



Hearing Statement on behalf of Wain Homes (North West) Ltd (ID: UPSVLP 2471)

In relation to: Matter 3 - The Spatial Strategy

Warrington Local Plan Examination

Emery Planning project number: 19-202

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1. Introduction

1.1 Emery Planning is instructed by Wain Homes (NW) Ltd to submit a written response to Matter 3.

2. Wain Homes (NW) Ltd response

Question 1

2.1 Whilst we agree in principle with the strategy to maximise the development potential of the existing urban area for new housing, we consider that the assumptions on delivery are misplaced.

2.2 The densities proposed within the urban area will mean the housing stock will be mostly made up of apartments, which mostly cater to younger populations. The urban regeneration should be complemented by greenfield development in suitable areas for economically active families and the ageing population, in order to drive the economic objectives.

2.3 Therefore, whilst the overall strategy is acceptable, it should be supported by more development in the outlying settlements to help deliver housing for the needs of the wider population in the early years of the plan.

Question 2

2.4 No, the Council's assessment of urban capacity for the plan period is not realistic or justified.

2.5 There is an over reliance on SHLAA sites to deliver housing in the plan period which may have a significant impact on future delivery for the following reasons (see paragraph 5.26 of Regulation 19 representations):

- Lack of evidence underpinning the delivery of SHLAA sites;
- Lack of allocations and planning permission on sites with no guarantee that they will be granted consent in the future;
- Reliance upon densities which are not underpinned by robust evidence, and which the market may struggle to accommodate in the future;
- Historically, some sites have failed to deliver in the urban area leading to a housing shortfall. Following the same strategy may prove fatal to housing delivery; and
- Sites fail to meet the 'deliverable' and 'developable' criteria due to viability issues.

- 2.6 The 2021 SHLAA highlights that many sites are considered to not be available at present due to constraints which need to be overcome. The site proformas provide no evidence that the developers have committed to mitigation measures.
- 2.7 The Council's assessment of urban capacity is therefore unrealistic and not justified given the constraints present on the SHLAA sites, past delivery issues and lack of planning permissions.

Question 3

- 2.8 Yes, the circumstances surrounding the provision of housing at the Borough wide level do provide the exceptional circumstances required to justify altering the Green Belt in principle.
- 2.9 The Council's own evidence suggests that even with an urban focus, there will be a need to allocate land and release it from the Green Belt. The Council will therefore be unable to meet its housing need without the release of Green Belt land. Indeed, it is unlikely that the Council will have a 5-year supply at adoption and further sites may need to be released.

Question 4

- 2.10 We do not consider that the proposed flexibility factor of 10% is appropriate or justified.
- 2.11 As discussed in our Regulation 19 representations and Matter 8 statement, we have concerns relating to the housing land supply, however even if the Council could identify a robust supply of housing we do not consider the proposed flexibility factor to be sufficient.
- 2.12 The most recent Housing Delivery Test (2021) shows that Warrington delivered only 72% of the required housing. Due to this record of under delivery and requirements of national planning policy¹, a 20% buffer must be applied. The lower figure of 10% is therefore unjustified.
- 2.13 We would also refer to the judgment² relating to the challenge to the Guildford Local Plan, which is discussed in more detail at paragraph 5.31 of Wain Homes' previous representations. Although we appreciate that the details of the case are not specifically applicable, it makes it clear that plans must provide sufficient flexibility in the housing land supply.

¹ National Planning Policy Framework paragraph 74(c)

² 2 Compton PC vs Guildford BC [2019] EWHC 3242 (Admin)

- 2.14 The 5-year housing land supply within the 2021 SHLAA (H4) indicates that the Council can only demonstrate a 3.9 year supply of housing against the Borough's Local Housing Need. This is a factor which highlights the need for higher flexibility within the plan. In addition, the housing requirement is the minimum which must be provided. Any housing delivery beyond that requirement is still a benefit and can help address other significant issues within Warrington, such as affordable housing provision.
- 2.15 The flexibility factor of 10% is therefore not justified and should be increased.

Question 7

- 2.16 The distribution of development between the outlying settlements is not justified. Specifically, we would refer to the removal of allocations and lack of safeguarded land in Burtonwood.
- 2.17 There were 3 options presented in relation to the distribution of housing from Green Belt release in the Development Option and Site Assessment Technical Report (O1). Paragraph 2.24 claims that an option for higher growth would be 'unreasonable' as the environmental impacts would be more significant than other options and could be difficult to mitigate.
- 2.18 We do not consider that the impacts referred to are justified. The assumptions made about higher levels of growth are not backed by evidence relevant to each settlement. It is not clear whether the settlements have been assessed to determine the individual needs and capacity and what informed the decision not to pursue the higher-level growth options.
- 2.19 We also strongly disagree that the higher growth options in outlying settlements would also not accord with the Plan's Objectives as they could undermine urban regeneration. Furthermore, it is unreasonable to suggest that specifically the higher growth option would undermine the regeneration of the Warrington Urban Area. It could be argued that other options, such as allocating Green Belt land on the edge of Warrington, would also undermine the regeneration if this was the case.
- 2.20 It is not clear how the delivery of 1,000 dwellings would support the needs of the outlying settlements, including affordable housing need, local infrastructure and environmental capacity for each settlement. This is exacerbated by the lower delivery now proposed within the plan as an allocation for 160 dwellings in Burtonwood was recently removed and the plan now proposes a delivery of 801 dwellings in the outlying settlements.

2.21 The distribution of growth and reasoning behind not pursuing a higher growth option for the outlying settlements are unjustified and claims of environmental impacts are not backed by evidence.

Questions 8, 10 & 12

2.22 As outlined in Section 9 of our Regulation 19 representations, the methodology applied to the site selection, including the various factors and criteria, was not appropriate and the conclusions are not justified.

2.23 We disagree with the Council's site selection process which discounted sites making a strong contribution to the Green Belt. Exceptional circumstances for removing land from the Green Belt exist and its release is required to meet housing need in Warrington (refer to our response to Question 3). It is therefore not clear why all sites which strongly contribute to the Green Belt have been automatically discounted.

2.24 Notwithstanding the above, the Council has allocated some sites in the Green Belt. For example, allocation MD3 Fiddlers Ferry was assessed as making a moderate to strong contribution to Green Belt purposes³. Its allocation is supported by Green Belt mitigation measures as part of the Fiddler's Ferry Green Belt Assessment (GB2). This is expanded on in the recently published Site Profiles for Local Plan Site Allocations (CD02).

2.25 It is not clear why Green Belt mitigation measures were not also considered for omission sites, prior to them being discounted. Many sites may be able to accommodate mitigation measures to offset the impact of releasing Green Belt land, similar to the Fiddlers Ferry allocation. A more balanced and informed approach to the site selection methodology should be taken rather than ruling sites out simply based on their contribution to the Green Belt as a standalone factor.

2.26 The Council has now published Site Profiles for Allocated and Omitted Sites (CD02 and CD03). This process has not been transparent. The previous assessment available only provided brief commentary on selected sites following a 'workshop', which there was equally as little information available about. The process has not been recorded satisfactorily.

³ Green Belt Site Selection – Implications of Green Belt release – August 2021 (GB3)

- 2.27 Many of the sites appear to be considered suitable but were still omitted. It is not clear why certain sites were chosen over others and what criteria was used to determine this, therefore the site selection methodology is not considered to be appropriate or justified.
- 2.28 Wain Homes' site at Land at Lumber Lane, Burtonwood⁴ (omission site profile 48) was not considered within the Technical Report following the removal of the allocation from the Local Plan.
- 2.29 Our client's further omission site at Runcorn Road, Moore⁵, was discounted on the basis of alleged Green Belt harm but was not afforded the same weight in terms of mitigation as other sites, such as Fiddlers Ferry. Similar measures could have been applied to the boundaries at Runcorn Road, however the Council did not appear to take this into consideration.
- 2.30 There appears to be no consistency in the site selection methodology and a lack of justification as to why certain sites have not been assessed with mitigation measures in mind.

Question 11

- 2.31 As discussed in our response to Questions 8, 10 & 12, the evidence does not provide a clear explanation why alternative options were discounted. Where the information has been provided, we consider that many of the issues highlighted could be mitigated.
- 2.32 The site at Lumbar Lane, Burton (hereafter refer to as 'the site'), which Wain Homes has an interest in, sits within the Green Belt (see Section 10 of our Regulation 19 representation). The release of Green Belt land in Warrington would be in accordance with paragraph 140 of the Framework and was proposed in the previous consultation version of the Local Plan.
- 2.33 The site was assessed by the 2021 Green Belt Site Selection Report as providing a moderate contribution to the Green Belt. The assessment states that "*any development would be contained and would therefore not threaten the openness and permanence of the Green Belt*". Tyler Grange have also assessed the site and found that its contribution to the Green Belt was 'weak'⁶.

⁴ Section 10 of Wain Homes' Regulation 19 representations

⁵ Section 11 of Wain Homes' Regulation 19 representations

⁶ Appendix EP6 of Wain Homes Regulation 19 representations

- 2.34 The above evidence and assessments carried out by both the Local Authority and Tyler Grange indicate that the site is capable of being developed and would not result in unrestricted sprawl due to its existing boundaries. It is therefore clear that the site should be considered suitable in terms of being released from the Green Belt.
- 2.35 We also have concerns in relation to the other aspects of the assessment, specifically the comments in relation to the highways assessment. The highways officer's comments from the 'workshop' refer to issues surrounding the provision of an appropriate pedestrian footway to connect the site to the existing community. This is the only reason provided on the Site Profile for excluding the allocation from the process. We strongly disagree with the statement and are confident that solutions could be explored to overcome this.
- 2.36 The Council considers the only solution to be through the delivery of Parcel BW3 and claims that both sites coming forward would exceed what was the housing requirement for Burtonwood. However, the settlement guideline chosen as part of Option 2 is for a minimum of 1,000 dwellings and settlement specific needs also need to be considered.
- 2.37 In addition, the Council's assessment does not include the impacts of the Bold Forest Harden Suburb on the site. The assumed impacts have no evidence to support them as discussed in our Matter 2 Hearing Statement. We consider it unreasonable for the Council to discount the site on the basis of unfounded claims and find it unclear why so much weight has been given to the impacts which have not been assessed.
- 2.38 The reasons for discounting sites are therefore unjustified.

Question 13

- 2.39 We strongly oppose the lack of growth proposed in Burtonwood because of the Bold Forest Garden Suburb. The decision to remove all allocations in Burtonwood is not justified and relies upon assumptions relating to the impacts of the Garden Suburb without any supporting evidence. The issue is also covered within our Matter 2 Hearing Statement.
- 2.40 As outlined at paragraph 5.13 onwards of our Regulation 19 representations, the exceptional circumstances highlighted within the Technical Report also apply to Burtonwood. Paragraph 3.13 of the document states that "*the impacts will not be understood until the site allocation has been confirmed and more detailed proposals for the urban extension come forward later the Plan*

Period of the St Helens Local Plan". It is unreasonable for the Council to insist that there will be significant implications on the local highways network, without an appropriate assessment of said implications. There is no evidence to support the removal of the Burtonwood allocations.

- 2.41 The Bold allocation is not expected to deliver dwellings until 2028⁷, therefore based on the above statement it can be assumed that the impacts may not be understood for a number of years. The Council is therefore preventing needed housing from being delivered within its own Borough on the assumed impacts of an allocation which is unlikely to come forward in the next 5 years.
- 2.42 Contrary to the Council's suggestion, the loss of these sites will have a material impact on the Plan's spatial strategy. The Council's own evidence makes it clear that there is a need to allocate land and release Green Belt land. At present, the outlying settlements will only deliver 801 dwellings against the minimum Option requirement of 1,000 dwellings. This shortfall could easily be addressed through reinstating the Burtonwood allocations and would help to address the unmet need in the Borough and support and maintain the village's services and amenities in the future.
- 2.43 The lack of housing growth within Burtonwood is unjustified and the decision to remove all of the allocations is illogical given the exceptional circumstances which apply, as well as the lack of evidence to support the position.

Question 14

Fiddlers Ferry

- 2.44 Some issues surrounding the selection of Fiddlers Ferry are discussed in more detail within our response to Questions 8, 10 & 12. However, we would like to highlight that very little technical evidence has been provided to support the allocation.
- 2.45 In summary, we have the following concerns in relation to the site (please refer to Section 8 of our Regulation 19 representations):
- The allocation proposes release of a very sensitive area of Green Belt.

⁷ St Helens Borough Council Housing Land Supply Position Statement 31 March 2021 (updated August 2021)

- The greenfield parts of the site are isolated pockets which are distant from services and facilities.
- Significant contamination and remediation issues exist on the site.
- It is not clear whether the site is viable.
- There is a lack of evidence to support the lead in times and build rates.

2.46 On the basis of the above, we do not consider that the site has been appropriately assessed and important factors listed above have not been taken into account fully or at all.

South West Urban Extension

2.47 The Council has deleted the proposed allocation to the south-west of Warrington based on concerns around Green Belt impact and the merging of Warrington and Runcorn. However, the Council has simultaneously allocated a site in a much more sensitive gap between Warrington and Widnes, contradicting its own Green Belt Assessment.

2.48 The deletion of the South West Urban Extension is wholly unjustified considering the remaining allocations which have an impact on much more sensitive Green Belt areas.

Question 27

2.49 There is a need to designate safeguarded land.

2.50 It is illogical to protect Green Belt land but not allocate any safeguarded land. If the 10% flexibility allowance within the plan proves to be insufficient, then there is no alternative option except to undertake a plan review.

2.51 National policy is clear on the need to ensure that Green Belt boundaries will not need to be altered at the end of the plan. We would refer to the case of Cheshire East Council, which had to carry out further work in relation to the amount of safeguarded land while the examination was put on hold⁸.

2.52 We consider that sufficient safeguarded land should be provided to ensure that the current requirement could be carried forward to the next plan period (i.e., 2038 to 2053).

⁸ Section 6 of Wain Homes Regulation 19 representations

Question 36

- 2.53 The costs associated with mitigation measures at some sites have not been fully taken into account which make impact upon their delivery.
- 2.54 The Fiddlers Ferry allocation is known to have significant contamination and remediation issues, particularly asbestos, which could cost many millions of pounds to safely remove. Furthermore, the costs associated with providing a suitable vehicular access to the land to the south also do not appear to have been factored into the Council's Viability Assessment Addendum (V1).

Question 39

- 2.55 The position set out in the 2021 SHLAA indicates a deliverable supply of 3,857 dwellings. However, much of the supply identified by the Council does not meet the Framework's definition of deliverable, as it includes category b) sites for which no evidence has been adduced. The actual deliverable supply is therefore less than that stated.
- 2.56 It is unclear to what extent the 5-year supply is made up of unviable sites based on the Viability Assessment.
- 2.57 The SHLAA states that the Council can only demonstrate 3.9 years supply of housing at the base date of 1 April 2020. The Council must provide evidence that the category b) sites included in the supply are deliverable and remove unviable sites from the supply. The plan is unlikely to have a 5-year supply at adoption and further sites must be allocated.