



# Warrington Local Plan Examination

Hearing Statement – Matter 3 (The Spatial Strategy)

On behalf of **Rowland Homes**



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Registered Office: [REDACTED]  
Office Address: [REDACTED]  
[REDACTED] [REDACTED]

## Document Control Sheet

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	Name	Position	Signature	Date
<b>Prepared by:</b>	Michael Gilbert	Senior Associate	MG	July 2022
<b>Reviewed by:</b>	Bernard Greep	Director	BG	July 2022
<b>Approved by:</b>	Bernard Greep	Director	BG	July 2022
<b>For and on behalf of Stantec UK Limited</b>				

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## 1 Introduction

- 1.1.1 This Hearing Statement has been produced by Stantec on behalf of Rowland Homes and is submitted to the Warrington Local Plan examination in relation to Matter 3 (The Spatial Strategy).
- 1.1.2 Rowland Homes controls a site which is within the presently defined Green Belt, adjacent to the settlement boundary of Winwick, to the east of Waterworks Lane (hereafter referred to as ‘the Rowland Homes site’). We have submitted representations at earlier stages of the Local Plan consultation process which demonstrate that the Rowland Homes site represents a suitable, sustainable and deliverable candidate for housing development and should be allocated instead of, or in addition to, the proposed allocation site that is currently selected under Policy OS6 of the draft Local Plan (‘Land to the north of Winwick’, hereafter referred to as ‘the proposed allocation site’).
- 1.1.3 Our previous submissions, which should be read alongside this Hearing Statement, demonstrated that the proposed allocation site is significantly more constrained than the Rowland Homes site. The development of the proposed allocation site would have a long term moderate adverse landscape and visual impact which is difficult to mitigate due to the physical characteristics of the site, in contrast to the Rowland Homes site, which is less sensitive to development, relates better to the existing urban area and is capable of appropriate mitigation.
- 1.1.4 We also showed that the Rowland Homes site extends no further north than the current development pattern established by the residential properties to the west off Green Lane Close, and is highly enclosed on all sides by existing development, trees/vegetation and roads. Furthermore, we highlighted that the proposed allocation site contains pylon structures and overhead power lines, is situated upon higher ground than the Rowland Homes site, and is located adjacent to a Registered Battlefield.
- 1.1.5 We maintain that the Rowland Homes site represents a demonstrably more sustainable option to accommodate additional residential development adjacent to Winwick than the proposed allocation site, the development of which has the potential to result in greater adverse effects in terms of harm to the Green Belt, landscape and heritage impacts, and which is more physically constrained and out of kilter with the current settlement pattern.
- 1.1.6 We have reviewed the submission version of the Local Plan and the accompanying evidence base documents, and have significant concerns in relation to the Council’s site assessment and selection process.
- 1.1.7 In this Hearing Statement we focus on the Matter 3 questions posed by the Planning Inspectors insofar as they relate to our client’s land and our strong reservations over the soundness of the approach currently being pursued by the Council with regard to the overall spatial strategy and the site assessment and selection methodology applied to the proposed allocations in the outlying settlements.

## 2 Inspectors Questions

### 2.1 Housing – Overall Spatial Strategy for Housing

**Question 7 – What is the basis for the overall split of housing allocations and Green Belt release between land adjacent to the main urban area (at least 4,020 homes in Policy DEV1) and outlying settlements (at least 801 homes in Policy DEV1)? Is this justified?**

- 2.1.1 We maintain that Winwick is a sustainable settlement and capable of accommodating a higher level of housing growth, particularly given the heavy reliance the Council is placing on large strategic extensions which will take many years to come forward and which will require significant infrastructure to deliver.
- 2.1.2 We have not seen any compelling justification for the 130-dwelling figure for Winwick or evidence to suggest that a higher number cannot be supported. We do therefore wish to raise concern over the justification and soundness of the approach taken in terms of identifying the appropriate contribution the outlying settlements can make to meeting the overall housing requirement.
- 2.1.3 The allocation of additional sites in the outlying areas would bolster housing delivery in the short to medium term and alleviate the need for such a significant ‘step’ in the housing requirement (currently 678 dwellings per annum in years 2021-2025, then rising steeply to 870 dwellings per annum in years 2026-2038).

### 2.2 Outlying settlements

**Question 8 – How were the site allocations in the outlying settlements selected, what factors were used to assess potential sites and what criteria were used?**

**Question 11 – Which options were considered, why were alternative options discounted and why were the site allocations chosen?**

**Question 12 – Was the methodology applied to site selection appropriate and were the conclusions of the process justified?**

- 2.2.1 We consider it expedient to deal with these three questions collectively given the large degree of overlap between the issues raised. In our previous representations to the Proposed Submission Version of the Local Plan we provided detailed comments on the Site Assessment Proformas published by the Council at that time which set out the reasoning for selecting the proposed allocation site, and not progressing with the Rowland Homes site. We highlighted several deficiencies within that process, and raised a number of questions relating to the conclusions reached by the Council in making its selection. We do not repeat the content of our earlier representations here, and instead intend to reply upon our previous comments which remain valid. Indeed, we have seen no clear or convincing response from the Council in relation to our earlier representations, and in fact the latest Site Profiles published in June 2022 for both the proposed allocations (CD02) and omission sites (CD03) further deepen our concerns in relation to this process insofar as it relates to the proposed allocation site in Winwick.
- 2.2.2 In Table 2.1, below, we provide a summary and comparison of the comments made by the Council in the latest Site Profiles.

Table 2.1 Comparison of Site Profiles for the Proposed Allocation OS6 and Rowland Homes site

Consideration	Proposed Allocation OS6	Rowland Homes Site	Stantec Comments
Constraints and Designations	<p>Green Belt</p> <p>Within 1km of the M6 AQMA</p> <p>Pylons run through the centre of the site west to east.</p> <p>Contaminated land in north-east corner of the site.</p> <p>United Utilities underground reservoir immediately to south of the site.</p> <p>Registered Historic Battlefield to west of the site.</p> <p>Whole site is Grade 3 Agricultural Land.</p>	<p>Green Belt</p> <p>Grade 3 Agricultural Land</p>	<p>According to the Council's own assessment the proposed allocation site is affected by seven constraints and/or designations.</p> <p>In contrast, the Rowland Homes site is only affected by two constraints and/or designations, both of which are also present in the case of the proposed allocation.</p> <p><b>Conclusion: The Rowland Homes site is less constrained and preferable vis-à-vis the proposed allocation.</b></p>
Green Belt Assessment	<p>The site currently makes a <b>moderate</b> contribution to Green Belt purposes.</p> <p>Whilst development of the site would entail a small incursion into undeveloped countryside, the removal of the site from the Green Belt will not harm the overall function and integrity of the Green Belt around Winwick.</p> <p>A new recognisable and permanent Green Belt boundary would be created by strengthening existing boundaries.</p>	<p>The site makes a strong contribution to purpose 1, a moderate contribution to purpose 5, a weak contribution to purpose 2 and no contribution to purposes 1 and 4.</p> <p>Overall assessment: <b>moderate</b> contribution.</p>	<p>The allocation site is judged to make an overall 'moderate' contribution to the five Green Belt purposes.</p> <p>The Rowland land makes 'no contribution' or a 'weak contribution' to three out of the five Green Belt purposes. It only makes a 'strong' contribution to one Green Belt purpose and a 'moderate' contribution to another.</p> <p><b>Conclusion: The Rowland Homes site makes no greater contribution to the Green Belt than the proposed allocation, and in fact represents less of an incursion into the Green Belt compared to the existing settlement pattern. On that basis the Rowland Homes site is at least the same or even preferable to the proposed allocation in Green Belt terms.</b></p>

Consideration	Proposed Allocation OS6	Rowland Homes Site	Stantec Comments
Sustainability Appraisal	<p>Will promote sustainable growth for five objectives.</p> <p>Will be unlikely to have a major impact on trends for 15 objectives.</p> <p>May require mitigation for five objectives.</p> <p>Likely to require mitigation for one objective.</p>	<p>Will promote sustainable growth for six objectives.</p> <p>Will be unlikely to have a major impact on trends for 15 objectives.</p> <p>May require mitigation for three objectives.</p> <p>Likely to require mitigation for two objectives.</p>	<p>The Rowland Homes site performs better than the proposed allocation in the Sustainability Appraisal.</p> <p>It will contribute towards six sustainable growth objectives, whereas the proposed allocation contributes to five.</p> <p>Both sites are the same in terms of their impact on trends for 15 objectives.</p> <p>However, the proposed allocation site 'may require' or 'is likely' to require mitigation in relation to six objectives, whereas only five objectives are 'likely to' or 'may require' mitigation in terms of the Rowland Homes site.</p> <p><b>Conclusion: Overall the Rowland Homes site performs better than the proposed allocation in terms of the Sustainability Appraisal.</b></p>
Site Assessment Proforma and Conclusions	<p>This site is considered to be suitable and is in a sustainable location.</p> <p>Site is available and free from ownership issues, having been promoted by the site owner.</p> <p>The site has good accessibility to formal play space, and primary and secondary schools.</p> <p>It is available, as it is not in active use and is being promoted by the owner.</p> <p>The site is achievable as it is in an area of moderate viability and there is developer interest and known demand.</p> <p>However, there are some suitability issues due to the</p>	<p>This site is considered to be suitable.</p> <p>There are some suitability issues due to the distance to GP services and local natural greenspace.</p> <p>The site has good accessibility to formal play space, primary and secondary schools and bus services.</p> <p>The site falls within zone 1 (inner protection zone) of the Environment Agency's Groundwater Source Protection Zone and the edge of the historic landfill site 250m buffer zone falls just within the western-most corner of the site.</p>	<p>The remarks made in the Site Assessment Proforma and subsequent conclusions reached raise significant issues of soundness in relation to the selection of the proposed allocation site OS6.</p> <p>Both sites are considered to be suitable, available and viable. Both sites have good accessibility to formal play space and schools. The development of both sites would be in accordance with the objectives set out in the emerging Local Plan.</p> <p>Both sites have similar issues in terms of proximity to GP services and natural greenspace,</p>



Consideration	Proposed Allocation OS6	Rowland Homes Site	Stantec Comments
	<p>distance to GP services and local natural greenspace.</p> <p>There is a small section of potentially contaminated land in the north-eastern corner and a section of historic landfill site buffer zone (250m) in the south-western corner, and therefore, there are known abnormal development costs.</p> <p>The site also falls within Zone 1 (inner protection zone) of the Environment Agency's Groundwater Source Protection Zone.</p> <p>There are also pylons running across the site however these could be avoided given that the site exceeds the housing requirement for Winwick.</p> <p>Although the existing boundary is less durable, a more durable Green Belt boundary could be established.</p> <p>Development of the site would be in accordance with the objectives as set out in the draft Warrington Local Plan.</p>	<p>The site is available, as it was promoted by the owner.</p> <p>The site is considered to be achievable as it is in an area of moderate viability and there is developer interest and known demand.</p> <p>There are no known abnormal development costs.</p> <p>Development of the site would be in accordance with the objectives as set out in the draft Warrington Local Plan.</p> <p>The Council's highways officer considered that the lack of a secondary access point would not be an issue.</p> <p>The site capacity far exceeds the housing requirement for Winwick. There are no potential boundaries which could be used to divide the site into a smaller site which would better accommodate the requirement.</p> <p>As such OS6 is considered a more appropriate site to accommodate Winwick's housing requirement.</p>	<p>and groundwater protection/historic landfill zones.</p> <p>However, by the Council's own admission the proposed allocation site suffers from various constraints such as known contaminated land and abnormal development costs, and the presence of pylons across the site. Neither of these constraints affects the Rowland Homes site.</p> <p>Furthermore, there is no mention in this part of the appraisal of the previously highlighted issues such as the proximity to the registered battlefield, presence of the underground reservoir, and potential impact on the M6 AQMA. Again, none of these constraints apply to the Rowland Homes site.</p> <p>The only reasoning offered by the Council in the final part of its assessment as to why the Rowland Homes site has been omitted is that its theoretical capacity exceeds the requirement for Winick.</p> <p>This is illogical given that (1) the capacity of the Rowland Homes land can be capped to the final requirement for Winwick and in previous submissions we have demonstrated how the site could be developed to deliver the 130 units currently identified (which in any event is expressed as a 'minimum' requirement); and (2) the capacity of the proposed allocation site OS6 also exceeds the identified requirement of c. 130 dwellings for Winwick.</p>

Consideration	Proposed Allocation OS6	Rowland Homes Site	Stantec Comments
			<p>However, the Council bizarrely asserts that due to the pylon constraints the final site capacity will be reduced. The only way this is achieved, as shown in the indicative layout submitted by the promoter of site OS6, is to create a contrived layout whereby the site is split in half with an open corridor running through the centre to accommodate the pylon stand-off area.</p> <p>We would also note in passing that the Rowland Homes site has a very well defined northern hedgerow boundary which can be easily enhanced, whereas the proposed allocation site has a very weak and porous boundary.</p> <p><b>Conclusion: The Council has proposed the allocation of site OS6 over the Rowland Homes land simply because it suffers from <u>more constraints</u> and therefore has a lower site capacity. This approach is very clearly fundamentally flawed and unsound. The Rowland site has fewer constraints and is demonstrably a more sensible and sustainable option to meet the Winwick housing requirement.</b></p>

- 2.2.3 Based on the Site Profiles and earlier supporting evidence provided by the Council, there is no doubt that there are serious shortcomings in relation to the assessment criteria, consideration of alternative options, and site selection methodology used to establish the most sustainable housing allocation for Winwick. We have not undertaken a detailed examination of the other Site Profiles for all of the allocation and omission sites, but our findings set out in Table 2.1 cast serious doubt over some of the logic and consistency being applied to the selection process.
- 2.2.4 We also wish to highlight to the Inspectors the very important matter of the proximity of the proposed allocation site to the registered battlefield. The Inspectors will be aware of the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the duty of Local Authorities to have special regard to the desirability of preserving heritage assets. The National Planning Policy Framework (NPPF) at paragraph 199 makes clear that ‘when

*considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation', and that this 'is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. Paragraph 200 of the NPPF goes on to state that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification', and that 'Substantial harm to or loss of heritage assets such as a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional' (our emphases added).*

- 2.2.5 We do not consider that the Council has exercised its duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to have 'special regard' to the protection of heritage assets. The proposed allocation site is immediately adjacent to the registered battlefield and will have an impact upon its immediate setting. We acknowledge that the Council has produced a heritage impact assessment, consulted Historic England and expects the development of the proposed allocation site to include mitigation and design measures to limit harm to the setting of the battlefield. However, the Rowland Homes site is a very clear alternative which is not only less constrained physically and environmentally, but will have no impact on the setting or character of the registered battlefield. Historic England was not consulted on this potential alternative and in our professional view this is likely to be seen as a favourable site in heritage impact terms.
- 2.2.6 On that basis the Council does not appear to have given 'great weight' to the conservation of the registered battlefield, and no 'clear and convincing justification' has been provided for the selection of a site that will very obviously result in a greater level of harm to a designated heritage asset than a sustainable alternative that comfortably meets all other selection criteria (and indeed outperforms the proposed allocation in a number of areas as demonstrated in Table 2.1).
- 2.2.7 We therefore consider that the approach to site selection at least in the case of Winwick, and potentially in other areas, is inappropriate, unjustified and unsound.

***Question 13 – Is the scale of housing growth in each of the outlying settlements justified?***

- 2.2.8 We maintain that Winwick is a sustainable settlement and capable of accommodating a higher level of housing growth, particularly given the heavy reliance the Council is placing on large strategic extensions which will take many years to come forward and which will require significant infrastructure to deliver.
- 2.2.9 We have not seen any compelling justification for the 130 dwellings figure or evidence to suggest that a higher number cannot be supported. We do therefore wish to raise concern over the justification and soundness of the approach taken in terms of identifying the appropriate contribution the outlying settlements can make to meeting the overall housing requirement.

We consider that the allocation of additional smaller and medium size sites in the outlying areas could bolster housing delivery in the short to medium term and alleviate the need for such a significant 'step' in the housing requirement (currently 678 dwellings per annum in years 2021-2025, then rising steeply to 870 dwellings per annum in years 2026-2038).