

# Response 908

## Respondent Details

Information	
[REDACTED]	[REDACTED]

## 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 ID number for future reference (pdf attachment).

Name of person completing the form: Damian Girvin

Email address: [REDACTED]

2. What type of respondent are you? Please select all that apply.

Other (please specify):  
Landowner

3. Please complete the following:

Contact details	
Organisation name (if applicable)	Damian Girvin
Agent name (if applicable)	-
Address 1	[REDACTED]
Address 2	[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.

Draft Local Plan (as a whole)

2. Does your comment relate to a specific paragraph (s) or policy sub-number (s)? Please select one option.

Both of the above

**If a paragraph or policy sub-number then please use the box below to list:**  
See attached document: Form B Representation Response 17.06.19 Joint Landowners R18/111

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

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

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 document: Form B Representation Response 17.06.19 Joint Landowners R18/111

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 document: Form B Representation Response 17.06.19 Joint Landowners R18/111

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 document: Form B Representation Response 17.06.19 Joint Landowners R18/111

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 (I understand details from Part A will be used for contact purposes)

**If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:**  
See attached document: Representation Form Part B Response (18.06.19) on behalf of the Joint Landowners R18.111

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: Representation Form Part B Response (17.06.19) on behalf of the Joint Landowners R18.111.pdf - [Download](#)

You have just completed a Representation Form for Draft Local Plan (as a whole). What would you like to do now? Please select one option.

Complete the rest of the survey (Part C)

**Local Plan Review  
Proposed Submission Version  
(March 2019)  
Regulation 19 Consultation**

Representation Form Part B Response  
on behalf of the joint landowners of R18/111  
to accompany Online submission ref: ID Number 119606015

17<sup>th</sup> June 2019

# Contents

## **Executive Summary**

### **1.0 Questions & Responses from Representation Form Part B:**

- 1.1 Question 1
- 1.2 Question 2
- 1.3 Question 3
- 1.4 Question 4
- 1.5 Question 5
- 1.6 Question 6
- 1.7 Question 7

### **2.0 Conclusion**

### **3.0 Appendices**

Appendix 1 Letter from Councillor Mundry

Appendix 2 Bus Photographs & Letter to WBC Planning Policy Manager

# Executive Summary

This statement has been prepared on behalf of [REDACTED] (herein referred to as “joint landowners”) in response to Warrington Borough Council’s (WBC’s) Regulation 19 Consultation on its Local Plan Review - Proposed Submitted Version (March 2019) (herein referred to as “the draft plan”).

It sets out those areas of the draft plan which we consider to not be legally compliant nor sound and identifies where further supporting evidence base work and changes to the overall strategy are required to ensure that any future draft plan is able to robustly proceed through the plan making process.

Within this statement, we have referenced the questions posed on WBC’s Representation Form Part B. In summary, our concerns relate to:

- The Council’s shift away from the growth level proposed by the Preferred Development Option and its seeming abandonment of its ‘City Status’ aspiration to a far more pessimistic overall outlook which fails to support the various northwest initiatives including The Northern Powerhouse;
- The proposed reduction in housing supply numbers from the 24,220 (as put forward by WBC within its ‘Preferred Development Option’ in 2017) down to the 18,900 now being proposed within the ‘Proposed Submitted Version’. This, it would appear, has been driven more by a political rather than planning-based response to the significant public pressure opposing development as was evident during previous consultation stages;
- The plan’s continued over-reliance upon the capacity and delivery of existing sites in the urban area to meet housing needs, particularly in the early years;
- The extent to which two proposed urban extensions (known as the Garden City Suburb and South West Warrington Urban Extension) can be delivered in full during the plan period and in particular how this can realistically address housing needs in the earlier years of the plan;
- The implications of the Council’s proposed reduction in housing supply in respect of the delivery of much needed Affordable Housing especially in the outlying settlement of Lymm;
- The failure to carry out any targeted Affordable Housing Survey in Lymm to assess need to inform projected housing requirements during the plan period;
- Specific constraints of the sites earmarked for allocation in Lymm;
- The Council’s failure to take into account the site-specific benefits of site R18/111. Specifically, its decision to turn down the opportunity presented by R18/111 to address the serious and longstanding highway safety issues inherent with the existing access route to Lymm High school, as identified by both Councillor Hans Mundry (WBC’s Executive Member for Highways, Transportation & the Public Realm) and Councillor Rebecca Knowles (WBC Executive Member and Governor of Lymm High School).

## 1.0 Questions from Representation Form Part B together with respective responses:

1.1 Question 1: *To which part of the Local Plan does this representation relate?*

### Response to Question 1:

1.1.1 This representation relates to The Proposed Submitted Version of the Plan (March 2019).

1.2 Question 2: *Does your comment relate to a specific paragraph(s) or policy sub-number (s)?*

### Response to Question 2:

1.2.1 Our comments relate to the following policies and paragraphs:

Policy DEV1- Housing Delivery  
Policy DEV4 - Economic Growth and Development  
Policy GB1 - Green Belt  
Policy MD2 - Warrington Garden Suburb  
Policy MD3 - South West Urban Extension  
Policy OS5 - Lymm (Massey Brook Lane)  
Policy OS6 - Lymm (Pool Lane)  
Policy OS7 - Lymm (Rushgreen Road/Tanyard Farm)  
Policy OS8 - Lymm (Warrington Road)  
Paragraph 1.2.6  
Paragraph 2.1.37  
Paragraph 2.1.38  
Paragraph 2.1.39  
Paragraph 3.4.4  
Paragraph 3.4.7  
Paragraph 3.4.10

1.3 Question 3: *Do you consider the Draft Local Plan is Legally compliant Sound and Compliant with the Duty to Cooperate?*

### Response to Question 3:

1.3.1 No.

1.4 Question 4: *If you have answered 'No' to any of the options in the above question then please give details.*

Response to Question 4:

There are five main areas why it is considered that the draft plan is unsound. These are as follows:

**(1) An overly pessimistic plan in terms of its proposed overall housing supply:**

- 1.4.1 In July 2017, WBC published its 'Preferred Development Option' which recommended the need for a minimum plan requirement of 24,220 new homes to be delivered during the next plan period. Further, it is relevant that even the 24,220 homes originally proposed was based upon a rate of new job creation that was slower than that of the last decade with the Council's Strategic Housing Market Assessment (SHMA) indicating that a higher level of jobs growth in the Borough would give rise to a requirement for 1,332 homes per annum (26,640 over the plan period).
- 1.4.2 During Lymm's Public Consultation Session and in commenting in response to local residents about the 24,220 homes being proposed, WBC's Head of Planning stated that *'the housing numbers proposed within the Preferred Development Option represented the very minimum that the Council would be able to get away with at external examination'*.
- 1.4.3 Notwithstanding the above, in March 2019 WBC published its revised draft plan. Within it, it details (at paragraph 1.2.6) the level of public objection that had been expressed towards development during the previous public consultation stage and, under Policy DEV 1, now proposes a revised and significantly reduced housing supply figure of just 18,900 new homes during the next plan period. No sound explanation or justification for the proposed reduction has been provided.
- 1.4.4 We believe that the economic strategy is unduly pessimistic, particularly in its assumptions regarding suppressed job growth which conflict with and serve to undermine the initiatives of other agencies and this is leading to an overly constrained approach towards future housing provision.
- 1.4.5 We feel that the approach that appears to now be being taken mirrors that attempted by the neighbouring Local Authority (Cheshire East Council) during the preparation of its recent Local Plan where, faced with significant public objection and resultant political pressure, a similarly pessimistic approach to growth was initially pursued. This again led to an attempt to suppress housing supply numbers. The strategy gave rise to an extremely protracted adoption period following sustained criticisms from the Inspector who called for a far less pessimistic approach to the provision of housing. Ultimately, the adjacent Authority was required to increase its housing supply numbers from 24,000 to 36,000 before its plan was deemed to be sound by the Inspector.
- 1.4.6 It is considered that a similar intervention is required in respect of WBC's revised draft plan so as to ensure a more appropriate quantum of housing be proposed that would be capable of responding positively to the growing demand for all types of accommodation within the Borough and to support the various growth initiatives that are being promoted in the region.

**(2) A far too restricted a distribution of proposed housing across the Borough:**

- 1.4.7 Our concerns were relayed previously in relation to how the plan for development is being concentrated into four main areas, namely; the city centre; wider urban area; waterfront; and, proposed Garden City Suburb and this remains a concern. This is a very significant level of development in effectively a single core area and therefore there ought to be caution about the extent to which the market can deliver in this way in this time-period.
- 1.4.8 Paragraph 3.4.10 of the Draft Plan states *'The Garden Suburb will ensure that a major proportion of Warrington's need for housing and employment land can be met sustainably through comprehensive planning and infrastructure delivery. The scale of the Garden Suburb will also provide capacity for growth well beyond the Plan period,'* This statement acknowledges that the plan seeks to deliver the major proportion of Warrington's new housing in a single area over the next 20-year period. However, there is currently an absence of supporting information setting out how this and the other core development areas will yield such a volume of dwellings particularly in the early years of the plan.
- 1.4.9 We believe that this over dependency creates an imbalance which presents a number of issues when it comes to housing delivery. Firstly, the housing cannot be delivered ahead of the significant enabling infrastructure and so the bulk of this supply is unlikely to be delivered until much later in the plan period or beyond. Secondly, it is likely that the rate of housing delivery will be constrained and restricted owing to commercial saturation of supply in any given single area. This again serves as a barrier to the delivery of housing at a scale and pace that is being relied upon.
- 1.4.10 As with the approach to overall numbers, it is notable that during the preparation of its Local Plan, the adjacent authority also sought to restrict the distribution of housing to a more limited number of areas and this was again the source of significant criticism by the Inspector during his examination of that plan. In the case of the adjacent authority, this led to a requirement to plan for a far better spread and distribution of allocated sites throughout the Borough to ensure the delivery of supply earlier in the plan period in order for the plan to be deemed sound.
- 1.4.11 As Lymm is the largest outlying settlement, the justification for an increased quantum of development in Lymm is supported by The Mid-Mersey Strategic Market Assessment (2016) which, in singling out Lymm as being the most unaffordable part of the Borough, reported *'a severe shortage of smaller family houses and bungalows'* together with a strong market demand in the village. Based on the availability of evidence thus far and reflective of our earlier comments, there are strong reasons why the apportionment of growth to the outlying settlements should be revisited and the proposed quantum of development increased, including in villages such as Lymm.
- 1.4.12 We submit that, in terms of its proposed housing provision in Lymm, the Council's Draft Plan sits in direct conflict with the Framework requirement to significantly 'boost the supply of housing' (paragraph 47). Furthermore, it is considered that the draft plan would only serve to constrain the delivery of housing including affordable homes and compound the lack of supply in Lymm where 'severe' shortages of family homes and significant affordability issues have already been identified by the Council.

**(3) A failure to identify sufficient Safeguarded Land:**

1.4.13 Paragraph 3.4.4 of the Draft Plan states: *'The Council recognises that some of these opportunities will fall outside of the Plan period. Together with the future availability of Fiddlers Ferry Power station and other potential sites within the wider existing urban area, this negates the requirement to take any additional land out of the Green Belt as Safeguarded Land or development beyond the Plan Period.'*

1.4.14 We feel that the above statement is far too vague as it fails to identify specific sites that are known to be available and deliverable during the plan period. As such it is considered that the possible future availability of 'potential sites' should not be relied upon for the purposes of preparing a sound Local Plan.

**(4) A lack of targeted housing needs survey for Lymm and a failure to plan for adequate Affordable Housing provision:**

1.4.15 The minimal 'incremental' growth that the draft plan proposes in Lymm would result in an extremely restricted supply of contingent affordable housing provision.

1.4.16 The Mid Mersey Strategic Housing Assessment (2016) confirms Lymm to be one of the most unaffordable areas within the Borough in terms of its high demand, prices and supply shortages. Paragraph 2.64 of the Assessment states *'In 2014 the median sales value in Lymm was £244,950 compared to Warrington Town £150,000.'* Since that time, prices have increased further with the Council's monitoring period 2016/17 showing average house prices of £175,925 and the most recent period 2017/18 seeing a further increase to £187,471.

1.4.17 The major reason affordable need is high is because the average house price is over six times average household incomes, combined with a falling supply of the Borough's social housing stock as a result of 'right to buy'. Affordability issues are linked to suppressed household formation rates and this is a particular problem for young people and young families and is especially acute in Lymm because of its higher house prices. This is becoming an increasingly urgent issue and is why the need for additional housing, including new affordable homes, is a critically important consideration underpinning the apportionment of future development, particularly to the outlying settlements.

1.4.18 WBC's draft local plan seeks to provide a minimum of 430 dwellings in Lymm during the plan period. Based upon the proposed policy of 30% affordable homes, up to 129 dwellings would be Affordable homes to meet existing and emerging local need. This would equate to the delivery of just 6.45 Affordable dwellings per annum for the next 20-year period into what is Warrington's largest and most unaffordable outlying settlement. We think this it is wholly unrealistic to think that such a restricted supply of Affordable housing over the next 20 years could do anything other than compound the current affordability issues that Lymm faces.

- 1.4.19 It is notable that the proposed 6.45 annual Affordable dwelling supply for Lymm falls significantly below the level of affordable housing requirement detailed within Lymm's 2002 Village Design Statement which some 17 years ago identified a need for '10-15 affordable units per annum between 2002 and 2012'. This was at a time when house prices were approximately half what they are today.
- 1.4.20 Discussions with the Council have indicated that no up-to-date housing needs survey has been undertaken in the local area. Before the future housing requirement for Lymm is fixed, this evidence is needed, to ensure that the Council's overall housing strategy makes adequate provision for affordable housing and addresses evidence of local need.
- 1.4.21 It is noted that Paragraph 3.4.7 of the Draft Plan states that *'The Plan's proposed housing requirement **will ensure that issues of affordability are addressed** and that that sufficient homes are provided to support the planned level of economic growth'*.
- 1.4.22 Given the absence of any current targeted affordable needs survey for Lymm and the fact that the draft plan proposes an Affordable housing delivery rate half that deemed to be required in 2002 when affordability issues were far less severe, we would question the validity of paragraph 4.3.7 of the Draft Plan in its claim that the proposed housing will address issues of affordability during the plan period.

**(5) A failure to take in to account site specific benefits in respect of R18/111:**

- 1.4.23 In responding to the Council's Call for Sites, the landowners of R18/111 put forward a comprehensive submission which highlighted the opportunity that the land presented for the Council to address a long- standing and significant highways safety problem relating to the current Oughtrington Lane access route to Lymm High School.
- 1.4.24 The problem inherent with the primary Oughtrington Lane access route to the school were detailed within a report commissioned by WBC and Lymm High School in 2008. The report was called 'LHS Travel Plan Report' and was appended to our original submission to the Call for Sites process. The report detailed:
- 'Oughtrington Lane is too narrow'***  
***'Buses driving on the pavements'***  
***'Incidents of pupils being hit by bus wing mirrors'***  
***'A new road needs to be built to Lymm High School'***
- 1.4.25 In 2016, SK Transport Highways Engineers carried out an assessment of the Oughtrington Lane route and established that, owing to the narrowness of the route, it was physically impossible for the school buses that use the route to pass safely without driving on the footpath.

1.4.26 In raising her concerns regarding the current highway safety situation on Oughtrington Lane and the activity of the Council-owned bus company as identified within the photographs and video evidence collected by SK Transport Highways Engineers, Councillor Rebecca Knowles stated:

***'It's inarguable and I know that the Headteacher thinks it's inarguable and he's worried, he thinks it's a matter of time before there is an incident, well there have been incidents at various points, but another incident, but again the moment to go heavy on that is if you get through, but I think having some very persuasive evidence and again that won't be any surprise, the bus company know that, the local authority highways people will know that, they've been down this route before and they're aware of the situation, it will resonate with them when they see that. It's a nightmare, a real nightmare.'***

Cllr Rebecca Knowles,  
WBC Executive Member for Statutory Health & Adult Social Care  
Deputy Chair Governor - Lymm High School  
7<sup>th</sup> December 2016

1.4.27 In February 2017, the landowners of R18/111 met with the WBC's Highways Department and the Executive Board Member for Highways & Transportation to view the photographs and video footage that had been issued to the Council by SK Transport Highways Engineers. Subsequent correspondence received from the Council (dated 10 February 2017) (see Appendix 1) formally acknowledges their continued concerns with regards the use of this route by school buses (which cater for over 700 pupils) and importantly, advocates support for the joint landowners' alternative access solution which development of the Higher Lane site could facilitate.

***'I would like to record that the facility for buses to use the proposed new spine road through your site and board / alight students near the northern end of your proposed development would significantly aid the movement of students, approximately 700 of which are transported via bus services from various parts of South Warrington to Lymm High School. This new road would reduce the traffic levels on the approach to the existing entrance to the school off Oughtrington Lane, particularly at the beginning and end of the school day.'***

***The existing width of Oughtrington Lane does not facilitate two buses (or one bus and another large vehicle) to pass safely and as a consequence vehicles, including 10 double deck bus movements, are regularly mounting the pavements to maintain flows'***

Cllr Hans Mundry,  
WBC Executive Member for Highways, Transportation & Public Realm  
10<sup>th</sup> February 2017

1.4.28 We believe that the respective positions relayed by Councillors Knowles and Mundry as well as the Headteacher of Lymm High School are important and should have been material considerations in the selection of land allocations in Lymm given the opportunity presented by R18/111 to significant opportunity to address the existing highway safety situation on Oughtrington Lane. This is particularly the case if the school is going to come under increased pressure to expand and improve its current service offering (in terms of leisure facilities) resulting in more school traffic and school children using this route.

### 1.5 Question 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.*

#### Response to Question 5:

1.5.1 Not applicable

### 1.6 Question 6

*Please set out modification(s) do 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.*

#### Response to Question 6:

To ensure a compliant and sound Plan, we would suggest the following modifications:

In response to (1): **An overly pessimistic plan in terms of its proposed overall housing supply:**

1.6.1 In order to support the various regeneration and growth initiatives including 'Warrington Means Business', 'The Science Corridor', 'Mersey Dee Economic Axis', 'The Constellation Partnership' and 'The Northern Powerhouse Partnership (NPP)', we do not think it is right for WBC to assume that overall levels of job growth in the plan period will not match levels achieved in the last 20 years i.e. jobs growth will slow down which it is what has done to arrive at its draft plan housing numbers. However, we believe that, given the various growth initiatives that are either planned or underway, there is a greater chance that job growth could match if not exceed historic levels in the Borough.

1.6.2 In addition, whilst acknowledging the political pressure being exerted as a result of the objections voiced by many existing homeowners in the borough who are opposed to development, we think it would be misguided for this to be allowed to artificially suppress housing supply numbers to the detriment of those who require homes both now and for future generations.

1.6.3 Consequently, we would call for a proportionate increase in housing delivery in ensuring that the workforce can live locally and that there is a decent supply of homes which are affordable that takes into account the likely job growth forecasts. To this end, we would suggest a return from the 18,900 new homes now being proposed to at least the 26,640 the Council's Head of Planning stated to represent the very minimum that should be delivered when commenting in support of WBC's Preferred Development Option.

In response to **(2) A far too restricted a distribution of proposed housing across the Borough:**

1.6.4 The Government has indicated its wish to accelerate housing delivery as quickly as possible to respond to the UK's identified housing crisis. For this to be achievable, it is important that Local Plans allocate a broad range of sites that are genuinely deliverable in the short and medium term of the plan periods. WBC's draft plan fails to do this as it is overly dependent upon a small number of very large sites for which major infrastructure is required before significant levels of housing can be delivered.

1.6.5 As a result, we would call for a release of additional land that is deliverable earlier in the plan period without dependency upon significant levels of new supporting infrastructure and a far better distribution of development across the Borough as a whole.

1.6.6 We would also call for a significantly increased housing allocation for Lymm and certainly greater than the incremental growth that WBC is proposing in what is the Borough's most geographically popular housing location.

In response to **(3) A failure to identify sufficient Safeguarded Land:**

1.6.7 We do not think it is acceptable to negate the need to identify Safeguarded land by relying upon potential but unspecified sites within the urban area. As such, we would recommend that the Plan makes it clear which sites it is relying upon to serve as Safeguarded land as well as the capacity, availability and timescales associated with those sites.

In response to **(4) A lack of targeted housing needs survey for Lymm and a failure to plan for adequate Affordable Housing provision:**

1.6.8 WBC's draft plan claims that it will address affordability issues within the Borough. However, both WBC and Lymm Parish Council have confirmed that no targeted affordable housing needs survey has been carried out to properly assess the scale of the housing need in Lymm. We would question how it is possible to claim that a housing affordability issue will be addressed by a plan when there has been no attempt to measure and assess the true scale and nature of that problem.

1.6.9 Therefore, we would reiterate our call for an up-to-date Affordable housing needs survey to be carried out in Lymm to assess the level of need and to gather evidence in relation to hidden households and unmet demand as well as likely emerging housing need at a local level during the plan period. Further, once gathered, for this evidence to be considered in the context of the 6.45 Affordable homes that the draft plan is likely to deliver annually into Lymm during the plan period to establish if the allocation proposed by the draft plan will be successful in addressing the supply and affordability issues in Lymm as has been claimed.

In response to **(5) A failure to take in to account site specific benefits in respect of R18/111:**

1.6.10 We feel that the respective positions relayed by Councillors Knowles and Mundry as well as the Headteacher of Lymm High School in relation to the existing bus route to the School, are important and should be reviewed in the context of the opportunity presented by R18/111 to address the situation. We accept that, to date, there has been little option but to make the Oughtrington Lane route work as well as it can despite the risks that are being taken and the unlawful activity that this entails. However, to choose to not take-up an opportunity to address a real problem that has already been identified both by the school and WBC as well as by other key individuals in positions of responsibility for the safety of children and to instead elect to continue with the same situation for the next 20 years, ignores the risks being taken and would seem to us to undermine the very purpose of what planning should seek to achieve.

1.6.11 Consequently, we would urge the Council to review the evidence submitted by the joint landowners submission for the Higher Lane site along with the information and photographs contained with the letter dated 14<sup>th</sup> March 2018 to WBC's Planning Policy Manager (Appendix 2) and the position detailed by Councillor Mundry within his 10<sup>th</sup> February 2017 letter (Appendix 1) with a view to reconsidering the opportunity R18/111 presents to address the dangerous highways safety situation that exists on Oughtrington Lane in Lymm.

### 1.7 Question 7

*If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination. If you wish to participate at the oral part of the examination, please why you consider this to be necessary:*

#### Response to Question 7:

1.7.1 Yes, we do wish to participate at the oral part of the examination. We feel it is important that we are given the opportunity to be involved in the examination process of the plan in order to explain in more detail our concerns to the Inspector and to take part in the discussions regarding the plan in a transparent and open way.

## **2.0 Conclusion**

2.1 In addition to the response provided to the question posed within the representation form B, we would like to take the opportunity to confirm that the Higher Lane site remains available and deliverable for the purposes of WBC's Local Plan Review. The joint landowners are currently in talks with a number of potential delivery partners whom are interested in taking forward both the residential and extra care elements of the scheme.

### 3.0 Appendices

#### Appendix 1

Letter from Cllr Hans Mundry Highways, Transportstion & Public Realm - 10<sup>th</sup> February 2017



**WARRINGTON**  
Borough Council

Professor Steven Broomhead  
Chief Executive

Cllr H Mundry  
Portfolio Holder (Highways, Transportation &  
Public Realm)

New Town House  
Buttermarket Street  
Warrington  
WA1 2NH

Mr Damian Girvin  
[Redacted]

Our Ref:  
Your Ref: STS/320/AJ

February 10, 2017

Dear Sir

#### Proposed Development – Lymm

Further to our recent meeting pertaining to your submission to the 'Call for Sites' process for new developments in the Warrington Borough Council area.

I have received details of your proposal, which plans to develop land to the north of the A56 and east of Oughtrington Lane in Lymm. I would like to record that the facility for buses to use the proposed new spine road through your site and board / alight students near the northern end of your proposed development would significantly aid the movement of students, approximately 700 of which are transported via bus services from various parts of South Warrington to Lymm High School. This new road would reduce the traffic levels on the approach to the existing entrance to the school off Oughtrington Lane, particularly at the beginning and end of the school day.

The existing width of Oughtrington Lane does not facilitate two buses (or one bus and another large vehicle) to pass safely and as a consequence vehicles, including 10 double deck bus movements, are regularly mounting the pavements to maintain flows which, in turn, have the potential to increase the safety risk of road users, bus passengers and pedestrians alike.

Yours faithfully,

[Redacted]  
Councillor Hans Mundry  
Portfolio Holder (Highways, Transportation & Public Realm)

warrington.gov.uk

## Appendix 2

Bus Photographs and letter issued to Michael Bell (WBC's Planning Policy & Programmes Manager) 14th March 2018 Higher Lane land Lymm



14<sup>th</sup> March 2018

Dear Mr Bell,

### Re: Higher Lane Land, Lymm - (R18/111)

Further to the submissions to the Council made on our behalf by Indigo Planning, I write to you in your capacity as WBC's Planning Policy & Programmes Manager and further to Andy Farrall's suggestion that I contact you and the Local Plan Team. The purpose of this letter is to re-emphasise the seriousness of the highways safety situation that exists on Oughtrington Lane and to reiterate how land we have put forward in response to the Council's 'Call for Sites' process can provide the Council with a solution. The letter also relays comments and statements that have been made by Councillors and others about what is taking place on Oughtrington Lane.

As you are aware, the Higher Lane land occupies the area between Lymm High School and the main A56 and, as a result, offers a number of advantages including the ability to provide a new bus access road to Lymm High school served directly from the A56. The delivery of this infrastructure would enable the Council to address the long-standing highway safety problems inherent with the school's existing Oughtrington Lane route as have been identified by the Council. Having discussed matters with Councillor Rebecca Knowles, who is a Governor at the school, I am also acting upon her advice that we approach the Council about the proposal.

### Why is a new access route to the school required?

Oughtrington Lane currently serves as the primary access route to Lymm High School. The Council use the route to transport 700 pupils to and from the school each day using ten double-decker buses. The lane is narrow and only has a small pavement to one side. On the 10<sup>th</sup> February 2017, Councillor Mundry (WBC's Executive Board Member and Portfolio Holder for Highways, Transportation & Public Realm) issued a letter in which he stated the following about how the Council's buses were making the Oughtrington Lane route 'work':

***'The existing width of Oughtrington Lane does not facilitate two buses (or one bus and another large vehicle) to pass safely and as a consequence vehicles, including 10 double decker bus movements, are regularly mounting the pavements to maintain flows which, in turn, have the potential to increase the safety risk of road users, bus passengers and pedestrians alike.'***

Cllr Mundry  
Letter - 10<sup>th</sup> Feb 2017  
(Appendix 1)



Photo showing school bus on Oughtrington Lane driving along the pavement to make way for an oncoming van beyond the black car. (Photo from YouTube video)

In Autumn 2016, a fresh assessment of the Oughttrington Lane route was undertaken by SK Transport Highways Engineers. Their report detailed how the narrowness of the lane made it unsuitable as a bus access route to Lymm High School. The report, a copy of which is with the Council, explained how it was the dimensional width of the carriageway that made it physically impossible for wider vehicles to pass and this was why the pavements were regularly being used by the Council's buses. It also detailed how, because of the other heavy traffic that followed the school buses down Oughttrington Lane at peak times, there was no practical alternative for the bus drivers but for them to drive along the pavements in order to maintain traffic flows.

As part of their assessment, SK Transport took photographs to show how Oughttrington Lane was being made to 'work' - see Appendix 2 of this document or view online at:

<https://www.higherlanelymm.co.uk/newaccess-road-for-lymm-high-school/existing-highways-route/>

SK Transport also collected video footage of the buses driving on the pavement and this has now received over 1600 views on YouTube. We would urge you, Council Officers and Councillors to view this footage at: <https://www.youtube.com/watch?v=mZSlc9Jgnio>

In February 2017, a meeting took place with the Council to discuss the highway safety problems on Oughttrington Lane and the solution that could be provided by the Higher Lane land. During the meeting, both Councillor Mundry and Alyn Jones (WBC's Specialist Transport Manager) explained that, whilst the Council was aware of the existing issues on Oughttrington Lane, owing to budget constraints and the multiple ownerships of land along the route, the Council had no way of addressing the narrowness of the lane. As a result, both Councillor Mundry and Alyn Jones relayed their support for the idea of a new access road to the school as part of the Higher Lane proposal and this was subsequently confirmed within Councillor Mundry's letter of the 10<sup>th</sup> February 2017 (see Appendix 1).

Therefore, the Council has now acknowledged there to be a significant problem on Oughttrington Lane and one which relies upon its buses driving unlawfully along the pavements when faced with an oncoming wide vehicle. Whilst the drivers are doing what they can to make the route 'work', this does not change the fact that what they are doing to overcome the width deficiency is illegal and represents a clear and frequent breach of health & safety legislation. Furthermore, it would be difficult to see how the Council's awareness of how the route is being used would not have implications for the validity of its public liability insurances, should an incident occur.

Whilst it is true that all schools access routes experience busy periods at peak times, what happens on Oughttrington Lane goes far beyond what could be described as reasonable or acceptable activity. Clearly, the Council has a duty of care, not only to the pupils it transports on its buses, but also to other pupils and members of the public who have no alternative but to use the pavement on Oughttrington Lane each day. As a result, we believe that the Council has a responsibility to take steps to address a situation on Oughttrington Lane which has already been allowed to carry on for far too long.

### **So how long has the problem been known about?**

The way in which the buses use the pavements on Oughttrington Lane has been known to Lymm High School and the Council for many years. In 2008, the school, in conjunction with the Council, commissioned a report to assess the school's travel & highway safety arrangements. The report was entitled 'Lymm High School Travel Plan 2008' and it stated the following within its findings:

***'Buses using the pavements'***

***'There have been a number of incidents over the last few years of pupils being hit by bus wing mirrors'***

***'Narrow footpaths on Oughttrington Lane causing a danger to pupils as pedestrians'***

***'A new road needs to be built to the school'***

Lymm High School Travel Plan 2008

The assessment carried out by SK Transport Highways Engineers in 2016 confirmed that the same activity as had been recorded by the school and the Council back in 2008 was continuing to take place on Oughtrington Lane some nine years later. Further, emails and letters that we have received from ex-Lymm High School pupils, local residents and one from a former Governor at the school, detail how, to overcome the narrowness of the lane, the Council's buses have been driving along the pavements ***'for at least the past 28 years'***.

#### **The Solution being offered by the Higher Lane land:**

The Higher Lane land adjoins Lymm's eastern settlement boundary and exists as the only undeveloped area of land between Lymm High School and the main A56 (Higher Lane). As a result, it provides the only way in which a new road could be built to access the school from the A56.

The proposed new bus access road would be delivered as part of the Higher Lane scheme and would lead to a dedicated pupil drop-off and collection zone adjacent to the school's original rear drive (see Appendix 3). The new route would also incorporate wide footpaths and dedicated cycle lanes to improve pupil safety and the overall accessibility of the school.

Consequently, the allocation of the Higher Lane land as part of the Local Plan Review would provide the Council with the opportunity to secure this new infrastructure which would bring an end to the dangerous way in which Oughtrington Lane is currently being made to 'work' and at no-cost to the Council. It would also address pupil / bus conflict more generally, promote cycling to the school and deliver a far safer highways situation, both for the school, its pupils and the general public.

#### **Raising awareness of the problems on Oughtrington Lane & the Higher Lane solution:**

As part of a public consultation exercise, a brochure for the Higher Lane proposal was distributed to all Lymm addresses in Autumn 2017. The brochure detailed the highway safety issues on Oughtrington Lane and explained how the allocation of the land would provide the opportunity to build a safe new bus route to the school. The brochure also highlighted some of the other key benefits unique to the Higher Lane land which include:

- Its direct highways access onto the A56 (Lymm's only arterial trunk road). This would ensure that a development would not direct traffic through Lymm's village core nor exacerbate congestion on the Rush Green Road / Warburton Bridge side of Lymm;
- The gifting to the Council of 10 acres of land for sport & recreation immediately adjacent to Lymm High School, Lymm Leisure Centre and Lymm's Hockey & Cricket Club facilities. This would respond directly to the identified deficit of sports pitches in Lymm as detailed within the Council's Settlement Profile document (July 2017). The provision of this land could also provide the Council with scope to enable the future redevelopment / expansion of Lymm's Leisure Centre which the Council assessed in 2017 to have a ***'poor quality'*** rating.

Along with the brochure, a website for the Higher Lane proposals was also launched last year. This can be found at: [www.higherlaneland.co.uk](http://www.higherlaneland.co.uk) It provides further information about the proposals and provides a copy of Councillor Mundry's letter. It also includes photographs together with the video showing how Oughtrington Lane is currently being made to 'work'.

**Statements made by Councillors & Lymm High School:**

**Cllr Rebecca Knowles** (WBC Councillor & Lymm High School Governor) has confirmed that both she and the Headteacher of Lymm High School are very worried about the current highway safety situation on Oughtrington Lane.

Councillor Knowles, who is a former solicitor with a background in negligence, has stated that the existing Oughtrington Lane route is **'not fit for purpose'** and has described the situation the Council is presiding over on the lane as **'inarguable'**. Councillor Knowles has also stated that **'the Headteacher thinks it's only a matter of time before there's another incident'**.

In relation to pupil safety, the Headteacher of the School has recently written to all pupils and parents stating that **'health and safety always has to be the school's main concern'**.

Furthermore, the School's Travel Plan (2008) states that its 'Aims and Aspirations' are: **'to improve the safety of the journey to and from school for all'** and advises that **'The School Governors have always supported actions to address the traffic problems'**.

**Cllr John Bamforth** (Lymm Parish Council Chairman) has issued an email which has been forwarded to us by a concerned Lymm resident. Within his email to her, Councillor Bamforth has expressed his own concerns about the situation on Oughtrington Lane and, in describing the use of the pavements by the Council's buses as **'illegal'**, has called for the matter to be referred to Cheshire Police.

Notwithstanding Councillor Bamforth's suggestion to involve the Police, it is clear from the highways assessment undertaken by SK Transport that the activity taking place is a consequence of the drivers being required to follow a route which the Council already know to be too narrow to enable wider vehicles to pass safely. For this reason, I think it would be unfair to blame the bus drivers for this situation as they have no choice in the route they are being instructed to follow. Further, it is clear that the Police could not do anything to address the root cause of the problem which is the physical unsuitability of the lane.

**Cllr Hans Mundry** (WBC's Executive Board Member and Portfolio Holder for Highways, Transportation & Public Realm) has been clear within his letter in respect of the Higher Lane proposals. He has acknowledged the way in which the Council buses regularly use the pavements on Oughtrington Lane because of the narrowness of the route. He, along with Alyn Jones of the Council's Highways Department, has explained why the existing route cannot be widened and, having viewed the photographs and video footage collected by SK Transport, has issued a letter of support for the delivery of the new bus access road as part of the Higher Lane proposals.

Within his letter dated the 10<sup>th</sup> February 2017, Councillor Mundry stated:

***'I have received details of your proposal, which plans to develop land to the north of the A56 and east of Oughtrington Lane in Lymm. I would like to record that the facility for buses to use the proposed new spine road through your site and board / alight students near the northern end of your proposed development would significantly aid the movement of students.'***

Cllr Mundry Letter  
10<sup>th</sup> Feb 2017  
(Appendix 1)

**The importance being placed on highway safety elsewhere in Lymm:**

On the 31<sup>st</sup> January 2018, I attended the planning meeting for the Ravenbank House proposal on Pepper Street in Lymm (Ref: 2017/31074). As the debate about the application progressed, what struck me most was how the discussions between Councillors were almost entirely dominated by their concerns about child highway safety and it culminated in them stating that ***'the Council needed to make highway safety of paramount importance for the children at the nearby school.'***

Whilst I agreed with the Councillors' position, it did make me wonder, if it is the case that the Council place child highway safety as paramount, how has it ever been possible for the Council to have allowed a situation on Oughtrington Lane to continue for so many years, and one that sees its own double-decker buses drive along the pavements which are used by pupils walking to school? And equally, if child highway safety is the Council's top priority as the Councillors claimed, how could it ever be defensible for the Council to allow the current situation on Oughtrington Lane to continue now that a no-cost solution is being offered as part of the Higher Lane proposals?

**Summary**

As landowners, we are obviously eager to highlight the merits of our own land. However, the current Local Plan Review provides the Council with the opportunity to deliver solutions to identified problems within the Borough. As the person ultimately responsible for Highways, Transportation & Public Realm, Councillor Mundry has formally acknowledged that the Council has a significant highways safety problem on Oughtrington Lane and one which currently relies upon the Council's buses regularly engaging in activity that is illegal. As a result, we would now urge other Councillors and Council Officers to give due consideration to the Council's position in respect of the risks that are being taken on Oughtrington Lane and further, to support Councillor Mundry's efforts to secure a safer highways solution through the allocation of the Higher Lane land.

If you could please provide response to the issues raised in this letter and confirm its safe receipt, I would be grateful.

Yours sincerely,



Damian Girvin  
On behalf of The Higher Lane landowners

cc.

Cllr Terry O'Neill - WBC Leader  
Cllr Hans Mundry - WBC Portfolio Holder for Highways & Transportation  
Cllr Tony McCarthy - WBC Chair Development Management Committee  
Cllr Cathy Mitchell - WBC Director Warrington Borough Transport Ltd  
Andy Farrell - WBC Executive Director for Environment and Regeneration  
Matthew Cumberbatch - WBC Head of Legal and Democratic Services and Monitoring Officer



**WARRINGTON**  
Borough Council

Professor Steven Broomhead  
Chief Executive

Cllr H Mundry  
Portfolio Holder (Highways, Transportation &  
Public Realm)

New Town House  
Buttermarket Street  
Warrington  
WA1 2NH

Mr Damian Girvin  
[Redacted]

Our Ref:  
Your Ref: STS/320/AJ

February 10, 2017

Dear Sir

**Proposed Development – Lymm**

Further to our recent meeting pertaining to your submission to the 'Call for Sites' process for new developments in the Warrington Borough Council area.

I have received details of your proposal, which plans to develop land to the north of the A56 and east of Oughttrington Lane in Lymm. I would like to record that the facility for buses to use the proposed new spine road through your site and board / alight students near the northern end of your proposed development would significantly aid the movement of students, approximately 700 of which are transported via bus services from various parts of South Warrington to Lymm High School. This new road would reduce the traffic levels on the approach to the existing entrance to the school off Oughttrington Lane, particularly at the beginning and end of the school day.

The existing width of Oughttrington Lane does not facilitate two buses (or one bus and another large vehicle) to pass safely and as a consequence vehicles, including 10 double deck bus movements, are regularly mounting the pavements to maintain flows which, in turn, have the potential to increase the safety risk of road users, bus passengers and pedestrians alike.

Yours faithfully,  
[Redacted]

Councillor Hans Mundry  
Portfolio Holder (Highways, Transportation & Public Realm)

warrington.gov.uk

Some of the photos submitted to the Council by SK Transport in Autumn 2016 showing how Oughtrington Lane is being made to 'work'.

School bus driving along Oughtrington Lane pavement.



Double-decker bus mounts and drives along the pavement in order to pass.

School bus drives past pupil pedestrians within inches of their coats and bags.



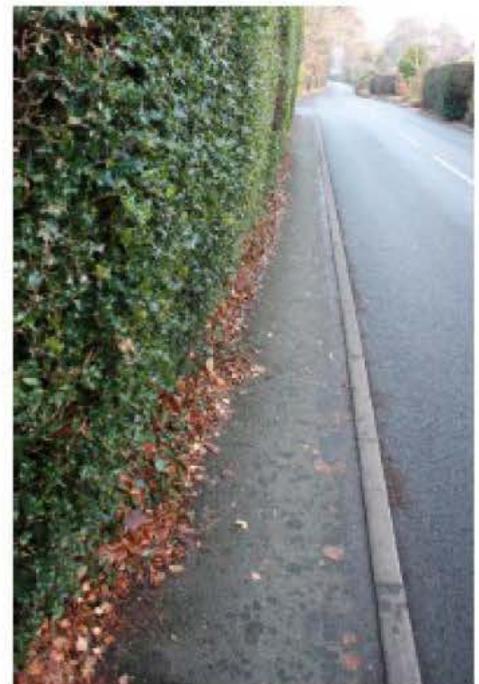


Double-decker bus driving on the pavement to accommodate queuing traffic.

The photo below show the narrowness of the pavement on Oughttrington Lane which only exist to one side. These are the pavements being used by the Council's buses.



Owing to the narrowness of the lane, the bus is over the centre line resulting in an oncoming vehicle taking to the footpath to pass.



Double-decker bus uses pavement to pass.



The Aerial view below shows Lymm High School & Leisure Centre and illustrates how a new bus route could lead directly from the A56 Higher Lane to connect with the school's original driveway. It also shows the school's existing narrow Oughtrington lane route.

