

EiP Statement

Warrington Updated Proposed Submission

Version Local Plan 2021-2038

Development Consortium

Representor ID UPSVLP 0410

Our ref 64052/01/RCA/MKR

Date 22nd July 2022

Subject Matters 6c – Main Development Area: Fiddlers Ferry

1.0 Introduction

- 1.1 Lichfields is instructed by a Consortium of leading developers and housebuilders, namely Ashall Property, Barratt Developments (Barratt Homes and David Wilson Homes), Metacre Ltd, Satnam Developments and Story Homes [the Consortium], to make representations on its behalf to the Warrington Updated Proposed Submission Version Local Plan 2021 to 2038 (September 2021) [WUPSVLP].
- 1.2 This Written Statement has been prepared in response to the Matters, Issues and Questions raised by the Inspector for the Matter 6c Examination in Public [EiP] hearing session on the Fiddlers Ferry Main Development Area.
- 1.3 Separate representations have been submitted on behalf of the Consortium in respect of Matters 3,4,6a,8 and 9
- 1.4 This Written Statement should be read in conjunction with the Consortium's Written Statements to the other Matters, as well as its previous submissions on the Warrington Local Plan [WLP] (Representor ID UPSVLP 0140). Members of the Consortium have also prepared separate Written Statements to the Matters that are of interest to them individually, but not collectively to the Consortium.
- 1.5 The ultimate objective of the Consortium is to see the adoption of a sound and aspirational development plan for Warrington, which provides suitable land in sustainable locations to ensure that sufficient housing land is available to meet all types of future housing needs throughout the plan period. The Consortium are of the opinion that the soundness issues can be addressed through main modifications amendments to the policies and the introduction of additional sustainable Green Belt allocations to meet housing need.
- 1.6 In light of the Inspector's specific issues and questions, this Written Statement expands upon the Consortium's previous representations made throughout the WLP preparation process. Where relevant, the comments made are assessed against the tests of soundness

established by the National Planning Policy Framework [NPPF] and the National Planning Policy Practice Guidance [Practice Guidance].

2.0 Issues and Questions

2.1 This Statement should be read alongside the Fiddlers Ferry Technical Note¹ submitted by the Consortium to the WUPSVLP, which considers the proposed MD3 allocation in more detail.

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

2.2 The Council's Development Options and Site Assessment Technical Report (September 2021), sets out an assessment of five Green Belt release options for the main urban area (§4.34). Four of the five options, including the Council's preferred option (Option 3) included the Fiddlers Ferry opportunity site to deliver 1,300 units. However, it is unclear how the Council derived these five options, and why four of the five options included the Fiddlers Ferry site.

2.3 The flaws in the Council's approach are highlighted by the fact that Fiddlers Ferry was not considered in the 2018 Strategic Housing Land Availability Assessment [SHLAA], which formed part of the evidence base for the 2019 Publication Version of the Warrington Local Plan. Fiddlers Ferry is also not included in the Council's latest 2021 SHLAA. For this reason, we consider that it is not justified for the Council to include Fiddlers Ferry in four of the five (80%) of the urban development options assessed in its Development Options and Site Assessment Technical Report (September 2021).

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

2.4 Policy MD3 of the WUPSVLP states the site will be allocated to deliver a mixed-use development comprising:

- 1 Approximately 101ha of employment land; and,
- 2 A minimum of 1,760 new homes of which 1,310 homes will be delivered in the plan period.

2.5 Policy MD3 (12) requires residential development on the site to be an average minimum net density of 35 dwellings per hectare [dph]. Whilst not specifically confirmed in the policy or supporting text, this density appears to have been informed by the Density Assessment² prepared for the site by SLR Consulting. The Consortium considers that the assessment does not provide sufficient evidence to support the proposed minimum density of 35 dph. We consider the actual density is likely to be lower at Fiddlers Ferry given its proposed location, the need for 65% larger family homes³ and the necessity for the sensitive landscape treatment of the surrounding Green Belt boundaries.

¹ Consortium's Fiddlers Ferry Technical Note (November 2021)

² Fiddlers Ferry Density Assessment (April 2021)

³ As required by the mix in the Local Housing Needs Assessment (August 2021)

2.6 Our full critique of the proposed density is set out in Section 11 of the Consortium’s Fiddlers Ferry Technical Note which demonstrates that a capacity of 1,760 dwellings cannot be achieved.

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)?

2.7 The WUPSVLP (§10.3.10) states that the development concept diagram has been informed by a masterplanning exercise with the landowner. It confirms that the diagram provides definitive boundaries for the Green Belt and development site. The Council states the final form of development will be determined through the preparation of a comprehensive Development Framework. The Consortium considers that it is inappropriate to amend Green Belt boundaries to accommodate a site that is not implementable based on the evidence presented by the Council. Furthermore, it is not a justified approach to base Green Belt release on a development concept diagram which has been prepared without the input of the site’s developer.

2.8 We consider that the absence of the word ‘definitive’ in relation to the employment area and two neighbourhood areas indicates that the Council considers that these may be subject to change through the Development Framework process. Therefore, we consider the development concept diagram has no status as Policy MD3 does not state that the Development Framework for the residential and employment areas needs to be prepared in accordance with the development concept diagram. This could impact the overall quantum of housing proposed at Fiddlers Ferry.

2.9 Our commentary on the implications of requiring a Development Framework are set out in response to questions 17 and 18 below.

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

2.10 No, it is not clear how the range of infrastructure required to support Fiddlers Ferry will be achieved.

2.11 The redevelopment of the site will require a series of infrastructure improvements to highway junctions. Suitable access to the site will also need to be provided. The Regeneration Vision⁴ currently identifies three points of vehicular access to Widnes Road (to the north), with a dedicated residential and mixed-use access on the alignment of the current main access to the site, together with two additional points of access to the west for the employment area. The form of these accesses has yet to be identified but given the capacity of traffic they will need to accommodate, they are likely to require significant modifications to the existing highway, particularly if roundabout junctions are required which will take time to implement. The Consortium also notes that third party land may be required to accommodate these improvements, depending on the modifications required.

⁴ Fiddlers Ferry Power Station Regeneration Vision (August 2021) page 28

2.12 To achieve the extensive range of infrastructure listed in Policy MD3, the Development Framework will need to include a comprehensive infrastructure delivery strategy for the development site with details on phasing, delivery triggers and delivery responsibilities. This could cause a delay to the delivery of the site and details of how infrastructure will be provided and funded will only become clear upon finalisation of a Development Framework. The Development Framework must also consider how funding will be secured to ensure the necessary infrastructure comes forward.

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?

2.13 The Consortium's Fiddlers Ferry Technical Note identified a series of constraints to the delivery of the site. These can be summarised as follows:

- 1 The site is partially located within Flood Zone 3;
- 2 There is evidence of potential contamination relating to several historic landfills and infilled areas of land;
- 3 The Vyrnwy Aqueduct (110 km aqueduct and associated pipework, operated by United Utilities) crosses the site from north to south. It has legal restrictions preventing most development over it and will be preserved in situ within a green open space corridor. Development over it, including highway crossings, require agreement;
- 4 The site falls within the Impact Risk Zone of the Mersey Estuary Site of Special Scientific Interest, Special Protection Area and Ramsar site and the site will affect the integrity of these designated sites;
- 5 The power station site encompasses many kilometres of other largely redundant services and pipework which will be removed during redevelopment;
- 6 The existing overbridge of the railway line and canal (which also accommodates a number of pipelines) will need to be upgraded or replaced as necessary to create sufficient capacity for the level of development to be provided to the south of the site;
- 7 There are multiple areas recognised as priority habitats within the site;
- 8 The site has also been confirmed to support, or likely supports, protected and/or notable invertebrates, fish, amphibians (including great crested newt), reptiles, breeding and overwintering birds, roosting and foraging / commuting bats, otter, water vole, badger and other mammals; and,
- 9 A series of archaeological and heritage constraints principally dating from the Medieval and Post-Medieval periods have been identified.

2.14 Although in isolation some of these constraints may be overcome; in combination they will inhibit the development of Fiddlers Ferry as envisaged by Policy MD3 and the delivery of new homes coming forward on the site within the plan period.

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

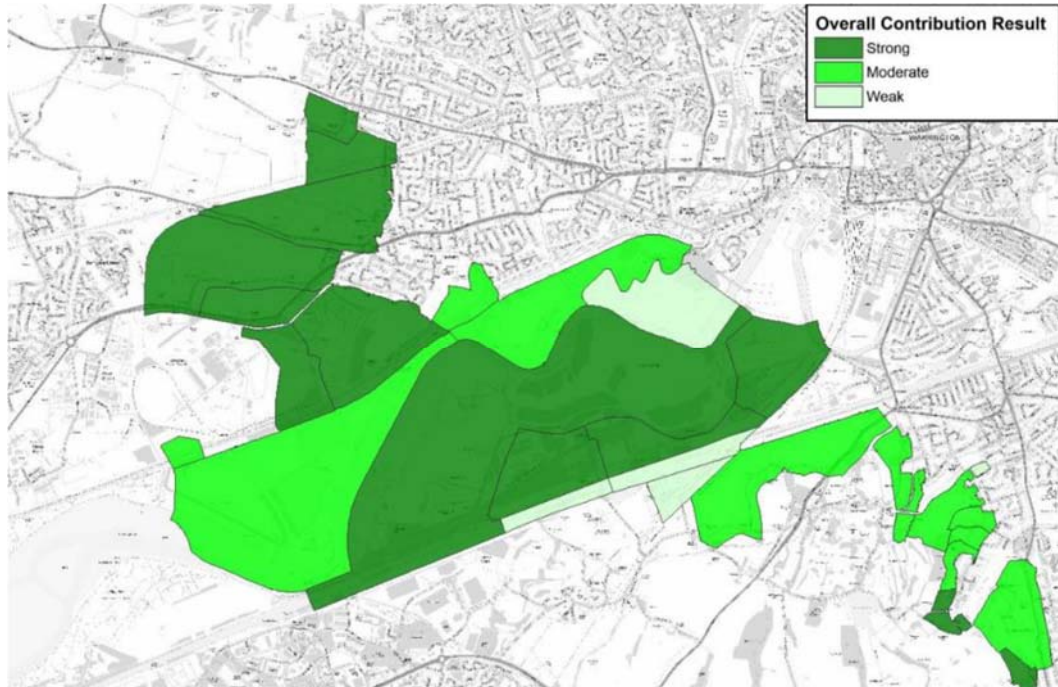
- 2.15 The Consortium instructed Eddisons to advise on the highways issues contained in the WUPSVLP and its evidence base⁵. Eddisons concluded that the Fiddlers Ferry site is poorly served by public transport and is not sustainable in transport terms. The site compares poorly in terms of accessibility to all of the other large residential allocation sites considered in the WUPSVLP evidence base.
- 2.16 The accessibility of the site is therefore a significant issue and there is no solution to addressing this matter proposed by the Council. The assessment suggests that the provision of new public transport services is likely to be unviable so it is difficult to see how any local bus service operators would choose to service the site. Given the site's isolated location and limited facilities proposed it will be heavily dependent on existing facilities elsewhere. It is also doubtful whether active travel infrastructure improvements would discourage use of the private car given the distance of the site from Central Warrington and other services.
- 2.17 As such, the redevelopment of the site would be contrary to the NPPF [§104, 110 & 111] and there is no evidence provided by the Council to demonstrate that the residual cumulative impacts on the road network would not be 'severe'.

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?

- 2.18 The choropleth map at Figure 1 shows the overall assessment outcomes for the Green Belt parcels at Fiddlers Ferry.

⁵ Eddisons Transport Note is at Appendix 1 of the Consortium's Fiddlers Ferry Technical Note.

Figure 1 Choropleth maps showing the overall contribution



Source: Council's Fiddlers Ferry Green Belt Assessment

- 2.19 An overall ‘strong’ contribution was identified in the Green Belt assessment for the gap between Warrington and Widnes. In considering the overall harm to the Green Belt the Assessment notes⁶:

“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”.

- 2.20 The assessment therefore recognises that the Green Belt gap between Warrington and Widnes will be reduced to its narrowest point as a result of the removal of this Green Belt.

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?

- 2.21 The Green Belt in this area performs a vital strategic function in separating the towns of Warrington and Widnes. This function would be seriously eroded if this parcel of the Green Belt was to be released and it would make a major contribution to the coalescence of the two settlements, contrary to the NPPF [§138].

⁶ Warrington Borough Council Fiddlers Ferry Green Belt Assessment (April 2021), page 10

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

- 2.22 No. An assessment of the viability of the Fiddlers Ferry site has been undertaken by viability specialist Roger Hannah on behalf of the Consortium⁷. Based on this assessment, Roger Hannah concluded that the residential development cannot cross subsidise the demolition/remediation required to the power station or the loss-making commercial development. The residential development is also incapable of meeting planning policy and affordable housing requirements on a stand-alone basis because the residual land values of the phases are negative and therefore falls well below the required BLV for the site.
- 2.23 Therefore, the viability of the Fiddlers Ferry site is overstated and the site is wholly unviable rather than marginal. As such, it is neither deliverable nor developable and its inclusion as a mixed-use allocation is therefore contrary to the NPPF [§68].
- 2.24 Fiddlers Ferry has now been acquired by Peel L&P. The site was promoted for inclusion in the WUPSVLP under its previous owners (SSE Thermal). It is unclear what the new owner's ambitions for the site are and whether they align with the trajectory currently assumed by the Council.

Q17: 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 all infrastructure requirements are provided?

- 2.25 Policy MDA3 (5) requires the landowner to prepare a comprehensive Development Framework, that must be agreed with the Council in advance of planning application submissions.
- 2.26 We note that the Development Framework will be a complex document to prepare because it needs to be subject to consultation with statutory consultees and the local community before being approved⁸. This will have significant impact on the delivery timeframes of the site, as noted in the response to Question 18 below.

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

- 2.27 In the supporting text to Policy MD3, the Council claims that development will commence in 2025/26. The trajectory at Appendix 1 of the WUPSVLP indicates the delivery of 1,310 homes over the plan period as follows:
- 35 homes on the northern parcel in years 1 to 5;
 - 350 homes on the northern parcel in years 6 to 10;
 - 570 homes on both parcels in years 11 to 15; and,
 - 355 dwellings on both parcels in years 16 to 18.

⁷ The viability assessment of the Fiddlers Ferry was submitted at Appendix D of the Consortium's Issues Report

⁸ The Consortium assessment of the implications of requiring a Development Framework is set out in Section 13.0 of Consortium's Fiddlers Ferry Technical Note.

- 2.28 The Consortium has fundamental issues with the claimed delivery rates. The overall delivery trajectory for the site across the plan period is overly ambitious and will not be achieved because the site is wholly unviable.
- 2.29 Even if a planning application was brought forward on the Site, it is likely that the process of securing initial outline planning permission will take significantly longer than envisaged as the site is subject to a number of constraints which will need to be resolved (refer to our response to question 7 above). The application determination process is also likely to be complex and could quite easily extend beyond usual timescales. This will have a knock-on effect on the remaining stages of the application process, including the submission of reserved matters and discharge of conditions.
- 2.30 We have reviewed the planning determination timeframes at other power station regeneration sites, including Drakelow Park (South Derbyshire) and Rugeley Power Station (Cannock Chase). Based on the lengthy determination periods on these applications⁹, we consider that a 2–3-year period between the submission of an outline planning application and its determination is more appropriate.
- 2.31 The preparation of the Development Framework for the site will also have a significant impact on lead-in times. Therefore, the time period to reach first delivery is likely to extend significantly further into the plan period and this will have a resultant impact upon overall levels of delivery on the site.
- 2.32 The delivery of first dwelling completions will also be affected by a number of other issues including the demolition and remediation of the site. The two-to-three-year demolition period suggested for Fiddlers Ferry is much shorter than that experienced on other power station sites. We would therefore question whether it is realistic and likely to be achievable. Further time will also be required to undertake the necessary remediation, infrastructure and utilities works required to serve the first homes.
- 2.33 We also note that the existing ash processing activities at the site are also expected to continue beyond the Power Station’s life span, until the existing deposits are fully depleted. It is not clear how long this process will take and what the implications are of this on the delivery of the site.
- 2.34 Notwithstanding the conclusions of the Consortium’s viability consultant that the site is unviable, we consider that from a planning process perspective, units will not be completed before 2033/34 in accordance with the following timeline:
- 1 Adoption of the Local Plan – 2023
 - 2 Commencement of Development Framework upon adoption of the Plan. Significant levels of technical input required for such a complex site and the best-case scenario for adoption would be end 2025
 - 3 Planning Application(s) to follow in 2026 in accordance with the Development Framework

⁹ 9/2009/0341 – Hybrid Planning application including 2,239 dwellings at Drakelow Park, South Derbyshire (validated: 08/05/2009 with permission granted: 01/03/2012) & CH/19/201 - Outline Planning Application including 2,300 dwellings at Rugeley Power Station, Cannock Chase (validated 28/05/19 with permission granted 07/05/21)

- 4 First completion 7 years post submission of the planning application. This accounts for extensive negotiation of the planning application including engagement with public consultees, signing of legal agreements, preparation and submission of reserved matters applications, discharging planning conditions, remediating the site, putting necessary infrastructure including access into the site before finally completing dwellings. – First completion expected 2033

2.35 We also note inconsistencies in the Council’s housing trajectory for strategic sites. The Council claims that Fiddlers Ferry will deliver 35 units in the first five years, despite no planning application being submitted. On a different strategic site (Peel Hall – MD4) the Council includes no dwellings within the first five years of its trajectory, despite it having outline planning permission. This further demonstrates that the claimed delivery trajectory for Fiddlers Ferry is unrealistic.

Q19. Are any main modifications necessary for soundness?

2.36 Given the significant number and complexity of the issues raised in relation to the developability of Fiddlers Ferry, it is considered that the Council’s delivery trajectory is completely at odds with the reality of delivering complex strategic sites. The Council must ensure that sufficient land is provided in alternative locations to account for any shortfall in provision at Fiddlers Ferry and ensure the housing requirement is met.

2.37 Not only that but the Consortium consider that the Council has not followed a logical approach in terms of identifying the most appropriate sites for release from the Green Belt and the loss of this proposed allocation would result in the erosion of the strategic gap between Warrington and Widnes. The Council must provide robust evidence to justify the inclusion of the Fiddlers Ferry Site, including viability evidence. This evidence must clearly demonstrate why Fiddlers Ferry has been included over more suitable, achievable, and sustainable Green Belt sites. In doing this, it must also reconsider the Green Belt evidence prepared for the site.