

EiP Statement

Warrington Updated Proposed Submission Version Local Plan (dated September 2021)

Story Homes

Representor ID UPSVLP 1418)

Our ref 42154/07/RCA/TE

Date August 2022

Subject Matter 11: Transport and Other Infrastructure

1.0 Introduction

- 1.1 This Hearing Statement has been prepared by Lichfields on behalf of Story Homes [Story] (Respondent No: 1418) in relation to Matter 11 (Transport and other Infrastructure). This Statement has been written in respect of Story's land assets in Warrington. This includes land at Warrington Road, Culcheth, allocated in the Warrington Updated Proposed Submission Version Local Plan [WUPSVLP] (Policy OS2 – Culcheth) & the promotion of additional land at Runcorn Road, Higher Walton (the SWUE) which is capable of coming forward to meet the requirement for new homes.
- 1.2 This Statement has been prepared in response to the Matters, Issues and Questions raised by the Inspector for Matter 11 Examination in Public [EiP] hearing sessions.
- 1.3 Story has previously submitted representations in relation to WUPSVLP Regulation 19 public consultation stages of the Plan in support of the site and concerning the overall strategy and other proposed policies.
- 1.4 Separate Statements have been submitted in respect of the following Matters:
- 1 Matter 3 – The Spatial Strategy
 - 2 Matter 7b – Site Allocation – Culcheth
 - 3 Matter 13 – Other Policies
 - 4 Matter 14 – Monitoring and Review
- 1.5 This Statement expands upon Story's previous representations¹ made on the WUPSVLP and focuses on the Inspector's specific issues and questions. Where relevant, the comments made are assessed against the tests of soundness established by the National Planning Policy Framework [the NPPF] and the National Planning Practice Guidance [Practice Guidance].

¹ Warrington Updated Proposed Submission Version Local Plan: Representations on behalf of Story November 2021

2.0 Questions

Sustainable travel and transport (INF1)

Question 1. Is Policy INF1 intended to be applied to all development, regardless of scale and type? If not, is this clear?

- 2.1 Story does not consider that Policy INF1 is clear. The current wording of the policy reads as though all types of development are required to address all parts of the policy, with no consideration of the scale and type of development that should look to apply the policy.
- 2.2 Story understands that Policy INF1 looks to present a number of mechanisms to ensure developers meet the Council's objective of improving the safety and efficiency of the transport network, tackling congestion, reducing carbon emissions and improving air quality, promoting sustainable transport options, reducing the need to travel by private car and encouraging healthy lifestyles. The general objective of the policy is supported by Story however, the policy currently does not provide clear and justified thresholds to identify the type and scale of development which will be required to implement key elements of the policy.
- 2.3 At present, the policy is generalised and ambiguous, and without clear guidance as to which types of development should apply key elements of the policy. Story is concerned that smaller and medium sized developments will be required to provide mitigation and infrastructure above and beyond that considered necessary for the size of the development and nature of any anticipated impact; whilst large scale development will use the vague nature of the policy to under deliver on vital infrastructure and mitigation measures. To ensure the plan is sound, Story propose that Policy INF1 is modified to reflect the fact that not all policies relate to all types of development. Story proposes that the policy's introductory text is updated to state that:
- “The Council will expect development, where relevant and appropriate to the scale and type, to deliver the objectives of improving the safety and efficiency of the transport network, tackling congestion, reducing carbon emissions and improving air quality, promoting sustainable transport options, reducing the need to travel by private car and encouraging healthy lifestyles, the Council will expect development to: ...”*
- 2.4 Without providing clarity on certain elements of the policy Story is concerned that this will lead to its mis-interpretation.
- Question 2. Are all of the points in Policy INF1 genuinely related to development proposals or do some actually reflect the Council's potential actions? How could the policy be rationalised to be more focussed on reasonable expectations of development?*
- 2.5 The aim of Policy INF1 is to deliver the Council's Sustainable Travel and Transport objectives. However, Story is concerned that parts of the policy are over generalised and do not relate to, or cannot be applied to, development proposals (such as part 1 (e) and (i); and part 3 (d), (e) and (g)). Presenting instead as potential actions of the Council, rather than policies to be considered as part of development proposals.

- 2.6 It is on this basis Story considers that a number of modifications are required in order to make Policy INF1 sound. This should include the removal of parts of the policy which are considered to be potential actions for the Council and, where appropriate, the re-wording of the policy to make it clear that the requirements will be relative to the scale of the proposed development (as proposed in question 1) or to include thresholds for implementation.

Question 3. In other respects, is Policy INF1 justified, effective and consistent with national policy?

- 2.7 Notwithstanding the above, Story has specific concerns regarding Part 1 (j) of the policy in terms of whether it is justified, effective and consistent with national policy. The policy states that: *'the Council will expect development to consider how it can be futureproofed, through the provision of measures to support new and emerging technologies, such as Autonomous Vehicles.'*
- 2.8 Whilst Story recognises the potential benefits of futureproofing development, there can be no guarantee that some forms of new and emerging technology will ever reach the mass market. It is therefore difficult to foresee which forms of technology will need to be supported through development at the current time. Story also has concerns over how development proposals can be designed to support emerging technologies when detailed designs are not yet available. In any event, it is likely that technology such as autonomous vehicles will be designed to adapt with existing development, and futureproofing may not therefore be required to accommodate it. Technology that is yet to make it to the mass market often has large cost implications, something which is likely to impact the viability of developments. If this part of the policy was to be retained, allowances within the Council's Viability Report should be made.
- 2.9 Story does however consider that, amongst other updates, in order for Policy INF1 to be sound, Part (j) should be removed from the policy as a requirement for development proposals. Instead, it should be an objective for the Council to support development proposals that look to futureproof development.

Delivery Infrastructure (INF5)

Question 9. Is Policy INF5 sufficiently flexible in terms of taking account of the impact on viability?

- 2.10 Story welcomes the proposed mechanism for the consideration of viability at the planning application stage as this will allow any unexpected costs and viability issues to be appropriately addressed.
- 2.11 A breakdown of s106 contributions for Policy OS2, which relates to the allocation of land at Warrington Road, Culcheth, is set out within the Policy and within Appendix 13 of the Council's Viability Assessment (August 2021) by category (Primary School, Secondary School, Health etc.). However, whilst this information is welcomed, Story considers that the Council's evidence needs to also include details of how the contributions have been assessed based on the specific Policy requirements for the allocation.

2.12 On this basis, Story considers there is a lack of transparency in the detail provided in the Infrastructure Delivery Plan 2021 [IDP], the Viability Assessment and Policy OS2 on this matter. There is no specific breakdown in the IDP of the projects to which the contributions sought by Policy OS2 would contribute to, so it is not clear whether they are justified. Story therefore continues to consider that Policy INF5 is not justified. The information provided by the Council does not provide, in a transparent way, how the contributions sought by Policy OS2 have been derived and what specific projects they would contribute to.

2.13 The IDP needs to be reviewed to ensure that the detail of all of the required infrastructure contributions are dealt with on an item by item basis to provide sufficient detail of all of the likely infrastructure contributions required. This will provide clarity and help to avoid the need for the submission of further viability evidence to be provided at the planning application stage, something which the plan currently doesn't offer with policy surrounding infrastructure vague and generalised as set out within question 1

Question 10. Is the approach to a review mechanism for planning obligations justified?

2.14 Part 7 of Policy INF5 sets out that:

“Where the Council approves a development where it has been demonstrated that it is not viable to provide the full planning obligation requirements, the Council will include a review mechanism within the S106 Agreement to ensure that additional contributions are secured should viability improve over time.”

2.15 Story recognises the importance of implementing a review mechanism within s106 Agreements to ensure additional contributions are secured, should viability improve over time. However, in practice, this is often challenging for developers and undermines the robust viability assessment prepared at the application stage. Revisiting viability during construction often has an impact on the development programme and effects proposed delivery trajectories. If the mechanism is to be retained it should also allow for contributions to be reduced (through a review of the council's viability assessment) should the viability of a site worsen over time. This will allow sites already considered as part of the Council's viability appraisal, such as land at Warrington Road, Culcheth, the opportunity to re-evaluate viability if needed.

2.16 As set out in question 9 Story believes that further evidence should be provided to ensure sufficient detail of all of the likely infrastructure contributions required. Until the Council can provide robust evidence to justify the identified contributions this type of policy will be ineffective. There is currently too much flexibility built into the contributions & delivery mechanisms to make the policy effective.

2.17 In line with national policy, Story support the consideration of viability at the plan making stage as this helps to avoid the need for the submission of further viability evidence as part of a planning application however, a flexible approach needs to be implemented to allow any unexpected costs and viability issues to be appropriately addressed.

Question 11. In other respects, is Policy INF5 justified, effective and consistent with national policy?

- 2.18 No. Policy INF5 does not demonstrate in a transparent way how the contributions sought by allocations such as Policy OS2 have been derived and what projects they would contribute to. In addition, Story considers that the Local Plan should clearly set out the process and terms of engagement regarding how viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles, taking into account scenarios where the viability of a development may have reduced over time. It is important that the Council works with developers to support the growth of the new-build market, rather than penalising them for creating healthy growth within the Borough.
- 2.19 There is increased emphasis in national policy on the importance of considering viability upfront in the planning process, and that the role for viability assessments is primarily at the plan making stage. The Practice Guidance states that policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision-making stage². The Practice Guidance also sets out that plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles³.
- 2.20 To ensure policy INF5 is justified, effective and consistent with national policy, the Council's evidence base which supports the policy, should be updated to demonstrate how the contributions sought by allocations such as Policy OS2 (and not just the key strategic allocations) have been derived and what projects they would contribute to. Policy INF5 should also clearly set out how viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles, taking into account scenarios where the viability of a development may have reduced over time.

² PPG Paragraph: 002 Reference ID: 10-002-20190509

³ PPG Paragraph: 009 Reference ID: 10-009-20190509