

Warrington Local Plan 2021-2038: Examination in Public

Hearing Statement by Peel L&P (Holdings) UK
Ltd (representor no. UPSVLP 0426)

Matter 1: Procedural / Legal
Requirements

July 2022

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Client

Peel L&P (Holdings) UK Ltd

Our reference

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1. Introduction

- 1.1 This Statement is prepared by Turley on behalf of Peel L&P (Holdings) Ltd (hereafter called 'Peel') in respect of the examination of the Warrington Local Plan 2021-2038. It provides Peel's response to the Matters, Issues and Questions ('MIQs')¹ identified by the Inspectors in respect of Matter 1: Procedural / legal requirements.
- 1.2 This statement is made in relation to Peel's development interests at the following sites which have historically been promoted for development through the Local Plan:
- The South West Urban Extension (SWUE)
 - Land at Lady Lane, Croft
 - Land North of Culcheth
 - Land at Rushgreen Road, Lymm
 - Land at Manchester Road, Hollins Green
 - Land at Statham Meadows
- 1.3 Peel has engaged extensively in the preparation of the Local Plan, including the submission of Development Prospectuses and a body of technical evidence in respect of each of the above sites which demonstrate that they represent sustainable and deliverable development sites. This is set out in Peel's representations to the Updated Proposed Submission Version Local Plan ('UPSVLP') in 2021 (see representation documents UPSVLP-0426-P1 to P31).
- 1.4 In overall terms, Peel is supportive of the emerging Local Plan and consider it imperative that Warrington has an up-to-date Local Plan, and one which provides the policy tools for the planning system to support sustainable growth, in accordance with national planning policy.
- 1.5 Notwithstanding such support, Peel has identified a number of issues and concerns relating to the soundness of specific policies within the UPSVLP. These concerns relate specifically to the removal of the proposed allocation of the South West Urban Extension (SWUE), the overall housing requirement and components of the supply which the UPSVLP proposes, the approach to post-plan period development and the selection of sites within the Outlying Settlements of the Borough².
- 1.6 Amendments to the UPSVLP in respect of these areas are suggested to address the points of soundness raised.

¹ ID02

² The 2019 Regulation 19 Proposed Submission Warrington Local Plan [Document PVL1] proposed to remove land at the South West Urban Extension (SWUE) from the Green Belt through draft Policy MD3 for the development of c. 1,600 residential dwellings

- 1.7 This Statement should be read alongside Peel's statements in relation to Matters 3, 4, 6a, b and c, 7a, b, c and d, 8, 11 and 14. It should also be read alongside statements submitted jointly on behalf of Peel L&P (Holdings) UK Ltd and Peel Ports (representor number UPSVLP 0438) which relate specifically to Peel's land interest at Port Warrington and Warrington Waterfront.

2. Matter 1: Procedural / legal requirements

Sustainability Appraisal

Q10: Has the methodology for the SA been appropriate?

- 2.1 It is evident that a change in the approach between the Sustainability Appraisal ('SA') published in 2019 (as part of the 2019 pre-submission Local Plan) [Examination Document SA1] and that published in 2021 [Submission Document SP3] has taken place. This has the effect of altering the judgements made in respect of options being assessed through the SA process.
- 2.2 The UPSVLP is substantially reliant on the delivery of the Warrington Western Link Road ('Western Link') to unlock development capacity in the town centre and at Warrington Waterfront. This is confirmed in the Infrastructure Delivery Plan [Examination Document IM1].
- 2.3 The 2019 Proposed Submission Version Local Plan ('PSVLP') proposed that the site known as the South West Urban Extension ('SWUE'), as proposed for allocation at the time through Policy MD3, would be one of three allocations which would make a proportionate contribution towards the delivery of the Western Link in order to help meet a c. £72m funding shortfall.
- 2.4 This was a key component of the delivery strategy for the link road. Two of these allocations, Port Warrington and the SWUE, are now no longer proposed in the UPSVLP with the only remaining site which is identified as making a contribution to the Western Link being the Warrington Waterfront residential proposal (providing an estimated 1,070 dwellings over the plan period). It is noted that the Council's viability appraisal reports that development at the Waterfront is unviable³ and so its ability to contribute to the Western Link is, at best, in doubt.
- 2.5 The Council previously settled on a strategy of developer contributions as part of its plan to deliver the Western Link and identified this as an appropriate means by which this would be achieved having considered other options. The Council is now closing off a critical funding stream in no longer proposing the allocation of Port Warrington and SWUE.
- 2.6 In doing so, it has failed to recognise the particular benefit of these sites - having a direct relationship with the Western Link and therefore justified in making a contribution to it – in the appraisal of development options and its conclusions regarding the merits of these site options relative to others.
- 2.7 This is apparent by reference to the SA and the manner in which options for the distribution of development across locations adjacent to the main urban area of the Borough are considered.

³ Paragraphs 1.49 and 1.67 to 1.90 Warrington Borough Council Emerging Local Plan Viability Assessment (August 2021) [Examination Document V2]

- 2.8 One sustainability ‘theme’ identified in the SA framework is accessibility, with two SA objectives, against which options are assessed, emanating from this. This includes SA objective 9 to ‘*protect and enhance accessibility for all the essential services and facilities*’.
- 2.9 As part of the 2019 SA process, development options which included the SWUE were assessed against this objective through which the beneficial impacts of this site arising from the contribution it would make to the delivery of the Western Link were recognised and informed the SA’s conclusion. In relation to the SWUE it was stated: “... *development here would contribute towards and benefit from the completion of the Warrington Western Link road. This would achieve links to the wider Waterfront area and help to manage effects on the road network. Consequently, this provides the potential for a significant positive effect.*”⁴. This is reflected in its appraisal of Options 1 and 5 each of which included the SWUE as one of the allocations.
- 2.10 Its conclusion in relation to Option 1 against this SA objective is: “*Overall, a significant positive effect is predicted for Option 1. This is related to several factors, but notably the potential for major improvements to transport networks in support of new development at both strategic locations.*”⁵
- 2.11 This conclusion is principally down to the SWUE’s contribution to the Western Link which will unlock development at the Waterfront and in the Town Centre. The other strategic location in respect of Option 1 is what is now known as the South East Urban Extension with, at that point, a proposal that land in this location be released to provide 4,200 dwellings. This proposal will not deliver any notable contributions to strategic highway improvements and so the above conclusion is related solely to the positive effect of the SWUE.
- 2.12 By contrast, the 2021 SA plays this down. It does not appraise spatial options which include a defined combination of sites in the manner of the 2019 SA, rather it looks at each site within each option independently, resulting in an overall ‘minor positive’ scoring against the accessibility theme for the SWUE. Passing reference is made to the ability of the development to contribute to the Western Link but this is dismissed as of limited relevance in the context of a conclusion that the development will give rise to increased congestion. This was not raised as an issue in the 2019 SA. There is no evidence of material relevance to support a change in the conclusion regarding the SWUE and its appraisal against this Objective 9.
- 2.13** As evidenced in Paper 1 of Peel’s representations to the UPSVLP in 2021 [UPSVLP-0426-P1] there is no basis for concluding that the highway impacts of the SWUE will be unacceptable. The evidence provided alongside the UPSVLP does not support the revised judgement in the SA that the accessibility effects of the development will only be ‘minor positive’ as a significant deviation from its previous judgement. That previous judgement reflects the significant benefit of the development arising from its contribution to the Western Link.

⁴ Appendix F, page 329 of the Warrington Local Plan Review Pre-submission Sustainability Appraisal SA Report (August 2021) [Submission Document SP3]

⁵ *Ibid*

- 2.14** Nothing has changed in that regard and there is no basis for revised SA scoring against the accessibility theme. On the contrary, in the context of a proposed reduced housing requirement, and an increased proposed reliance on areas of the Borough where development viability is, at best, marginal, the fact that the SWUE can make a financial contribution towards the Western Link should mean that more positive weight is placed on this benefit in the appraisal process. The SA scoring of this site should be updated to 'major positive' against the accessibility theme to reflect this. This change would see the SWUE perform favourably against the South East Urban Extension.
- 2.15** In conclusion, the approach to the SA has been adjusted between the 2019 and 2021 versions of the Local Plan which has led to an unjustified change in conclusion regarding the positive impacts of the SWUE in contributing to the delivery of strategic infrastructure needed to deliver the Local Plan. The approach to the 2021 SA is not appropriate on account of this.

Turley Office



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