

Warrington Local Plan EiP

Matter 6c: Main Development Area: Fiddlers Ferry

On behalf of Taylor Wimpey, Bloor Homes, Lone Star Land and Mulbury (Grappenhall) Limited.

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1. Matter 6c – Main Development Area: Fiddlers Ferry

1.1. Each of the Inspector's questions are listed below. We comment on those where we raise matters in the representations (UPSVLP 1431) to the second Regulation 19 Warrington Local Plan (WLP) (SPI).

1.1. Our position on Fiddlers Ferry is set out in our representations in relation to:

- The spatial strategy
- Habitat Regulations Assessment (HRA) (para 4.9 to 4.12).
- Ecological networks (para 7.101 to para 7.104)
- Flood risk (para 7.112)
- Policy MD3 – Fiddlers Ferry (para 8.15 to para 8.25)

1.2. We also set out the issues with Fiddlers Ferry in the following:

- **Matter 1: Procedural / Legal Requirements**
- **Matter 2: The Duty to Co-operate**
- **Matter 3: The Spatial Strategy**

1.3. We strongly object to the release of any Green Belt land for housing at Fiddlers Ferry, consider that it is unsound, and consider that this element of the allocation should be removed from the WLP.

1.4. Below we raise comments on pertinent matters in direct response to the questions. Where comments are not provided, we reserve the right to respond to the Council's comments during examination.

Q1. What is the background to the Main Development Area and how was it identified?

1.5. In the first Regulation 19 Warrington Local Plan (WLP) Fiddlers Ferry was identified as an existing employment area¹. Given the uncertainties over the timing of decommissioning and the requirements for extensive site remediation, Fiddlers Ferry was not included in the identified employment land supply at that stage².

¹ PVLPI, Policy DEV4 – Economic Growth and Development

² PVLPI, para 3.3.23

- 1.6. SSE were the owners of Fiddlers Ferry Power Station at that time and made representations supporting the identification of the existing employment area³. SSE did not raise any issues with the viability of remediating the site, developing it for power generation and related employment development, and made clear that the ash operations were likely to continue well after the coal-fired power station closes.
- 1.7. By the time of the second Regulation 19 WLP⁴, the Council noted that although the substantive operational area of the power station is being promoted for employment uses, SSE are seeking the release of Green Belt land for housing on agricultural land under their ownership adjacent to the east of the power station site, to cross subsidise the remediation of the power station. It therefore appears that the release of Green Belt land for housing to the east of the power station is to cross subsidise the remediation of the power station⁵.
- 1.8. The Council also note that over the longer term, there is also the potential for residential development to the south of the railway line on land currently within the Green Belt which has been used for fly ash deposits, as part of a wider development opportunity which would retain and enhance the existing lagoons as a recreational and ecological resource⁶. We strongly object to this approach as it does not provide justification for the release of Green Belt in this location.

Q2. What is the basis for the scale of development proposed and is this justified?

- 1.9. It is set out in the Fiddlers Ferry Density Assessment (April 2021) (**MP2b**) that an average net density of approximately 35 dwellings per hectare has simply been applied to produce two housing neighbourhoods of minimum 1,760 dwellings in total⁷.
- 1.1. This scale of development has not been justified on the basis that:
 - There is no evidence (that we can find) to suggest that this scale of development is necessary to cross subsidise the remediation of the power station
 - Habitat assessments, bird surveys and project specific Habitat Regulations Assessment (HRA) will be required and before that is produced the delivery of any homes at Fiddlers Ferry is seriously questionable
 - No consideration has been potential impacts on Local Wildlife Sites when coming to the density assumptions (the Fiddlers Ferry Density Assessment (April 2021) does not refer to Local Wildlife Sites whatsoever)

Q3. Has the development potential of the brownfield part of the site been optimised?

³ **lpr 0474** – chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.warrington.gov.uk/sites/default/files/2020-11/lpr_0474_redacted.pdf

⁴ **SP1**

⁵ **O1**, para 4.13

⁶ **lbid**

⁷ **MP2b**, page 8

1.2. If a key plank of the argument for the release of Green Belt land for housing is to cross subsidise the remediation of the power station, then it must first be demonstrated that the brownfield part of the site has been optimised.

1.3. We have no comment until we see Council's and respondent response to this.

Q4. What is the background to the specific policy requirements (set out at MD3.3)? Are they justified and consistent with national policy? Do they provide clear and effective guidance on constraints and suitable mitigation?

1.4. Policy MD3 – Fiddlers Ferry (part 24) requires evidence that development will not have any adverse impacts on the integrity of the Mersey Estuary SPA, and that if habitat within the allocation site or adjacent land are suitable to support significant populations of qualifying species of wintering birds, avoidance measures and mitigation will be required, and any planning application may need to be assessed through project specific HRA.

1.5. The issue we have is that the policy wording does not say that a project specific HRA will be required when it should. Project specific HRAs will be required on the basis that the Updated HRA (August 2021) has already found that all qualifying species (i.e. shelduck, teal, pintail, golden plover, dunlin, black-tailed godwit and redshank) of the SPA / Ramsar have been recorded in the tetrad encompassing this allocation⁸. As such, and until such a time that project specific HRAs are undertaken, we are none the wiser as to what avoidance and mitigation is required and there is no clear and effective guidance on this in the policy wording.

1.6. Notwithstanding that we strongly object to the release of Green Belt land for housing at Fiddlers Ferry, this matter needs to be clarified before the policy approach can be considered to be justified in this regard.

Q5. 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)?

1.7. No comment until we see Council's and respondent response to this.

Q6. Does the policy identify all appropriate and necessary infrastructure requirements? How will these be provided and funded? Is this sufficiently clear?

1.8. The FF proposal is referenced in the IDP and is required to make substantial payments towards local road network infrastructure amounting to £17.7m but it appears that these are works principally to offset the impacts of the development. It is not clear how this level of investment contributes positively to the main objectives of LTP4 and we note that no investment or provision of infrastructure or routes is cited for Mass Transit in conjunction with the FF policy. We would point the Inspector back to our Matter 1 statement at this point and our responses to **Q16** and **Q17** in particular.

⁸ SD12, para. 4.6

Q7. 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?

- 1.9. There is insufficient evidence that the southern proposed residential area could be developed viably noting its current use for ash deposits and it being surrounded by a flood risk area. We do not consider this represents a suitable or deliverable housing site for circa 900 homes and a new local centre.

Q8. Will there be appropriate opportunities to promote sustainable transport modes, and that safe and suitable access can be achieved for all users?

- 1.10. We strongly object to the release of Green Belt land for housing at Fiddlers Ferry on the basis that the homes would be isolated from the main urban area of Warrington and its associated services and the existing outlying villages within the Borough. The homes would also be isolated from existing residential areas and services within Halton Borough Council
- 1.11. We note Policy MD3 – Fiddlers Ferry (part 29) requires the development to include improved cycling and walking routes well related to the green infrastructure and connecting to the Trans Pennine Trail and provide public transport enhancement to connect the new community with Warrington Town Centre and Widens Town Centre.
- 1.12. However, we have yet to see any evidence that these requirements can be achieved, and we have no further comment until we see Council's and respondent response to this.
- 1.13. Please also refer back to our comments at Q6.

Q9. 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?

General Area Parcels 16 and 17

- 1.14. The General Green Belt parcels relevant to this proposed allocation are 16 (south of FFPS) and 17 (east of FFPS). General Parcel 16 is concluded to make a moderate contribution and parcel 17 a strong contribution principally due to its role in separating the main towns of Warrington and Widnes, where the Green Belt here provides an '**essential gap**' based on Arup's assessment on page F9 of document GB5.
- 1.15. We broadly agree with conclusions of the General Parcel analysis but are somewhat confused by Arup's conclusions in relation to Purpose 1 on Parcel 16. Our view would be that the existence of strong existing boundary created by the ship canal would result in this parcel performing a strong contribution to preventing urban sprawl because if the ship canal is breached and development is then located within this parcel, it will then be harder to stem further built development south of the Ship canal within this general location.

Smaller Parcels

- 1.16. The land to the east of FFPS is also assessed under Parcel WR79 (page H47) and the land to the south is assessed under Parcel WR73 (page H45) in the 2016 GB assessment (ref GB5). Both are shown on Plan 19. We also note the document GB2 related to FFPS, which relays much of the same information from the original Arup assessment.

WR79 (Land to East)

- 1.17. Under purpose 1 (preventing urban sprawl), Arup conclude 'no contribution' on the basis that the parcel is not next to Warrington. No mention is made the parcels being on the edge of the defined urban area of Widnes under this purpose despite the town being referenced under other purposes and forming part of the Liverpool City Region, which is clearly a large urban area. Purpose 1 should be ranked strong for both parcels and to ensure consistency with other Arup assessments elsewhere in the document.
- 1.18. With regard to purpose 2 and keeping main towns separated, Arup rank the parcel moderate despite the strong ranking provided to General Parcel 17 and parcel WR78 which forms the other component of Parcel 17. Purpose 2 should be ranked strong for consistency.
- 1.19. We agree with Arup's strong contribution in relation to Purpose 3, no contribution in relation to purpose 4 and moderate contribution to purpose 5. Overall, **Parcel WR79 should rank as making a strong contribution** rather than moderate if a consistent approach is applied.

Southern Parcel (WR73)

- 1.20. We echo our point about Purpose 1 and Arup's conclusion of 'no contribution'. This is not justified on the basis of their being no reference to Widnes in Arup's assessment. We agree with Arup's 'strong' conclusion on Purpose 2.
- 1.21. With regard to Purpose 3, we consider this should also rank as 'strong' rather than 'moderate', particularly give the character of the landscape in this location, the prevalent river / estuary setting, and the very strong open visual aspects across it because of the flatness of the topography and lack of high vegetation along the river plain. Whilst we accept the PowerStation itself impacts on the overall landscape setting in this location, it is separated from the riverside setting by the railway line located to the north, as is most other urban built form to the north, whilst the ship canal to the south of the river also contains most built form to the south. The river corridor itself, to which this parcel relates, is therefore devoid from vertical built form apart from the river crossings themselves. To breach these strong boundaries (railway and ship canal) with built form would therefore have a serious impact on the distinct and open countryside setting of the River, as illustrated by many of the photographs in Appendix 1 of document GB2.
- 1.22. Furthermore, if one reads Arup's comparative Purpose 3 conclusions in relation to Parcel WR74, which is a relatively small parcel located to the north of Parcel WR73 and north of the railway line, it is hard to understand the justification for that smaller parcel being ranked 'strong' under Purpose 3 when land to the south of FFPS in Parcel WR73 is ranked 'moderate', particularly when considering Arup's methodology approach to 'openness' cited in Table 5 on pages 33/34 and statement at paragraph 105 of GB5.
- 1.23. As such, we conclude that **Parcel WA73 should also rank as strong contribution** if Arup's methodology is applied consistently.

Q10. 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?

- 1.24. See response above. We consider Purpose 2 of the Green Belt is a critical consideration in the context of Warrington given its location between Greater Manchester and the Liverpool

City Region. Erosion of any 'essential gaps' between Warrington and these two larger conurbations will significantly undermine the role of Green Belt in the North West.

Q11. Are there exceptional circumstances to alter the Green Belt in this particular case? If so, what are they?

- 1.25. We strongly object to the release of Green Belt land for housing at Fiddlers Ferry on the basis that there is insufficient evidence available to demonstrate that site specific exceptional circumstances exist. The Green Belt Assessment: Fiddlers Ferry (April 2021) does not address the exceptional circumstances test.
- 1.26. The Council's rationale for releasing Green Belt land for housing close to Fiddlers Ferry is essentially an enabling development argument for redevelopment of the brownfield part of the site to make that component of the proposals viable. This must be based on evidence.
- 1.27. It still needs to be demonstrated that the release of Green Belt land for housing close to Fiddlers Ferry, both to the east of the power station and to the south of the railway line, is required to make the overall proposals viable and what level of homes would be required. There is no evidence testing alternative scenarios looking a zero homes or just one of the proposed residential parcels being required.
- The viability of redeveloping the site was not previously raised as an issue by the previous site owners at the time of the first Regulation WLP (albeit we note that Peel L&P has since acquired the power station site);
 - The previously site owners only raised the prospect of releasing Green Belt land to the east of the power station to cross subsidised the redevelopment of the power station at the time of the second Regulation 19 WLP;
 - There is no justification (that we can find) for the release of Green Belt land to the south of the railway line, which is subject to a range of environmental constraints;
 - It is particularly unclear how the southern proposed parcel for 900 residential homes could actually contribute to the redevelopment of the Power Station given this site will have to tackle a series of costly issues, namely a new/enhanced bridge crossing over the railway line to address fire safety regulations, which we estimate could be in the region of £24m; the need for piled foundations due to ash deposits (circa £6k to £10k per plot); plus all of the contributions required in the IDP amounting to £17.7m for FFPS local and strategic highway works plus additional infrastructure requirements such as a new primary school at £5m, a new health facility at £1m, utility costs at £2.7m, sports pitches at £0.6m, plus delivery necessary affordable housing requirements.
 - Further to our analysis above, both parcels promoted for residential development, contribute strongly to the Green Belt objectives due to either forming part of essential gap, and/or having strong out boundaries that have yet to be breached by significant forms of vertical development and are very open in terms of their distinct landscape character associated with the River.
- 1.28. In short, without evidence which demonstrates that the release of Green Belt land for housing close to Fiddlers Ferry (both to the east of the power station and to the south of the railway line) is likely to achieve the redevelopment of the power station site, the

exceptional circumstances required to justify a very strong impact on the Green Belt have not been established and therefore this Policy is unsound.

Q12. Have the potential impacts on European designated sites been adequately assessed? What are the implications for the scale of development envisaged?

- 1.29. We strongly object the release of Green Belt land for housing at Fiddlers Ferry on the basis that the potential impacts on Mersey Estuary SPA and Ramsar has not been adequately assessed through the Updated HRA (February 2021).
- 1.30. The Updated HRA (August 2021) finds that:
- All qualifying species (i.e. shelduck, teal, pintail, golden plover, dunlin, black-tailed godwit and redshank) of the SPA / Ramsar have been recorded in the tetrad encompassing this allocation⁹
 - The Mersey Estuary SPA/ Ramsar is located 3.6km to the west of the Fiddlers Ferry development area – this distance is sufficiently close to the proposed development site that likely significant effects could arise due to increased recreational pressure and air quality moreover, development locations in the western parts of Warrington could constitute functionally-linked habitat for birds for which the SPA is designated – this site is therefore screened in for further analysis¹⁰
 - The Mersey Estuary SPA/ Ramsar zone of influence may extend to the western half of the Warrington Borough – as such, there is the possibility that the allocation of residential or employment development through Green Belt release (such as at MD3 – Fiddlers Ferry) could lead to likely significant effects on the integrity of the SPA/Ramsar¹¹
- 1.31. The Updated HRA (August 2021) goes on to note that protective policy wording is included in the text for Policy MD3 – Fiddlers Ferry and that this policy wording is sufficiently protective to allow a conclusion of ‘no adverse effect’ at the plan level, because it ensures that further work (e.g. habitat assessments and bird surveys) will be required to support relevant planning application(s)¹²
- 1.32. The issue is that until such assessments, surveys and project specific HRAs are undertaken we are none the wiser as to whether any development is suitable on this site or what avoidance measures would be necessary to ensure any development will not have any adverse impacts on the integrity of the Mersey Estuary SPA, which would have significant implications on the scale of development envisaged.

Q13. Have the potential impacts on Local Wildlife Sites been recognised and could they be adequately addressed?

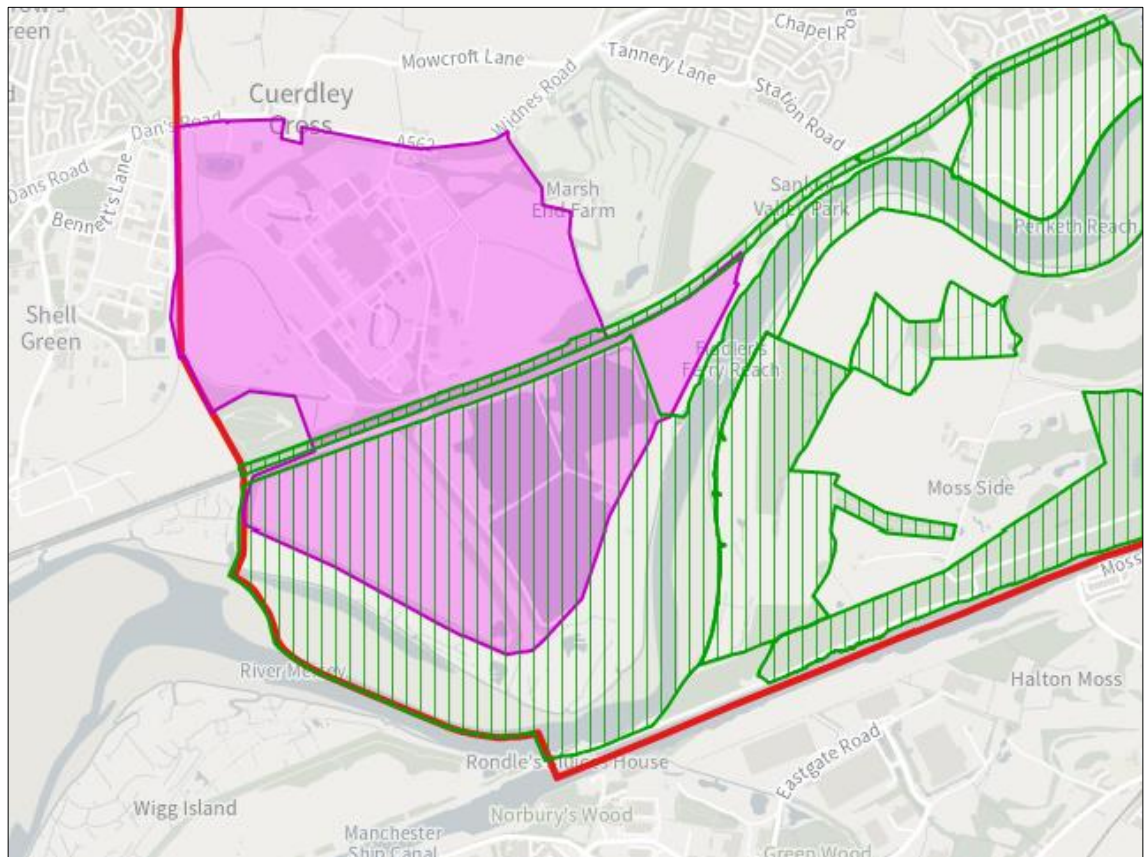
⁹ Para. 4.6, Updated HRA (August 2021)

¹⁰ Ibid

¹¹ Page 26, Updated HRA (August 2021)

¹² Para 4.7, Updated HRA (August 2021)

- 1.33. The Local Plan Site Allocation Site Profiles (June 2022) (**CD02**) the Fiddlers Ferry Regeneration Vision (August 2021) (**MP2**) note that three Local Wildlife Sites fall within the site boundary and a further two are adjacent to it¹³.
- 1.34. The allocation to the south of the railway line includes the Upper Mersey Estuary and St Helens Canal (West) Local Wildlife Sites. This part of the site and the land to the east of the power station also lie in close proximity to Morton Marsh and Upper Moss Side Fields, Moss Side Farm and Moore Nature Reserve Local Wildlife Sites. These are shown on the Policies Map.



- 1.35. The issue is that the Fiddlers Ferry Masterplan (April 2021) (**MP2a**) and the Fiddlers Ferry Density Assessment (April 2021) gives no mention of the potential impacts on the Local Wildlife Sites in their density and capacity assumptions (which are simply followed through into Policy MD3 – Fiddlers Ferry).
- 1.36. On the basis that the capacity of the site has not taken on board, any potential impacts on the Local Wildlife Sites has not been accounted for in the identification of the 900 homes south of the railway, nor that the homes to the east of the power station would not have any impact on them without mitigation.

¹³ Page 14, **CD02** and page 17, **MP2**



Q14. 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?

- 1.37. The policy does not 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.

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