

# Warrington Local Plan Examination

## Matters Statements

### MATTER 6f – MAIN DEVELOPMENT AREA: SOUTH EAST WARRINGTON EMPLOYMENT AREA

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July 2022

## **MATTER 6f – MAIN DEVELOPMENT AREA: SOUTH EAST WARRINGTON EMPLOYMENT AREA**

### **Issue**

Whether the South East Warrington Employment Area Main Development Area (Policy MD6) 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 site allocation and how was it identified?**

- 1.1 The site allocation comprises a number of individual sites submitted by two principal developers as part of the Local Plan call for sites process. These sites were among the highest graded in the Council's EDNA 2021 (EC2) site assessment process in terms of suitability and market demand, with a particular ability to meet market demand for logistics. They also performed strongly in terms of SA/SEA and assessment against the Plan's objectives.
- 1.2 Given the proximity of the sites, the scale of the proposed allocation and the need to ensure a coordinated approach to development and infrastructure delivery, the Council concluded that they should be combined into a single allocation.
- 1.3 Further details on the site selection process for the Plan's employment allocations are provided in the Council's response to Matter 3.

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

- 2.1 The Council considers that the site allocation as a whole will make a significant contribution to meeting Warrington's identified employment needs as evidenced through the Council's EDNA, its site assessment process and SA/SEA.
- 2.2 This is in terms of the quantity of employment land, with the allocation providing 137ha of the 277.4 ha required to meet identified need in the Plan Period; its characteristics in meeting identified market demand; and its deliverability being promoting by two principal developers with a proven track record of bringing forward employment development in the north west.

#### **3. What is the status of the site in terms of planning applications/permissions and how does this relate to the proposal and policy requirements in the Local Plan?**

- 3.1 The detailed planning status of the allocation is contained in the Local Plan Site Profiles document as MD6 (CD02). Of particular relevance is application 2019/34799 which covers the eastern portion of the allocation being promote by Langtree. This application is for major employment development and wide ranging infrastructure

improvements in line with the proposed allocation. The Council resolved to approve this application in March 2022, subject to a number of conditions. The Secretary of State on 26<sup>th</sup> May subsequently directed the Council not to grant planning permission on this application without specific authorisation. The Council is currently waiting for confirmation on whether the application will be called-in for determination by the Secretary of State.

- 3.2 In resolving to grant permission the Council is confident that the application will enable the Council to secure comprehensive development and infrastructure improvements required under the allocation policy.
- 3.3 Other applications of relevance are 2017/31757 and 2019/34739 which cover the part of the allocation being promoted by Liberty Property Developments Ltd. These applications were for the construction of a national B8 Distribution Centre, with ancillary B1 (a) offices and vehicle maintenance unit. Both applications were refused by the Secretary of State in November 2020.

**4. 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?**

- 4.1 The Green Belt Site Assessments Collated Report (GB4) confirms the allocation includes individual sites assessed as making a strong, moderate and weak contribution to Green Belt purposes.
- 4.2 The Green Belt Site Selection – Implications for Green Belt Release - August 2021 Report (GB3) confirms that the removal of the overall allocation from the Green Belt will not harm the overall function and integrity of Warrington’s Green Belt. The new Green Belt boundary would be recognisable and permanent being strongly defined to the north, east and south by the B5356, M6, and M56 respectively.

**5. What would be the effect of developing the site on the purposes of the Green Belt?**

- 5.1 The Green Belt Site Selection – Implications for Green Belt Release - August 2021 Report (GB3) confirms that development of this allocation would result in some encroachment into the countryside, however; development would not represent unrestricted sprawl as it would be reasonably contained and well defined along strong permanent boundaries to the north, east and south (the M6, M56 and the B5356). The remaining surrounding Green Belt could continue to perform its Green Belt function.
- 5.2 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 Report (GB3).
- 5.3 The Council acknowledges that inclusion of Omission site 51 would strengthen the permanence of the Green Belt in the specific locality of that part of the allocation

without having any material impact on any of the assessments undertaken in respect of the allocation as a whole (see paragraphs 15.4 and 17.3 below).

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

6.1 Yes. The South East Warrington Employment Area will make a significant and sustainable contribution towards meeting Warrington's current and long term employment development needs.

6.2 As set out in the response to Question 21 in Matter 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.

**7. What is the approach towards Green Belt compensatory improvements? Is this sufficiently clear?**

7.1 The Council acknowledges that the approach to Compensatory Green Belt improvements could be clearer in the Policy. As such the Council is proposing a modification to clarify that in the first instance improvements should be made in the immediate vicinity of the site and delivered by the developer. The Council will consider improvements in the wider area where it can be demonstrated that the improvements cannot be delivered in the immediate vicinity of the site or where this will provide greater benefits. Financial contributions will only be considered where this would help to ensure that the benefits of compensatory improvements can be maximised by providing them in a more appropriate location.

7.2 The proposed wording for the modification is detailed at paragraph 17.1 below.

7.3 Through engagement with the principal site promoters, the Council is confident that the allocation is able to deliver compensatory Green Belt improvements immediately adjacent to the site (including land adjacent to the allocation in Cheshire East). The principal site promoters also control land in the wider area where further improvements could be delivered if required.

**8. What is the basis for the scale and types of uses envisaged? Should Policy MD6 be clearer as to the mix and scale of different uses?**

8.1 The scale of the allocation and the types of uses have been confirmed through the Council's site assessment process as set out in the response to questions 19 to 26 under Matter 3.

8.2 The sites in south east Warrington which comprise the allocation were among the highest graded in the Council's EDNA 2021 (EC2) site assessment process in terms of suitability and market demand, with a particular ability to meet market demand for

logistics. They also performed strongly in terms of SA/SEA and assessment against the Plan's objectives. The Council considers that these sites should be combined into a single given their proximity and need for both to contribute to the same supporting highways infrastructure.

- 8.3 The Council considers that the Policy provides an appropriate balance between specifying the uses for the site - B8 and B2 and related ancillary uses – and ensuring sufficient flexibility to ensure the delivery of the site in accordance with market demand over the duration of the Plan Period.

**9. What are the implications in terms of employment land/floorspace provision and overall jobs growth? How would this contribute to employment land requirements/jobs growth outside of the Borough and what cross boundary issues does this raise? How have such issues been addressed?**

- 9.1 The allocation will make a major contribution to meeting Warrington's employment land needs during the Plan Period. It will provide a wide range of job opportunities in the logistics, industrial and other ancillary related sectors. Warrington has a strong record of attracting such uses. This is evidenced at the Omega development where there is a range of logistics and industrial uses that have created a large number of new jobs.

- 9.2 The allocation will be meeting Warrington's objectively assessed development needs, albeit it will provide strategic employment land contributing to the wider North West economy. As concluded in the EDNA, sites in neighbouring local authority areas, even when of a strategic scale, will ultimately meet the OAN of those authorities rather than Warrington (with the exception of the Omega West development in St Helens).

- 9.3 The only cross boundary issue raised is on the M6 and M56 motorway as identified by National Highways and on the road network in Cheshire East and in Cheshire West and Chester. This has been addressed through the Duty to Cooperate as set out in Matter Statement 2 paragraphs 11.1 to 11.4 with the agreed position with National Highways set out in the Statement of Common Ground (SP10) Strategic Matter 7 and with Cheshire East and Cheshire West & Chester in Strategic Matter 8.

**10. What is the background to the specific policy requirements in Policy MD6? Are they justified and consistent with national policy? Do they provide clear and effective guidance on constraints and suitable mitigation?**

- 10.1 The specific policy requirements either relate to the Local Plan objectives, for example the allocation of the site for B8 and B2 development, 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 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.

**11. Does Policy MD6 identify all appropriate and necessary highways and other infrastructure requirements? How will these be provided and funded? Is this sufficiently clear?**

11.1 The Council has established the highways requirements for the allocation and associated costs working with the Council's Transport Team and through ongoing engagement with National Highways and the principal site promoters. Given the location of the site and nature of the allocation, it has been important to ensure National Highways are in agreement with the highways infrastructure requirements and testing through the Local Plan Transport Model. This agreed position is set out in the Statement of Common Ground between Warrington Borough Council and National Highways – March 2022 (SP11)

11.2 Wider infrastructure requirements and associated costs have been established through working closely with internal Council services and partner service and infrastructure providers.

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

11.4 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.

11.5 There are however additional funding sources that the Council can access to ensure any funding gap to ensure the delivery of the allocation. Of particular relevance to this allocation are the motorway junction improvements to which the allocation will contribute to. The Council has a track record of securing funding for major transport schemes across the Borough, including from the Local Enterprise Partnership and Department of Transport. The Council has progressed work, in partnership with National Highways, to bring forward these improvements and National Highways are comfortable with the Council's assumptions around the proportion of funding to come from the allocation site, from other development sites and from public sector funding.

**12. Have environmental impacts, including air quality matters and landscape and visual effects, been adequately considered and addressed?**

12.1 The Council has carried out a detailed assessment of the environmental impacts as documented in the Site Assessment Proformas September 2021 (SAP1).

12.2 The Local Plan Air Quality Modelling Report 2018 (E5) concluded that the burden of poor air quality on people's health is expected to reduce in Warrington considerably in the future, as emissions are reduced, largely due to improvements in vehicle emissions outweighing increases in the number of vehicle journeys. However, the

Report highlights the health threat posed by particulate matter. As such the Council is committed to implementing the actions of its Air Quality Action Plan, to ensure that opportunities to improve air quality are fully realised.

- 12.3 The site assessment considered the capacity of the landscape to accommodate development, using the Council's Landscape and Character Assessment (E6) as part of this assessment process. Landscape and potential visual impacts from development also formed an important element of the Council's Green Belt Assessment work.
- 12.4 Detailed consideration of the impact on heritage assets within the site and required mitigation is set out in the Heritage Impact Assessment for the South East Warrington Employment Area August 2021 (HIA6).
- 12.5 The principal site promoters have also undertaken extensive technical assessment work in respect of the planning applications submitted within the allocation and in respect of ongoing pre-application work.
- 13. 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?**
  - 13.1 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). With the exception of the outstanding issue regarding potential air quality impacts on the Manchester Mosses SAC (refer to Question 14 of Matter 1 with the associated proposed modification for this Policy summarised under question 17 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. Further detail in respect of additional work being undertaken to update the HRA is provide in Matter Statement 1.
  - 13.2 Paragraphs 4.3 to 4.14 of the 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'.
  - 13.3 Whilst Policy MD6 (South East Warrington Employment Area) contains suitable habitat to be functionally-linked land paragraph 4.9 of the HRA notes that the site lies 14km from the Mersey Estuary SPA and Ramsar site which is at (if not beyond) the typical distances non-breeding waterfowl and waders are likely to travel to

forage and roost. With specific regard to lapwing, Natural England's Impact Risk Zone guidance for birds (Natural England (2019) Impact Risk Zones Guidance Summary Sites of Special Scientific Interest Notified for Birds. Version 1.1) states that *'Developments affecting functionally linked land more than 10km from the site are unlikely to impact significantly on designated populations.'* The omission of reference to HRA in the policy simply reflects the low risk that this site will be functionally-linked land but does not preclude an HRA for the planning application in line with legal requirements.

- 13.4 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 September 2021 (SAP1).
- 14. 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.**
- 14.1 **A number of representations were made in respect of the inaccessibility of the site in terms of public transport with a concern that workers will only be able to access the site by car.** The Council responded to these representations to confirm that the allocation policy includes a range of measures to promote active transport, including walking and cycling, and improve public transport serving the allocation and surrounding area together.
- 14.2 **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 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.
- 14.3 All other key issues raised in representations have been addressed under other questions in this Statement.
- 15. Is the development proposed viable and deliverable as anticipated within the plan period? What is the situation in relation to land ownership and developer interest?**
- 15.1 The Local Plan Viability Assessment August 2021 (V2) confirms that the development proposed is viable (see Section 8 of the report).
- 15.2 The allocation as a whole is available and is being actively promoted by site owners through the Local Plan process. Through the EDNA site assessment, the Council is confident there is strong market demand and that the allocation as a whole will be developed within the Plan Period.



15.3 The Council acknowledges that inclusion of Omission site 51 would strengthen the permanence of the Green Belt in the specific locality of that part of the allocation without having any material impact on any of the assessments undertaken in respect of the allocation as a whole. It is therefore proposed to include this land within the allocation as a main modification, subject to demonstrating appropriate access arrangements and SA/SEA (see paragraph 17.3 below).

**16. 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?**

16.1 To ensure the coordinated approach to the delivery of the allocation, the principal landowners will be required to prepare a Development Framework to address the site wide requirements of the policy, relating to access, transport improvements, green infrastructure and utilities. The Development Framework will need to be agreed with the Council and key stakeholders, including National Highways, 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.

16.2 The Council is aware a draft Development Framework is being prepared by the principal site promoters. It should be noted that this remains illustrative at this stage and this has not formally been agreed by the Council.

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

17.1 The Council acknowledges that the approach to Compensatory Green Belt improvements could be clearer within the Policy. As such the Council is proposing the following modification to Part 11 of Policy MD6:

A scheme of compensatory improvements to the environmental quality and accessibility of land remaining in the Green Belt will be required to be provided. **In the first instance, the improvements should be made in the immediate vicinity of the site and delivered by the developer. The Council will consider improvements in the wider area where it can be demonstrated that the improvements cannot be delivered in the immediate vicinity of the site or where this will provide greater benefits.** Financial contributions will **only** be considered where this would help to ensure that the benefits of compensatory improvements can be maximised by providing them in ~~the most~~ **a more** appropriate location.

17.2 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 20 of Policy MD6, 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.

- 17.3 The Council acknowledges that inclusion of Omission site 51 would strengthen the permanence of the Green Belt in the specific locality of that part of the allocation without having any material impact on any of the assessments undertaken in respect of the allocation as a whole. It is therefore proposed to include this land within the allocation as a main modification. This proposed modification would be subject to demonstrating appropriate access arrangements and the SA/SEA process.