

# Warrington Local Plan Examination

## Matters Statements

### MATTER 6c – MAIN DEVELOPMENT AREA: FIDDLERS FERRY

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July 2022

## **MATTER 6c – MAIN DEVELOPMENT AREA: FIDDLERS FERRY**

### **Issue**

Whether the Fiddlers Ferry Main Development Area (Policy MD3) 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 Fiddlers Ferry became an option considered in the site assessment process as a result of SSE confirming closure of the power station in 2019, with electricity production ending in 2020. It should be noted that the Council has worked closely with the landowner in relation to this allocation – for clarity the landowner refers to SSE prior to the acquisition of the site by Peel NRE on 30 June 2022. Peel NRE has confirmed that it supports the previous work undertaken and is confident that the scale of development is realistic and deliverable.
- 1.2 Although the substantive operational area of the power station is being promoted for employment uses, the landowner is seeking the release of Green Belt land for housing on agricultural land under their ownership adjacent to the east of the power station site, in order to cross subsidise the remediation of the power station. Over the longer term, there is also the potential for residential development to the south of the railway line on land currently in the Green Belt. Although it does not physically adjoin the main urban area of Warrington, it adjoins an existing employment location in Widnes, within the borough of Halton. As such, its characteristics are in keeping with an urban allocation, as opposed to sites being promoted in the outlying settlements.
- 1.3 The site has therefore been selected as a development ‘opportunity site’ able to deliver around 1,800 homes, of which 1,300 will be delivered in the plan period, and approximately 101ha of employment land.
- 1.4 The Fiddlers Ferry site performed well in the options assessment process given its partly brownfield status and the fact that the residential development proposed in the Green Belt would facilitate the remediation and redevelopment of the existing power station site. The allocation is of such a scale as to be able to provide an appropriate level of infrastructure to support the development proposals and the impact on the surrounding Green Belt is considered to be minimal. Full details of the options assessment are in the Development Options and Site Assessment Technical Report 2021 (O1) and the Sustainability Appraisal SA Report 2021 (SP3).

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

- 2.1 The scale of development has been determined by various factors, the main ones being site-specific factors and the need for remediation of the power station site; Green Belt boundaries; housing densities and delivery rates; and the provision of infrastructure.
- 2.2 It became clear that in order to facilitate the redevelopment of the power station site some land within the ownership of SSE adjoining the site would need to be developed for residential use in order to make the proposed allocation viable as a whole. This includes an area of agricultural land to the east of the power station site and an additional area of land to the south of the railway land which comprises of lagoons used as part of the power station process. One such lagoon has been entirely filled with ash deposits over a significant period and is suitable for residential development. The second lagoon will remain as such with the ability to use it for leisure and recreational purposes – this area will also remain in the Green Belt.
- 2.3 In addition, regard was had for the density of development which will vary across the site but will need to respect the location of the allocation on the edge of the existing urban area and adjacent to the remaining Green Belt. Screening and buffer areas between the existing employment areas and existing/proposed residential areas have also been considered, along with other site constraints including the ethylene pipeline (operated by Essar Oil UK), Vyrnwy Aqueduct, the chemical works to the immediate west of the site and associated safety buffers.
- 2.4 It is acknowledged that significant infrastructure will be required to facilitate the redevelopment of the former power station. 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.
- 2.5 The Council has worked closely with the landowner to ensure that the scale of development is realistic and deliverable. This has culminated in the production of the Fiddlers Ferry Masterplan 2021 (MP2a) which is supported by the Fiddlers Ferry Density Assessment 2021 (MP2b).

**3. Has the development potential of the brownfield part of the site been optimised?**

- 3.1 Yes. The brownfield part of the site currently comprising of the power station and ancillary operational space will mostly be used for the creation of a major high quality employment area. This will make a significant contribution to Warrington’s employment needs and will have the potential to accommodate large scale distribution, logistics and industrial uses and low carbon energy projects benefiting from its accessibility to the regional road network and its established grid infrastructure.

3.2 A small area of the existing employment site, on the eastern side of the site and currently used for ancillary storage, will make up part of the new northern residential site. This will not have a significant impact on the operation of the remediated employment site.

**4. What is the background to the specific policy requirements in Policy MD3.3? Are they justified and consistent with national policy? Do they provide clear and effective guidance on constraints and suitable mitigation?**

4.1 The specific policy requirements either relate to the Council's planning policy objectives, for example the creation of new sustainable neighbourhoods and allocation of the site for high quality employment uses, or to ensure appropriate mitigation in bringing the site forward for development and addressing site constraints. The requirements have been established taking into account the Council's evidence base and site assessment work, engagement with the principal landowners, 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.

4.2 The policy provides clear guidance and requirements on what the Council expects will be delivered as part of the mixed use development opportunity site.

**5. What is the status of the development concept diagram associated with this allocation? How will this support the preparation of a Development Framework (MD3.2 point 5)?**

5.1 The development concept diagram has been produced to demonstrate how the allocation can be delivered and is for illustrative purposes only. This can be used to inform any future masterplanning work for the site which may form part of the Development Framework. The purpose of the Development Framework is to ensure that development comes forward in a comprehensive manner whilst enhancing the built and natural environment.

**6. Does Policy MD3 identify all appropriate and necessary infrastructure requirements? How will these be provided and funded? Is this sufficiently clear?**

6.1 The Council has established infrastructure requirements for the allocation and associated costs through ongoing engagement with infrastructure providers (National Highways, CCG/NHS) internal Council services and partner services and the principal site promoters throughout preparation of the plan. The Council has also consulted with neighbouring Halton Borough Council given the proximity of the main development area to the urban area of Widnes.

6.2 Given the location of the site and scale and nature of the allocation, it is essential to ensure that the necessary infrastructure will be delivered to mitigate the impact of development.

6.3 All infrastructure requirements are set out clearly in the Policy whilst recognising that some matters will need to be reviewed on an ongoing basis given the phased delivery of the allocation. The Council accepts that the wording in the supporting text should clarify the need for infrastructure requirements to be kept under review, as detailed in paragraph 19.2 below, with any subsequent updates being dealt with through a review of the Plan. The IDP will also be updated on an ongoing basis and details of the proposals will be firmed up in preparing the Development Framework.

6.4 The majority of infrastructure is intended to be delivered or funded by the developers promoting the allocation and the Local Plan Viability Assessment August 2021 (V2) demonstrates this is viable.

**7. Are there any contamination or other constraints either on or adjacent to the site, including the need for remediation and flood risk matters, that will inhibit the development of the allocation as envisaged?**

7.1 No. SSE has carried out an extensive amount of site investigation work which has concluded that the proposed allocation can be accommodated on the site having regard for all site constraints. Indeed this has been considered in the recent sale of the site to Peel NRE who are satisfied that there are no significant contamination or other constraints that will inhibit development of the allocation as envisaged.

**8. Will there be appropriate opportunities to promote sustainable transport modes, and that safe and suitable access can be achieved for all users?**

8.1 New development within the allocation site will be designed to support walking and cycling for local journeys and to other local destinations in Warrington and Widnes. Improved public transport services, including new and improved bus routes serving the site, will provide access to both towns and other employment areas in the wider Warrington/Widnes area.

**9. What are the conclusions of the Green Belt Assessment in relation to the contribution of the land in question to the purposes of the Green Belt and the potential to alter the Green Belt in this location?**

9.1 The Green Belt Assessment – Fiddlers Ferry 2021 (GB2) provides a review of the site's existing contribution to Green Belt purposes before considering the potential implications of releasing the site from the Green Belt.

9.2 The report concludes that the proposed allocation includes areas of Green Belt which are predominantly in two parcels considered to make a moderate (parcel WR73, southern section of the site) contribution to Green Belt purposes and one making a strong (parcel WR79, northern section of the site) contribution to Green Belt purposes. Parcel WR74, making a moderate contribution, is also proposed to be removed from the Green Belt – this parcel does not form part of the site boundary however it is likely that it will need to be removed to avoid an islanded pocket of Green Belt in this location.

- 9.3 The report identifies potential new boundaries to mitigate the impact of removing land from the Green Belt. In relation to the northern section of the site, in order to mitigate the localised harm to the Green Belt in this location, a new recognisable and permanent boundary should be defined along the eastern boundary (Marsh Lane) in order to provide a clear urban edge which will ensure that the separation between Widnes and the Warrington urban area is maintained. For the southern part of the site, there are a number of features which collectively could provide a new permanent and recognisable Green Belt boundary. The Vyrnwy Aqueduct is not a visible feature however it provides a clear constraint to development within this central corridor which will need to be retained. The pylons run almost in parallel with the aqueduct within this corridor and also constrain development in this location. The access track running alongside the aqueduct is a private access track providing access for United Utilities. It is assumed that this will also need to be retained given United Utilities' landholdings / assets at the southern tip of the allocation adjacent to the River Mersey. A new boundary could be established to the west of the aqueduct through early landscaping works to create a defined boundary. Collectively these elements could act as a new recognisable and permanent Green Belt boundary.
- 10. What would be the effect of developing the site on the purposes of the Green Belt, noting particularly the proximity of the urban area of Widnes at this point and the role of Green Belt in preventing neighbouring towns from merging into one another?**
- 10.1 The Green Belt Site Selection – Implications of Green Belt Release Report 2021 (GB3) concludes that development of the site would result in some encroachment into the countryside however development would not represent unrestricted sprawl as it is not adjacent to the Warrington urban area. Development would reduce the separation between the Warrington urban area and Widnes, and to a lesser extent between Widnes and Runcorn. However a degree of separation would be maintained by the remaining Green Belt land to the south of the A562 Widnes Road, to the east of Marsh Lane and to the south of the dry lagoon, as well as by the physical constraints of the River Mersey and the Manchester Ship Canal. In addition, there are significant technical constraints associated with the land to the east of the allocation (principally a high-pressure pipeline and associated hazard zones) which would minimise the potential for those parcels to be developed in the future; thereby providing certainty that land to the east would remain open and performing its existing Green Belt functions (particularly in terms of restricting the merging of Widnes and Warrington). Overall, development would not result in neighbouring towns merging. The removal of the site from the Green Belt will not harm the overall function and integrity of the Warrington Green Belt.
- 10.2 Full details of the effect of developing the site on the five purposes of the Green Belt are detailed in the Green Belt Site Selection – Implications of Green Belt Release 2021 (GB3) document.

10.3 It should also be noted that a Statement of Common Ground has been produced and agreed with various parties, including Halton Borough Council which has not raised any concerns regarding the Fiddlers Ferry proposal.

**11. Are there exceptional circumstances to alter the Green Belt in this particular case? If so, what are they?**

11.1 Yes. The ability to make such a significant and sustainable contribution towards meeting Warrington's long term development needs, including those beyond the plan period, whilst facilitating the remediation of a significant brownfield site provides the exceptional circumstances required to justify the removal of some land within the allocation from the Green Belt.

11.2 In addition, the allocation will deliver significant enhancements, improvements and ecological benefits on Green Belt land within the allocation boundary as part of Phase 2 of the overall development.

11.3 The allocation is also an important component of the Plan's overall spatial strategy which will enable the creation of new sustainable communities but in a manner which will support the delivery of strategic infrastructure required to address existing issues of congestion and unlock major development sites with significant brownfield capacity.

**12. Have the potential impacts on European designated sites been adequately assessed? What are the implications for the scale of development envisaged?**

12.1 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 (Pages 44 and 45 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.

12.2 With the exception of the outstanding issue regarding potential air quality impacts on the Manchester Mosses SAC (refer to Question 14 of Matter 1 and see proposed modification to the policy in paragraph 19.3 below), 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.

**13. Have the potential impacts on Local Wildlife Sites been recognised and could they be adequately addressed?**

13.1 The potential impacts of development at Fiddlers Ferry on Local Wildlife Sites have been considered through the Sustainability Appraisal SA Report 2021 (SP3) and also through the Site Assessment Proformas 2021 (SAP1) – Site Ref R19/006b, page 68. No significant issues have been picked up through the process and any impacts can be mitigated.

**14. 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?**

14.1 In-combination impacts of the Local Plan have been considered through the SA and HRA and the Council is confident that the policy, along with other MDA policies in the plan provide for the necessary level of mitigation. Question 13 of Matter 1 explains how the in-combination impacts have been considered in the Updated HRA (SP12).

**15. 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.**

15.1 **The issue of multi-user routes, particularly routes accessible to horses, in the area has been raised by numerous respondents to the consultation process.** The need for multi-user routes is noted and can be picked up post adoption of the plan when the detail is worked up for development of the site through the preparation of the Development Framework.

15.2 **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.

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

16.1 The Local Plan Viability Assessment August 2021 (V2) includes a full assessment of Phase 1 of the proposed development (to the north of the railway line). This is due to the nature of the proposed scheme which is complex in terms of the phasing and the required enabling works, including the significant upfront demolition and remediation costs for the power station land. The appraisal of the scheme has been based on the Phase 1 quantum of residential units and employment floorspace, the Phase 1 infrastructure / abnormal costs provided by the Council and reflects the phasing assumptions advised by the site promoter (SSE at the time). The LPVA concludes that the proposed development is viable (see Section 8 of the report) subject to enabling residential development on land proposed to be removed from the Green Belt.

16.2 The assessment also demonstrates that the Phase 1 development can make a substantial contribution to the likely infrastructure costs for Phase 2 of the development, to the south of the railway line. The infrastructure costs for Phase 2 will be confirmed through preparation of the Development Framework, updates to the IPD and if necessary through future reviews of the Local Plan



- 16.3 This has been further supplemented with evidence in the Warrington Local Plan Viability Report Addendum 2022 (V1).
- 16.4 It should be noted that it is not envisaged that the entire site will be built out during the plan period. The allocation includes 1,800 homes of which it is envisaged that 1,300 will be delivered over the plan period along with the full amount of employment land – 101ha. It is expected that the remaining 500 homes will be delivered beyond the plan period.
- 16.5 The allocation as a whole is available and is being actively promoted by the landowners through the Local Plan process. Peel NRE, part of Peel L&P, acquired the Freehold interest in the Fiddlers Ferry site from Scottish Southern Electric ('SSE') Thermal on 30 June 2022. Peel's acquisition represents the vast majority of the land that comprises the MD3 allocation in the UPSVLP, including the former power station and lagoons as well as agricultural land to the east and south.
- 16.6 The Council's viability assessment was informed by indicative abnormal and infrastructure costs provided previously by Aspinall Verdi on behalf of SSE. Relevant costs are currently being reviewed in detail by Peel's consultants and any update on the position on viability will be included within the Statement of Common Ground between the Council and Peel L&P which is currently being prepared.
- 17. 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?**
- 17.1 To ensure a coordinated approach to the delivery of the allocation, the landowner will be required to prepare a Development Framework to address the site wide requirements of the policy, relating to access, transport improvements, drainage, social infrastructure, 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. Once agreed, the development framework will enable individual development proposals to come forward within the allocation in a coordinated manner.
- 18. What is the expected timescale and rate of development and is this realistic?**
- 18.1 The Council has worked closely with the site owners to understand the site constraints and determine a realistic delivery rate. This has involved reviewing delivery rates across the Borough (as detailed in the Strategic Housing Land Availability Assessment 2021 (H4)) and nationally on sites of a similar nature. The site owners have drawn on their experience of remediation of such sites elsewhere in the UK and they and the Council are confident that the timescales are realistic for the type of development proposed. Indeed the residential elements of the proposals are on greenfield land which does not require remediation before development

18.2 Within the development trajectory which is appended to the UPSVLP (Appendix 1), development is not anticipated on the site until 2025/26. Within this first year 35 units are anticipated to be delivered on the northern parcel as development gets underway. This increases to 70 units per annum (based on 2 sales outlets) on the northern parcel over the period 2026 to 2031. Between 2031 and 2039 the northern parcel is anticipated to deliver approximately 60 units per annum and 30 units during 2031/32 on the southern residential parcel with 60 units per annum expected on the southern parcel thereafter up to 2039.

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

19.1 The Council accepts that the wording in the supporting text should clarify the need for infrastructure requirements to be kept under review, with any subsequent updates being dealt with through a review of the Plan. To this end the Council is proposing the following text is added to paragraph 10.3.22 within the supporting text to Policy MD3:

The allocation Policy, together with the Council's Infrastructure Delivery Plan, set out the key infrastructure requirements to support the Fiddlers Ferry development opportunity site. **The IDP will be kept under review and any changes to the policy requirements will be confirmed through future reviews of the plan.**

19.2 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 MD3, 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.