

# Warrington Local Plan Examination

## Matters Statements

### MATTER 6a - MAIN DEVELOPMENT AREA: WARRINGTON WATERFRONT

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July 2022

## **MATTER 6a – MAIN DEVELOPMENT AREA: WARRINGTON WATERFRONT**

### **Issue**

Whether the Warrington Waterfront Main Development Area (Policy MD1) is justified, effective and consistent with national policy.

(NB. Examination Library reference numbers are provided in brackets after each document referred to in the Matters Statement)

### **Questions**

#### **1. What is the background to the Main Development Area and how was it identified?**

- 1.1 The Waterfront is a key regeneration priority for the Council, the principle of which has been established in previous Local Plans.
- 1.2 The Western Link provides the opportunity to open up the Waterfront area that is otherwise not accessible. It will enable higher density residential development within the existing urban area, thereby reducing the level of Green Belt land required to meet Warrington's housing need
- 1.3 The Council's vision for the area is set out in Warrington Means Business 2020 (EC7). The Waterfront is envisaged as an extension to Warrington Town Centre, providing a high quality riverside environment and taking advantage of the proximity of Bank Quay station.
- 1.4 It should be noted that the Waterfront allocation in the Previous Proposed Submission Version Local Plan 2019 covered a much larger area and included major proposed employment allocations at Port Warrington and the Warrington Commercial Hub. These parts of the allocation were removed for the reasons set out in Matter Statement 3.

#### **2. What is the basis for the scale of development proposed and is this justified?**

- 2.1 The scale of development has been confirmed through the Council's Strategic Housing Land Availability Assessment Report 2021 (H4). The scale of development reflects the site's urban location and its proximity to the Town Centre, making the most efficient use of a site within the main urban area.
- 2.2 The level of new housing proposed will provide a 'critical mass' which will facilitate infrastructure delivery and the provision of supporting infrastructure to help realise the ambition of creating a sustainable new community. Such an approach is consistent with NPPF Paragraph 73 which recognises that the most sustainable approach to new infrastructure delivery may be through a large extension to an urban area or creation of a new community.

**3. What is the background to the specific policy requirements (set out at Policy MD1.3)? Are they justified and consistent with national policy? Do they provide clear and effective guidance on constraints and suitable mitigation?**

3.1 The specific policy requirements either relate to the Council's planning policy objectives - for example the type, tenure, mix and density of new homes - or to ensure appropriate mitigation in bringing the site forward for development and addressing site constraints. This includes requirements for on-site infrastructure provision including a new primary school, local centre and health facility.

3.2 The requirements have been established taking into account the Council's evidence base and site assessment work, engagement with the site promoters, engagement through the Duty to Cooperate and feedback from previous rounds of consultation. The Council considers the requirements are clear, justified and consistent with national policy.

**4. What is the status of the Town Centre Masterplan Character Area documents in relation to this allocation?**

4.1 The Town Centre Masterplan Character Area documents do not have any formal planning status but have assisted in establishing the development capacity of the site and key development principles which have informed the allocation policy.

**5. Does the policy identify all appropriate and necessary infrastructure requirements? How will these be provided and funded? Is this sufficiently clear?**

5.1 Infrastructure requirements and associated costs have been established through working closely with internal Council services and partner service providers. The Council services of particular relevance to the Waterfront allocation are Transportation, Education and Environmental Services. The key service partner and infrastructure providers, include the NHS and United Utilities.

5.2 All infrastructure requirements are set out clearly in the Policy.

5.3 The majority of infrastructure is intended to be delivered or funded by the developer bringing the allocation forward. The Local Plan Viability Assessment August 2021 (V2) demonstrates there is a realistic prospect of this being viable.

5.4 There are however additional funding sources that the Council can access to address any funding gap to ensure the delivery of the allocation. The Council has a track record of securing funding from a wide range of sources – including the Local Enterprise Partnership, Department of Transport, Department of Education, Department of Levelling Up Housing and Communities – to deliver infrastructure in the Borough. As such, the Council considers there is a reasonable prospect that that any funding gap in the delivery of infrastructure can be met. Further detail on the Western Link is provided below.

**6. Have the funding and programme for the Warrington Western Link been confirmed? On this basis, is it reasonable to anticipate the first homes to be completed in 2027/28?**

6.1 The Council remains committed to the development of the Western Link having completed outline design works in 2021. The Council has subsequently completed a Gateway Review of the scheme which has concluded that the scheme costs have increased from those within the original Outline Business Case. The Council is in dialogue with the Department for Transport regarding the funding of the Western Link as part of the Large Local Majors Programme.

6.2 In accordance with para 59 PPG Plan Making, the Council is confident it is able to demonstrate that there is, at the least, a reasonable prospect of the scheme being delivered.

6.3 This process has resulted in a minor delay from the programme that was used to inform housing completions on the Waterfront allocation site in the Updated PSVLP 2021, with the first homes now anticipated to be completed in 2029/30. The Council does not consider this will materially affect the number of completions in the Plan Period.

6.4 In the event there is a more significant delay to the Western Link programme then the Council will of course address this through a future review of the Plan, in accordance with Updated Proposed Submission Version Local Plan Policy M1 - Local Plan Monitoring and Review. The Council is confident that there would be sufficient time to undertake a review prior to the transport impacts becoming apparent and to address any issues with the Plan's housing land supply.

**7. Are there any environmental or other site constraints, including flood risk, that will inhibit the development of the allocation as envisaged?**

7.1 The Council is not aware of any constraints on development other than those identified in the allocation policy which the Council is satisfied can be overcome. The Council has taken into account the areas of land around the outer edge of the allocation that are within Flood Zone 3 in determining the development capacity of the site.

**8. Should the production of a Development Framework for the entire site (referred to at Policy MD1.2 point 4) be required prior to planning permission being granted?**

8.1 The Council considers that the production of a Development Framework, including a delivery strategy and phasing plan, is important to ensure a comprehensive and coordinated approach to the delivery of the allocation as a whole. The Development Framework will address the site wide requirements of the policy, relating to access, transport improvements, on-site infrastructure requirements, green infrastructure and utilities. The Development Framework will be subject to consultation and will

need to be agreed with the Council and key stakeholders, prior to development coming forward.

**9. What would be the effect of removing the area of land from the Green Belt adjacent to the proposed Western Link? Are there exceptional circumstances to alter the Green Belt in this particular case?**

9.1 The majority of the site is greenfield within the existing urban area. Only a very small proportion of the south west of the site is currently within the Green Belt. This is a small area of land between the existing Green Belt boundary and the proposed alignment of the Western Link. The removal of this part of the site is considered to be a minor change to the Green Belt boundary. As such, no Green Belt assessment has been undertaken on this small part of the site.

9.2 Nevertheless, the Council is confident that Exceptional Circumstances exist to make this minor alteration to the Green Belt boundary. The alteration will facilitate the wider development of the allocation which will make a major contribution to meeting Warrington's housing needs. Given that the vast majority of the site is outside of the Green Belt, the allocation will reduce the need to release much larger areas of Green Belt in other parts of the Borough.

**10. Have the potential impacts on Local Wildlife Sites, and also downstream designated sites, been recognised and how will they be adequately addressed?**

10.1 The potential impacts on Local Wildlife Sites have been assessed as part of the Council's site assessment process and through the SA/SEA. Consideration of downstream designated sites has been undertaken in respect of the HRA with further details provided in the response to questions 11 below.

**11. Does the Policy adequately provide for the assessment of in-combination impacts on important ecological features that may arise as a result of this and other allocations within the Local Plan and also the Warrington Western Link?**

11.1 In-combination impacts on important ecological features have been assessed in terms of European Designated sites in the Plan's Habitat Regulation Assessment (HRA) August 2021 (SP12). The HRA and SA/SEA include consideration of the Western Link as a safeguarded transport scheme and as an infrastructure requirement of Policy MD1.

11.2 Paragraphs 4.3 to 4.14 of the Local Plan HRA discuss the potential for losses of functionally linked land due to development in Warrington Waterfront (MD1), South East Warrington Urban Extension (MD2) and Fiddler's Ferry (MD3), drawing on survey data as far as it exists either from site-specific surveys or the Cheshire Bird Atlas. Therefore, they have all been considered cumulatively and in combination. The determination of whether a parcel of land is likely to constitute significant functionally-linked habitat utilises a '1% of the SPA population' threshold specifically in order to capture the fact that, while 1% of the population is a small percentage,

cumulative losses of land parcels supporting 1% of the population can be significant 'in combination'. It is acknowledged on page 32 of the Local Plan HRA (December 2021) that the Warrington Western Link project could result in losses of functionally-linked land. However, the potential for Warrington Waterfront to operate 'in combination' with Western Link is effectively captured by the use of the '1% of the SPA population' threshold when considering each allocation.

- 11.3 The potential impacts on European designated sites have been considered through the Updated Habitat Regulations Assessment 2021 (SP12). The HRA screened in three sites (Rixton Clay Pits SAC; Manchester Mosses SAC and Mersey Estuary SPA/Ramsar) as potentially being subject to significant effects by the proposed allocation at Fiddlers Ferry (Page 43 of SP12). The Appropriate Assessment stage of the HRA considered in detail any potential impacts (Section 4; Pages 54 to 72) on the sites that were screened in for assessment.
- 11.4 With the exception of the outstanding issue regarding potential air quality impacts on the Manchester Mosses SAC (refer to Question 14 of Matter 1), the assessment concluded that either a sufficient policy framework exists to ensure no adverse effect on European sites or that there were no adverse effects on site integrity.
- 11.5 The potential for a site to serve as functionally-linked land cannot be excluded until several seasons of survey have been undertaken and this is why the policy text of allocation MD1 identifies the need for a project level HRA accompanied by the necessary wintering bird surveys in order to close out the issue. This approach also takes account of the fact that the allocation will be delivered over long timescales over the course of the plan period and ecological surveys will therefore need repeating and updating to accompany planning applications. This approach therefore avoids considerable time and expense being undertaken doing potentially redundant survey work.
- 11.6 In-combination impacts on other important ecological features have been assessed in the Sustainability Appraisal SA Report August 2021 (SP3) and in respect of the Council's detailed site assessment work as documented in the Site Assessment Proformas 2019 (SAP2).
12. **Are there potential adverse effects not covered above, if so, what are they and how would they be addressed and mitigated? N.B. The Council's response should address key issues raised in representations**
- 12.1 **Cheshire Constabulary considers that the impact of this site upon Police and other Emergency services is not recognised or accounted for. The needs of all other services/infrastructure is addressed in the policy and therefore it is requested that the policy be amended to address this additional specific need.** The Council will engage with the Cheshire Constabulary to consider their future needs but there is no evidence to demonstrate that any specific provision needs to be made as part of this allocation.

**13. Is the development proposed viable and deliverable within the plan period? What is the situation in relation to land ownership and developer interest?**

- 13.1 The Council acknowledges that the Waterfront Allocation is assessed as unviable in the base case testing in the Local Plan Viability Assessment August 2021 (V2). However, the Local Plan Viability Assessment includes additional sensitivity testing for the Waterfront Allocation by making minor adjustments to certain key inputs to demonstrate potential realistic scenarios under which the allocation could reach a viable position.
- 13.2 Following the conclusion of the Regulation 19 consultation, the Council has undertaken an addendum to its Local Plan Viability Assessment. This includes more detailed site specific consideration of these scenarios, taking into account more recent market evidence and schemes coming forward for development in the inner Warrington area. It should also be noted that the Plan contains flexibility in terms of affordable housing provision and planning obligations should viability be demonstrated to be a constraint at the planning application stage.
- 13.3 The site is under the ownership of the Council. It is intended that Warrington & Co, the Council's inward investment and regeneration agency, will lead on the disposal of the site for housing ahead of the completion of the Western Link.
- 13.4 As stated in the response to question 6 above, the delay to the Western Link project will mean that completions are anticipated 2 years later than that envisaged in the housing trajectory set out in the UPSVLP 2021.
- 13.5 In conclusion, the Council is confident that it is able to demonstrate there is a reasonable prospect that the proposals for the Waterfront can be developed within this revised timescale in accordance with para 60 PPG Plan Making.
- 13.6 As stated in the response to question 6 above, in the event there is a more significant delay to the Western Link programme then the Council will address this through a future review of the Plan, in accordance with UPSVLP 2021 Policy M1 - Local Plan Monitoring and Review. The Council is confident that there would be sufficient time to undertake a review prior to the transport impacts becoming apparent and to address any issues with the Plan's housing land supply.

**14. How is it intended to bring the site forward for development? What mechanisms will there be to ensure a comprehensive and co-ordinated approach to development, ensuring that infrastructure requirements are provided?**

- 14.1 As stated in the response to question 13 above, the site is under the ownership of the Council. It is intended that Warrington & Co, the Council's inward investment and regeneration agency, will lead on the disposal of the site for housing ahead of the completion of the Western Link.

14.2 As stated in the response to question 8, the production of a Development Framework, including a delivery strategy and phasing plan, will ensure a comprehensive and coordinated approach to the delivery of the allocation as a whole and ensure that infrastructure requirements are provided in a timely manner.

**15. What is the expected timescale and rate of development and is this realistic?**

15.1 As stated in response to question 6 above, the delay to the Western Link project will mean that completions are anticipated 2 years later than that envisaged in the housing trajectory set out in the UPSVLP 2021. The first completions are now anticipated in 2029/30.

15.2 The Council has assumed a maximum build rate of 120 homes a year at the point when both development parcels within the allocation are being built out at the same time. This is the build rate that the Council has assumed for developments of between 1,000 and 2,000 units. The build rate increases over time up to the maximum rate with 40 homes being projected for completion in the first year of delivery.

15.3 The build rates used by the Council have been defined based on a review of the Council's housing monitoring data and engagement with developers promoting sites. Further detail on the build rates and lead in times used by the Council is provided in paragraph 4.5 to 4.7 of the Development Options and Site Assessment Technical Report September 2021 (O1).

**16. Are any main modifications necessary for soundness?**

16.1 A modification is required to reflect the delay to the Western Link project with housing completions anticipated 2 years later than that envisaged in the housing trajectory set out in the UPSVLP 2021. This will reduce the number of homes the site will deliver within the Plan Period by 80 units.

16.2 As a result of concerns expressed by Natural England regarding the potential in combination impact of the Local Plan on Holcroft Moss within the Manchester Mosses Special Area of Conservation, the Council is currently working with Greater Manchester Combined Authority (GMCA) on potential mitigation measures for the moss. The Council is therefore proposing a modification to the Plan, and specifically a modification to Part 41 of Policy MD1, which will require a project level HRA to be undertaken and, if required, provide a financial contribution towards appropriate mitigation measures. The mechanism for establishing any required contribution from individual developments and how this will be used to undertake the mitigation could then be set out in an SPD and therefore an addition to the supporting text will need to be made referring to this.