



Warrington Local Plan Examination in Public: Hearing Statement

Matter 6c: Fiddlers Ferry

On behalf of Richborough Estates Ltd.

In relation to land at Cherry Lane Farm, Lymm

Participant ID: 0430

July 2022

CONTENTS

1	INTRODUCTION	1
2	MAIN DEVELOPMENT AREA: FIDDLERS FERRY	4

Prepared By: Jon Power



Version 2

Date: 22nd July 2022

1 INTRODUCTION

1.1 Asteer Planning LLP has been instructed by Richborough Estates Ltd (“Richborough”) to prepare this Hearing Statement in relation to the Updated Proposed Submission Version Local Plan (“SVLP”) and the Matters, Issues and Questions (“MIQs”) posed by the Inspectors’.

1.2 Richborough controls the site at Cherry Lane Farm in Lymm (Site Number: 0430¹) which has been promoted through the Local Plan process since 2017. The site is wholly deliverable (being suitable, available and achievable) for residential development and could deliver significant public benefits, as demonstrated robustly by the evidence presented in duly made representations in June 2019 and in November 2021 (Rep ID number: 0430/07).

1.3 In relation to Matter 6c, the inspector has raised the following issue:

“Whether the Fiddlers Ferry Main Development Area (Policy MD3) is justified, effective and consistent with national policy.”

1.4 This Statement responds directly to the Inspectors’ MIQs, however, it should be read in parallel with previous representations. Separate statements have been prepared in respect of the following matters and should be read in conjunction with this Statement:

- Matter 3 (Spatial Strategy)
- Matter 4 (Housing Need);
- Matter 6a (Warrington Waterfront);
- Matter 7d (Lymm Allocations);
- Matter 8 (Housing Land Supply);
- Matter 9 (Other Housing Policies); and
- Matter 14 (Monitoring and Review).

¹ Omission Site Ref 22 (SHLAA Ref: 2705, Site Refs: R18/051, R18/101 and R18/P2/024)

1.5 It is our view that, for the reasons set out in this statement, that the Fiddlers Ferry Main Development Area allocation (Policy MD3) has delivery challenges when considered against the Council's housing trajectory. In summary, this statement demonstrates that:

1. The site's constraints are significant and not yet fully understood and, as such, it is unclear what development can realistically be delivered and in what timeframes.
2. The site is in an isolated and unsustainable location, which is poorly served by public transport and where provision of new services would have viability and operational challenges.
3. The allocation of Green Belt land to the east of the site (north of the railway line) lacks justification when compared to the assessment of similar sites that are in highly sustainable and more logical locations.
4. Land to the east of the site makes a "strong" contribution towards 'preventing neighbouring towns merging into one another' (Green Belt purpose 2) as defined by Paragraph 138 of the NPPF and contributes to maintaining an essential strategic gap that prevents Widnes and Warrington from merging together.
5. There are significant challenges associated with the allocation which question the viability and deliverability of the site. There significant costs associated with delivering the site and the developer should clearly set out how the scheme is viable and deliverable in its entirety.
6. A start on site in 2026 is unrealistic. In an absolute best case scenario, we do not consider that it would be possible to start on site before 2031. Delaying the start on site by 6 years would, based on the Council's trajectory at Appendix 2 of the SVLP, push a total of 715 units beyond the Plan Period.

1.6 If the Inspectors consider that Main Modifications are required, the Council should consider:

- a) Providing a realistic trajectory for the development of the site, which could result in a proportion of the site delivery being pushed beyond the Plan Period;
- b) Allocating additional sites in sustainable outlying settlements, such as Lymm, to support a more balanced spatial strategy that is able to meet the needs of the Borough during the Plan Period, particularly in the first 5 years.

1.7 Cherry Lane Farm has been demonstrated to be deliverable and could make a significant positive contribution towards meeting both affordable housing and overall housing needs early in the Plan Period. It is Richborough's view that if additional sites are required to meet any early shortfall in the delivery of Fiddlers Ferry during the Plan Period, then Cherry Lane Farm should be either allocated or safeguarded for residential development to support a sound Local Plan.

2 MAIN DEVELOPMENT AREA: FIDDLERS FERRY

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?

2.1 There are significant environmental constraints associated with the development of Fiddlers Ferry, including:

- **Ecology** – the Mersey Estuary is an internationally designated ecological site (Site of Special Scientific Interest, Special Area of Conservation and Ramsar site) located 3.45km west of Fiddlers Ferry. The site will be inextricably hydrologically linked with the River Mersey, and, as a result, there is a significant potential for significant environmental effects on the river. In addition, there is the confirmed presence of protected species including Bats, Badgers and Great Crested Newts.
- **Geo-environmental** – there is significant contamination on site associated with the former uses at the power plant. The site will, therefore, require extensive testing and assessments over a number of years to accurately profile the geo-environmental conditions. Following this, a robust remediation strategy will need to be implemented to ensure the site is safe for its intended use, specifically in relation to the residential uses. This is a challenging site from geo-environmental perspective and a series of landfill remediation techniques will need to be employed to sufficiently cap and protect existing and future sensitive receptors.
- **Highways infrastructure** – there are concerns regarding the ability to deliver satisfactory mitigation on the local highway network to accommodate the Fiddlers Ferry proposals, particularly given the likely reliance on car borne travel. Notwithstanding the findings of any detailed transport studies, the assessment and agreement of findings with consultation bodies will require significant time investment, and subsequently impact the housing trajectory early in the Plan.
- **Utilities constraints** – including underground pipelines such as a major Ethylene pipeline and gas pipelines and a chemical works immediately to the west, and overhead high voltage power lines and associated pylons and underground cabling.
- **Flood risk** – areas of flood risk across the site are evident, which require detailed assessment and mitigation.
- **Heritage and archaeology** – with several areas of heritage interest that will require assessments in terms of significance and impact.

- 2.2 The site constraints are not yet fully understood so the quantum and densities of development will be in a state of flux. Whilst in isolation, individual constraints may be mitigated, in combination they represent a significant deliverability issue in terms of both viability and timescales. Without fully understanding the detailed constraints and their costs, it is unclear what development can realistically be delivered and in what timeframes.

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

- 2.3 The Appraisal of Urban Extension Options contained in Appendix G of the Sustainability Appraisal ("SA") raises concerns over the accessibility of the site. In particular, the SA suggests that the site performs poorly in accessibility terms in comparison to the other growth areas and is identified as having a 'minor negative' effect. The SA states: *"Overall, development in this location is predicted to lead to minor negative effects as accessibility would not be ideal in terms of walkability or public transport further afield"*.
- 2.4 Fundamentally, the site is in an isolated location, which is poorly served by public transport and where provision of new services would have viability and operational challenges. It is unlikely to deliver the critical mass to support a viable standalone bus service and residents would likely be reliant on accessing services and facilities elsewhere by car. Active travel, including walking and cycling, would also be difficult to encourage due to the site's isolated location and the distance that would need to be travelled to key locations, such as Central Warrington.
- 2.5 The accessibility of the site is, therefore, a significant issue. The scale of development and its distance from Central Warrington and other services and facilities will undoubtedly lead to an increase in trips by private car which, conversely, could lead to localised /strategic highways issues and congestion.

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?

- 2.6 In terms of the release of land from the Green Belt to the east of former power station (that is not previously developed), we consider that it would have a greater impact on the purposes of the Green Belt when compared to other Green Belt sites that have been omitted from the SVLP, which are in highly sustainable and more logical locations, such as Cherry Lane Farm.

2.7 The proposed allocation is located in a strategic Green Belt gap between the Warrington and Widnes urban areas and the Council's Green Belt Assessment concludes that site makes a "strong" contribution towards 'preventing neighbouring towns merging into one another' (Green Belt purpose 2) as defined by Paragraph 138 of the NPPF (see Matter 3). The site contributes to an essential strategic gap that prevents these two major urban areas from merging together. In considering the overall harm to the Green Belt, the Assessment notes:

"Purpose 2 – Development of the site would reduce the separation between the Warrington urban area, Widnes and Runcorn. In relation to the northern section of the site, the parcel of land to the east of Marsh Lane would continue to provide a degree of separation between the Warrington urban area and Widnes however this remaining gap would be the narrowest point between the towns".

2.8 The Green Belt Assessment recognises the impact that the development of the site will have and, in combination with the unsustainable location of the site, has some concerns as to how this part of the Fiddlers Ferry site was selected above more logical omission sites.

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?

2.9 The development of the eastern part of the site (north of the railway line) will reduce the gap between Widnes and Warrington and contribute to the merger of towns, as set out in our response to Q9 above.

Q16. Is the development proposed viable and deliverable within the plan period? What is the situation in relation to land ownership and developer interest?

2.10 There are significant challenges associated with the allocation which question the viability and deliverability of the site. The previous constraints identified in this statement have serious financial impacts on the viability of the site's redevelopment.

2.11 The Infrastructure Delivery Plan ("IDP") (IN1) currently suggests the construction phase highways, demolition, utilities and abnormal costs will amount to c. £123,038,799. A further c. £21,096,343 could be requested as part of the S106 contributions. The IDP states that these costs will be met by the developer. These are significant costs and the developer should clearly set out how the scheme is viable and deliverable in its entirety.

Q18. What is the expected timescale and rate of development and is this realistic?

- 2.12 The current programme suggests submission of an outline planning application in 2023, followed by reserved matters applications in 2024/25; and the site starting to deliver units by 2025/2026. This is considered to be unrealistic given the requirement to understand the site constraints and funding/infrastructure requirements, and the need to develop a comprehensive Development Framework.
- 2.13 Whilst an EIA Screening request has been submitted for the demolition of the power plant in January 2021, no formal application has been lodged. Firstly, the key challenge will be accurately modelling the highways impacts of the development, and given the scale of the site, agreeing the effects with all relevant consultation bodies, which is compounded by the cross-boundary effects on the local highways network. As a minimum, agreement of the findings would be needed with National Highways, WBC, Halton Borough Council and potentially Knowsley Borough Council and Liverpool City Council.
- 2.14 Secondly, developing the geo-environmental strategy will be a significant undertaking and will be a far from straightforward process. This will require a considerable amount of surveying, modelling and assessing to ensure a robust remediation strategy is achieved that will protect new and existing receptors.
- 2.15 Thirdly, a comprehensive Development Framework will need to be agreed with the Council and this will likely have a 2 year lead-in time before it is agreed by all parties.
- 2.16 Fourthly and finally, the Council's SHLAA 2021 (Table 2.2) states that for sites providing over 150 dwellings and without planning permission, it would take at least three years of lead-in time before the first completions on site following the grant of planning permission. It is therefore unclear – based on the Council's own evidence – how housing at Fiddlers Ferry will be delivered by 2025/2026. This is notwithstanding the fact that the estimated timeframes set out in Table 2.2 of the SHLAA are generic across all sites. Fiddlers Ferry is a very constrained site with acute development constraints that will not be resolved quickly. The delivery programme and forecasts, therefore, need to be revisited to adopt a conservative approach.
- 2.17 In reality, in an absolute best case scenario and notwithstanding our comments on the issues with part of the site's Green Belt Assessment, we consider the following could be achieved:
- Local Plan adoption – late 2023.

- Understanding of constraints and approval of Development Framework – late 2025.
- Preparation and submission of planning application – late 2026
- Determination of application – 2028
- First completion following grant of planning permission (3 year lead in based on the SHLAA) - 2031

2.18 Pushing back the start on site by 6 years would, based on the Council's trajectory at Appendix 2 of the SVLP, push a total of 715 units beyond the Plan Period. This trajectory is based on a best case scenario; however, with a site of this level of complexity and uncertainty, our opinion is that delivery will inevitably take longer as issues arise and need to be addressed.

2.19 If Main Modifications are required to address any shortfall in delivery, then additional sites in sustainable outlying settlements, such as Lymm, should be allocated to support a more balanced spatial strategy that is able to meet the needs of the Borough during the Plan Period, particularly in the first 5 years.