the amount of land to be removed from the Green Belt (Part 2) as part of the Fiddlers Ferry allocation. The modifications fail to reflect the development potential of the south-western parcel of the Fiddlers Ferry site (following the completion of ash extraction operations), and the conclusions of the

¹⁸ MM 021 and consequential modifications

Council's evidence base in this regard. Further detail on Peel's position is provided above in relation to paragraph 10.3.3.

At the very least, the southern housing parcel should be 'safeguarded' to meet longer-term housing needs beyond the plan period, given the concerns raised in relation to the adequacy of the identified housing supply within and beyond the plan period raised in Peel's previous representations and reiterated above in relation to MM 003.

Part 5

Support – The modifications to part 5 of Policy MD3 are supported by Peel, particularly in relation to the requirement to consult with adjacent landowners as part of the Development Framework process (in addition to statutory consultees and the local community). This process is already underway, with regular discussions taking place between Peel and adjacent landowners / operators to inform the preparation of the Development Framework. Public consultation on the Development Framework is expected to take place in June/July 2023.

Part 6

Support – Peel supports the proposed modification to part 6 of Policy MD3 which confirms that the Development Framework will be agreed with the Council prior to determination of the application for the first phase of employment development on the site, and before any further planning applications are submitted. This modification reflects the agreement reached between Peel and the Council during the examination hearing sessions and reflected in Document CD31. It reflects that an early phase of employment development can come forward on the site of the former coal stockyard to help facilitate the demolition of the wider power station site. A full planning application (Reference: 2023/00392/EA) dated 24 March 2023 is currently subject to determination for the Phase 1 employment site (comprising c. 1.38 million sq ft of B2 / B8 floorspace).

Figure 19

Comment – Figure 19 has been amended to reflect the change in the Green Belt boundary and removal of the housing parcel from the allocation. The revised diagram (provided at Appendix 1 of the Schedule of Proposed Main Modifications) shows the land to the south of the railway line and canal as 'Ash extraction' and 'Lagoons'. However, these labels are not quite accurate, as the whole area to the south of the railway line and canal comprise existing lagoons which are or could be (due to existing planning permissions and environmental permits) subject to ash extraction operations.

As such, it is requested that Figure 19 is amended to include a single caption for the southern land parcel to reflect 'Lagoons and ash extraction'.

We request that these representations in respect of the Main Modifications be provided to the examining inspectors for their consideration.

Yours sincerely



Anna Relph
Director

