



Satnam Proof of Evidence - **Rebuttal**

CG1 & CG9

Produced by Peter Black

Rule 6 Party

Peel Hall - APP/ M0655/W/17/3178530

CG1

Satnam Proof of Evidence Rebuttal

1 INTRODUCTION

- 1.1 I am Peter Black, a Chartered Town Planner with experience of over 20 years in town planning, transport, climate change and sustainable development. I served as an elected Councillor in Warrington 1995-2001 and am familiar with the site.
- 1.2 CG1: 1.4 states that the original application was turned down 'broadly relating to lack of information' with the implication that provision of information would make the proposal acceptable in planning terms. This is misleading. Although there was indeed a lack of information, and it is not clear why this was not provided at the outset, this lack meant that no-one knew what the effects of the application would be and that the effects could be disastrous for the local community.
- 1.3 CG1: 1.8 *"This plan shows how the site can be developed, respecting the important key features and characteristics of the site (as shown in the Parameters Plan) for a housing led development scheme suitable to the location of the site and its surrounding land uses."* We do not believe this to be the case. The site is not in a location to that would provide a sustainable development.
- 1.4 Throughout the process, and up to the end of August 2020, the applicant has changed the scheme including masterplan, location plan, uses, amount of housing, basic vehicular access and many other matters. This has resulted in a deluge of information that is hard for the local community to even read, let alone understand what the proposal involves. We think that the application is now so far from what was originally submitted that it should have been withdrawn and a 'clean' version submitted with a clear outline of the proposal and assessment of its effects.
- 1.5 As we have a number of comments about the Health Impact Assessment, these are put into a separate section 3.

2 SPECIFIC REBUTTALS

- 2.1 At 2.2 CG1 mentions 'organic growth'. This is not defined, and we have no idea what this phrase means. It is obvious from other parts of the application that a standard volume-builder speculative development is proposed, no different from any other car-dominated development around the country. 2.2 suggests there may be cycleway and pedestrian links, but these are subservient to the road network and no evidence is provide on numbers of people who may cycle or walk, or for what purpose, and the TA assumes everyone will drive.
- 2.2 Further, 2.2 suggests the aim is to 'achieve smaller, more resilient community neighbourhoods'. But apart from a central supermarket, and a pub no doubt run by a national chain, no facilities are provided in any of the neighbourhoods and how these might become communities. The New Town employed a network of community development workers, provided 10% larger Primary Schools with dedicated community space plus a dedicated community budget. There is no information to suggest that the developer is going beyond the bare minimum or will voluntarily make any contribution to the community that it is not required to by the local planning authority.

- 2.3 CG1: 2.5 suggests that the residential mix will be 'changed to suit market conditions and demands prevailing at the time'. This demonstrates that the developer is not concerned with creating a sustainable community or meeting any local housing need, just building the optimum mix of houses for the market at the time they are sold.
- 2.4 Similarly at CG1: 2.6, it is odd that there is no indication of what sort of affordable housing would be provided, although we could speculate that it would be the noisy, polluted apartments along the M62 that might be difficult to sell into the private market. In any case, 30% should be taken with a pinch of salt, as the first thing that the applicant would do should permission be granted is to commission a viability assessment that shows the level of affordable housing is 'unaffordable'. We are not holding our breath on the quality or even provision of affordable housing.
- 2.5 CG1: 2.7 states: '*All housing areas will have safe and easy sustainable forms of access to local services and facilities, both within the existing built up area and those proposed as part of this scheme.*' We disagree and consider the needs of sustainable public transport, safety of cyclists and pedestrians have been subjugated for easy access for vehicles.
- 2.6 CG1: 2.8 mentions '*possible health and community use buildings*'. If these are not specified at this stage (and they are not), then it is highly unlikely they will ever be provided, and these should be discounted from the planning balance.
- 2.7 CG1: 2.9 states '*It is located within easy walking distance of the proposed and existing housing south of the site.*' We disagree, for example to walk from Radley Lane is more than 1.5 miles to Fearnhead Cross shops and a round trip of more than 3 miles is not an easy walking distance, particularly for older residents and residents with young children.
- 2.8 CG1: 2.14 "In addition a nearby primary school, Meadowside Primary School (within walking distance from the site) is nominated for expansion." We disagree, for example, to walk to this school from the far end of the site could see residents and young children walking up to 2.3 miles and about a mile from the other side. We do not see this as acceptable distances.
- 2.9 CG1: 2.16 '*.....It will be accessible from all parts of the development scheme and existing neighbourhoods.*' We understand and it was confirmed by the appellant at the PI that the provision of sports facilities will be primarily for the use of new residents.
- 2.10 CG1: 2.18 "... That leads to the open countryside over the motorway." We disagree as the motorway bridge leads to farm tracks, through a farm and onto the footpaths serving Winwick and the A49.
- 2.11 CG1: 2.23 - For clarity, the Rule 6 Party is strongly against any future consideration of a future 'through route'.
- 2.12 CG1: 2.24 and 2.25 mention the Environmental Statement in rather dry terms. It has been almost impossible for anyone involved in this application to follow the environmental effects of the scheme. Evidence has been provided outside the EIA process and incorporated later in a bewildering series of amendments. The Non-Technical Summary is anything but 'Non-Technical' and would be almost impossible for a layperson to understand. We do not think Satnam have followed the spirit of the EIA process.
- 2.13 CG1: 2.25. The Rule 6 Party strongly disagree that the proposed development will have '*little or low*' impact on the locality. This is evidenced in the residents' testimonies and our proofs.

- 2.14 At 2.26 CG1 sets out the matters agreed between the Council and the appellant. The Rule 6 party does not agree these matters are settled and that there are a host of planning issues where there is no meeting of minds.
- 2.15 CG1: 2.27 misquotes the February 2017 Council Committee Report. While the Council may have suggested that site development is 'capable bringing significant potential benefit', this is NOT the same as 'confirms the acceptability of the proposals' – indeed the Committee Report recommended refusal, so clearly officers (and subsequently elected representatives) did not think the proposals were acceptable.
- 2.16 Even if the report had recommended approval (which it did not), then the officer advice would have been simply advice. The corporate decision of the Council, which includes elected representatives was to refuse the application precisely because it wasn't a proposal that either officers or members could support. CG1: 2.27 is just irrelevant padding.
- 2.17 CG1: 2.27 and 3.10 repeat the 'potential to deliver substantial transformational benefits'. However not only is this just officer advice and therefore irrelevant, this was also dismissed comprehensively by the previous Inspector who pointed out that no-one had explained or demonstrated what these benefits might be to the local community – he ascribed this aspect little weight.
- 2.18 CG1: 3.12 states the area is 'well served by public transport'. This presumably refers to the slow, infrequent, unreliable diesel buses whose patronage has fallen off a cliff all over Warrington. Presumably, the developers' team don't generally use buses.
- 2.19 CG1: 3.13. Existing doctors and dentist surgeries are oversubscribed. Amenities and schools are not in acceptable walking distances as previously explained.
- 2.20 CG1: 3.14 Shopping in the local area is not limited, for example there is Alban Shopping Centre, Fordton Shopping Centre, Fearnhead Cross Shopping Centre and Capesthorpe Rd. There is also the large Birchwood Shopping Centre.
- 2.21 CG1: 4.4.1 suggests that Peel Hall was the 'only area allocated for development in the New Town Outline Plan ... which remains undeveloped'. This was of course for a reason – that the site was undevelopable at the time as we explain in other evidence. The fact that it was earmarked for development 50 years ago is irrelevant – it must be considered now.
- 2.22 CG1: 4.4.2 states 'Peel Hall has never been located within the approved green belt and has been repeatedly found to lie outside the general extent of the green belt in this area.' This is simply not true. Part of the application site known as Winwick Farm, remains in the green belt; there is no evidence this part of the site was ever removed from the green belt.
- 2.23 CG1: 4.4.5 - The Proposed Submission Plan has little or no weight as it has not been submitted to any public examination. If the applicant is so convinced that the site is suitable for housing, then it must explain why it has been unable to come up with an acceptable development proposal in 30 years of applications, appeals and judicial reviews. The site has been reduced from deliverable to only developable and we would dispute even this.
- 2.24 CG1: 5.7 (and 8.3) states the site in suburban Warrington, not the town centre and adjacent to predominantly 2 storey traditional housing at Cinnamon Brow, Houghton Green, Birch Avenue and Poplars Avenue. The appellant's proposal for the north boundary of the site is for 4 storey apartments, a proposal that totally conflicts with the existing 2 storey traditional residential neighbourhoods.

- 2.25 It is further stated that there is no prescribed density in the application, apart from a limit of 1,200 homes on the whole site. The appellants proposal of 4 storey 12 metre apartments the entire length of the north boundary, as building massing to reduce the excessive noise from the M62, would have a major impact on the density of the site. Four storey apartments, across the north boundary, could yield 624 apartments. This volume of apartments is typical of a city centre and not an established suburban neighbourhood.
- 2.26 As an example, by examining the plot designated for 150 dwellings with access at Mill Lane, the volume of apartments required are at odds with the density proposed. This plot measures 385 metres in length from the site entrance to the proposed attenuation pond, adjacent to Peel Hall Farm. The proposal to “tightly” configure these apartment blocks to prevent noise leakage could generate 38 apartments on each of the 4 levels, a yield of 152 apartments. 152 apartments is more than is proposed for the entire plot.
- 2.27 The number apartments required for noise attenuation across the north boundary would exceed 600. This would represent 50 per of the proposed 1200 dwellings for the entire site.
- 2.28 CG1: 5.11 purports to show compliance with Core Strategy policies. Most of this is padding, but some is laughable. For instance it is hard to see how a low-density suburban housing estate with little or no provision for pedestrians and cyclists, housing an almost completely car-dependent community based around a supermarket and near a motorway junction can possibly comply with Policy SN7 which seeks to enhance healthy lifestyles. Similarly, the minimalist bus service proposed for just 3 years would not seem to come anywhere near the aspirations of Policy MP1 to secure sustainable transport use. This proposal does not achieve sustainable transport development solutions, it has not highlighted nor demonstrated that local people’s needs have been met and there is no proof provided that public transport would ‘strengthen’ links between areas. It is evident that the development has cars rather than sustainable travel and public transport improvements ‘at its heart’ and falls very short in meeting the objectives of policy CS4. The layout and form of the development will encourage private vehicle trips.
- 2.29 CG1: 5.29 to 5.33 quotes extensively and irrelevantly from the Proposed Submission version of the Local Plan. This is irrelevant. The plan has had no examination and can carry very little if any weight.
- 2.30 CG1: 5.34 to 5.36 considers land supply. It completely ignores the large brownfield opportunities that have come forward since the application was made. These include:
- Extensive former retail premises in the town centre
 - Land earmarked for retail expansion that will now never be required
 - Warrington Hospital
 - Unilever site
 - Fiddlers Ferry
- 2.31 Almost laughably at 8.6 and 5.35 suggests that Covid-19 has disrupted housing supply (although no evidence is provided) and there are ‘no circumstances in my view where the impact of COVID-19 has been to reduce the demand or need for housing’. Perhaps he has not thought hard enough. Changes in employment and income due to the pandemic will very obviously and dramatically reduce the demand side for market housing as people lose jobs and hours and increasingly take more casual work. While there may have been a limited

reduction in building March-July 2020, the effect of economic changes will have a far greater effect over five years.

- 2.32 The Government has recently proposed a new formula for assessing local housing need. While this is only at consultation stage, the proposed new current standard method would require 711 homes per year compared to the current target of 855.
- 2.33 CG1: 7.20 and preceding paragraphs try to make the case that Peel Hall is an ‘important, integral component of the land supply of Warrington’. But this is irrelevant if the current proposal is not able to satisfy even the basic requirements related to provision of safe and sustainable traffic and transport. It is irrelevant if Covid-19 makes a mockery of housing targets. It is irrelevant if genuine brownfield sites are imminently available in more sustainable locations in Warrington in the medium term. The list in 2.21 is not exhaustive.
- 2.34 6.8 and 6.9 – We believe that the information submitted in relation to traffic, noise and air quality are totally insufficient and have not been addressed. And that on the contrary, evidence provided by the Rule 6 Party proves that this application should be dismissed.
- 2.35 CG1: 8.1 makes the cheap point that some objections were on standard forms. This is irrelevant. What is relevant is if the point that is being made is a material planning consideration.
- 2.36 We disagree fundamentally with the rebuttal in CG1: 8.6, and our objections are set out in our detailed evidence.
- 2.37 CG1: 8.6 ii – if the ‘public consultation’ has been so wonderful, then why did the first inspector make the comments that he did about lack of involvement with and demonstration of benefits to the local community?
- 2.38 CG1: 8.6 iii – states without foundation in relation to Peel Hall Boarding Kennels, ‘There will be no impact on the continued business at this location from a noise perspective.’ No noise assessment of the kennels has ever been carried out by the appellant. Until such time as a comprehensive noise assessment is completed, the impact of the kennel operation in relation to proposed residential dwellings, within 40 metres of the kennels cannot be determined.
- 2.39 CG1: 8.8 is a most curious paragraph. Apparently the absentee owner, having tried to keep a large site out of productive use, destroy its wildlife value and to exclude local residents for 30 years would like to be thanked for trying to deter ‘illegal access/ trespass for the purposes of illegal activity’. This is ironic given that it is their own treatment and mismanagement of the site that has made it attractive for this activity.
- 2.40 Section 10 does nothing but explain that Satnam is not a housebuilder, so they will simply sell the land to the highest bidder who will then presumably try to maximise their own profit by reducing specifications and using viability assessments in the way that is common in the construction industry. Section 10 confirms that Satnam have no interest in the site past the profit they can make from it. They will invest nothing in the site, but will pass it on with as little commitment as possible to maximise the land price.

3 CG9: Health Impact Assessment

- 3.1 8.3 ii and iv, 8.6 v (and 8.8 and 5.11) reference CG9 Health Impact Assessment (HIA) as if it considers health in a holistic way. In fact, the report itself admits the focus ‘is an assessment of the loss of (informal) open space and loss of green space against the proposals put

forward in this appeal and the impact this may have on the health of the residents who currently use the site.’ This is a very narrow definition that would not be accepted by many health professionals. For instance:

- 3.2 Obesity and other health issues. These are set out in the Evidence Base to the 4th Local Transport Plan (2.1.8, etc.). Admissions where obesity was a factor is increasing at health clinics. In Warrington schools over 20% of reception and 30% of Year 6 children are overweight and obese. This is a shocking indictment of the lack of opportunities for and promotion of active travel.
- 3.3 Local Air pollution is the top environmental risk to human health in the UK, and the fourth greatest threat to public health in Warrington after cancer, heart disease and obesity (which are themselves made worse by car dependency). It shortens lifespans and damages quality of life for many people. National standards for NOx are exceeded on the M62 near our communities. The Air Quality Action Plan highlights that over 40% reductions are required in the motorway and town AQMAs. Poor air quality caused by car-dependency leads directly to several hundred additional deaths in Warrington every year.
- 3.4 Most of the 69 pages of the CG9 are simply padding, repeating national guidance, methodology or collating baseline data that was already available. It is not obvious from the report if any of the authors visited or were familiar with the site and there appears to be no new research related to the site or current appeal. It does note that Warrington 006E LSOA in which the site is located is within the 10% most deprived areas in the country in terms of health. Basically it considers change to three types of open space across the site (a public right of way; some private ‘disused land’; and public open space and sports facilities, It concludes that since the developer says there will be more open space after development (because in theory it is not publicly available now), then everything is ok.
- 3.5 8.6 v claims the ‘Health Impacts Report CG9 sets out clearly the overall significant improvements gained for personal mental and physical health’. But it does nothing of the sort. For instance, CG9: 6.19 states ‘There may also be some effects on mental health and well-being derived from the effects of construction on noise and air quality. However, it is assumed that this can be fully mitigated and controlled through the requirement to provide a Construction Environmental Management Plan [CEMP].’
- 3.6 If the HIA simply takes the assertions of the developer that the scheme has no adverse effects at face value then clearly they will find no effect on health. The HIA is simply a partisan document prepared by the developer to promote their project.
- 3.7 We have several detailed observations on CG9.
- 3.8 On land contamination CG9: 5.18 suggests there is ‘Evidence of asbestos in multiple locations to the south of Peel Hall Farm as close as 20 metres to the PRoW’. We understand the asbestos in this location is from the farm buildings demolished by the appellant. In this case, the anti-social party appears to be the appellant.
- 3.9 CG9: 5.20 suggests ‘The main stretch of the PRoW between Peel Cottage Lane and Peel Hall Farm consists of a carwidth dirt/stone track. Tyre tracks indicate that it is regularly used by vehicles travelling to/from Peel Hall Farm, which currently operates as dog kennels and cattery. The land the track crosses through consists of overgrown grassland either side. Along the right-hand side of the track when travelling towards Peel Hall Farm there are telephone poles as well as a low-level barbed wire fence and at numerous points mounds of dumped earth and rubble. The route has a number of potholes.’

- 3.10 The road (track) referred to is the only access to Peel Hall Farm/Kennels & Cattery. An easement exist which gives access to the owners of Peel Hall Farm/Kennels. There are no 'mounds of dumped earth and rubble'. Any mounds to the side of the road when the appellants agents visited are road planings to fill potholes. Although a public right of way, maintenance of the lane has been left to the owners of Peel Hall Farm. There are no proposals to upgrade this road, which has no pavements, no drainage, and no street lighting, but is proposed as a cycle way!
- 3.11 CG9:2.16 claims that "The vast majority of land within the site is simply farmland and is not open space as defined in the Framework". We would rebut this. The land has not been farmed for most of the time that Satnam have owned it. It is widely used for recreational purposes.
- 3.12 CG9:3.21 states "Whilst the Peel Hall site includes previously identified open space sites, replacement provision has been made as part of the proposals which in quantitative and qualitative terms replaces the open space lost with new provision that meets the requirements of paragraph 97 of the Framework and the emerging Policy DEV1. This is a fact that has been agreed between the applicant and the Council as part of the consideration of the application."

It should be noted that the Rule 6 party has consistently opposed this interpretation, including in responses to SoCG matters. There is no 'replacement open space' – North Warrington will suffer a net loss of open space. The recreational land adjacent to Ballater Drive will be permanently lost. Existing recreational space elsewhere will be improved, but this represents a net loss of recreational land. The field at Ballater Drive is widely and extensively used for a wide range of ball sports as well as walking, kite-flying etc.

- 3.13 CG9: Section 4 – we agree that the local population includes significant numbers of people suffering from health inequalities, which makes it all the more important to retain this open space, to retain the Ballater playing field and to prevent a worsening in air quality.
- 3.14 CG9: 5.6 states "According to the Council's standards there was an overall deficit of open space in the ward of Poplars and Hulme where the application site is located".

We agree. This part of Warrington has virtually no open space, with the exception of Peel Hall. It is essential for the wellbeing of residents that the land remains open space.

End of document 1 September 2020