

**Barton Willmore, now Stantec on behalf of Miller Homes (Respondent No. 0435)**  
**Examination into the Warrington Local Plan 2021-2038**  
**Hearing Statement**

**Matter 7a - Croft**

Issue - Whether the site allocation at Croft (Policy OS1) is justified, effective and consistent with national policy.

**Q1. What is the background to the site allocation and how was it identified?**

1. No response provided.

**Q2. 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. In the October 2016 Green Belt Assessment (Examination Reference GB5), the proposed allocation site was assessed as part of a wider parcel referenced as CR4. The results are summarised in the table below. As a point of comparison, the results for Miller's land interests at Smithy Brow, Croft is also provided.

<b>Green Belt Assessment Iteration</b>	<b>Purpose 1</b>	<b>Purpose 2</b>	<b>Purpose 3</b>	<b>Purpose 4</b>	<b>Purpose 5</b>	<b>Overall Assessment</b>
CR4 – Includes Proposed OS1 Allocation	No contribution	Weak	Strong	No contribution	Moderate	Moderate
CR8 – Includes Miller’s Smithy Brow Site	No contribution	Weak	Strong	No contribution	Moderate	Moderate

- Given that both parcels were considered as having a moderate overall impact they were subsequently taken forward and assessed within the September 2021 iteration (Examination Reference GB4).
- GB4 assessed smaller parcels in relation to Croft. Parcel reference 3155 related to the proposed allocation OS1 and parcels 3159 together with 3132 covered Miller’s interest at Smith Brow. Again, the results are summarised in the table below.

<b>Green Belt Assessment Iteration</b>	<b>Purpose 1</b>	<b>Purpose 2</b>	<b>Purpose 3</b>	<b>Purpose 4</b>	<b>Purpose 5</b>	<b>Overall Assessment</b>
3155 – Proposed OS1 Allocation	No contribution	Weak	Moderate	No contribution	Moderate	Weak
3159 / 3132 – Miller’s Smithy Brow Site	No contribution	Weak	Strong	No contribution	Moderate	Moderate

- The summary shows that in relation to the proposed allocation its performance against Purpose 3 - to assist in safeguarding the countryside from encroachment - has been reduced from strong to moderate. However, the assessment in relation to Miller’s interest is that it remains strong.
- This assessment in relation to Purpose 3 is errant in relation to both parcels.
- In terms of the proposed allocation, only the western boundary can be said to be strong given that it bounds existing development. The assessment’s conclusion in relation to the southern

boundary, that an unpaved public right of way is a strong boundary is inappropriate. This is because it is no stronger than a hedgerow or a drainage ditch in terms of being observed on the ground.

8. The eastern boundary of the allocation is marked by a hedgerow and there is circa 420m to the nearest strong boundary in the form of Lady Lane. This represents a significant opportunity for further encroachment into the countryside.
9. Based on the above, the proposed allocation's performance against Purpose 3 should have been assessed as **Strong**. This would result in the overall contribution being **Strong**.
10. In relation to Miller's land interests the boundaries to the north and east are strong and defensible because they comprise Smithy Brow and existing development fronting Dam Lane respectively. It is acknowledged that the southern and eastern boundaries are less durable because they comprise established hedgerows and boundary tree planting.
11. However, unlike the proposed allocation, strong boundaries are present in close proximity. In terms of the southern boundary Dam Lane is within 130m and to the east Smith Lane is circa 160m. As such, in real terms the potential for further encroachment into the countryside is limited.
12. As such, the Smithy Brow site's performance against Purpose 3 should have been scored as **Moderate**, with the overall assessment being **weak**.
13. As such, based on the correct assessment the proposed allocation OS1 should have been discounted from consideration based on its overall strong performance against the Green Belt purposes; and a more suitable alternative site should have been allocated in its place. The assessment above shows that Miller's land at Smithy Brow (Omission Site Profile 26 in CD03) is one such site.

### **Q3. What would be the effect of developing the site on the purposes of the Green Belt?**

14. As discussed in relation to Q2, the development of the site would have a negative impact on the Green Belt because it should have been assessed as currently having a strong performance; particularly in terms of Purpose 3 - to assist in safeguarding the countryside from encroachment.
15. Alternative sites available for allocation would have less of an impact. For example, Miller's land at Smithy Brow (Omission Site Profile 26 in CD03), which has a moderate overall performance against the Green Belt purposes, is eminently more suitable and justified as an allocation.

**Q4. Are there exceptional circumstances to alter the Green Belt in this particular case? If so, what are they?**

16. Exceptional circumstances exist in general terms in Warrington because Green Belt release is required to meet the Borough's housing needs in a balanced and deliverable way, including through the release of land at sustainable settlements such as Croft. This is covered in more detail in our Matter 3 Hearing Statement.
17. In this particular case the Council has chosen to allocate a site where the development would have a more pronounced negative impact on the Green Belt than other alternatives. This weakens the exceptional circumstances case in relation to this site specifically.
18. The allocation of a site that contributed less in terms of the Green Belt purposes, such as Smithy Brow, would certainly meet the exceptional circumstances case.

**Q5. What is the basis for the scale of development proposed and is this justified?**

19. The proposed access point to Deacons Close does not appear sufficient to accommodate the level of proposed development. Further information on this is below in relation to Q9.

**Q6. What is the background to the specific requirements of Policy OS1? Are they justified and consistent with national policy? Does this provide clear and effective guidance on constraints and suitable mitigation?**

20. No response provided.

**Q7. Does the policy identify appropriate and necessary infrastructure requirements? How will these be provided and funded? Is this sufficiently clear?**

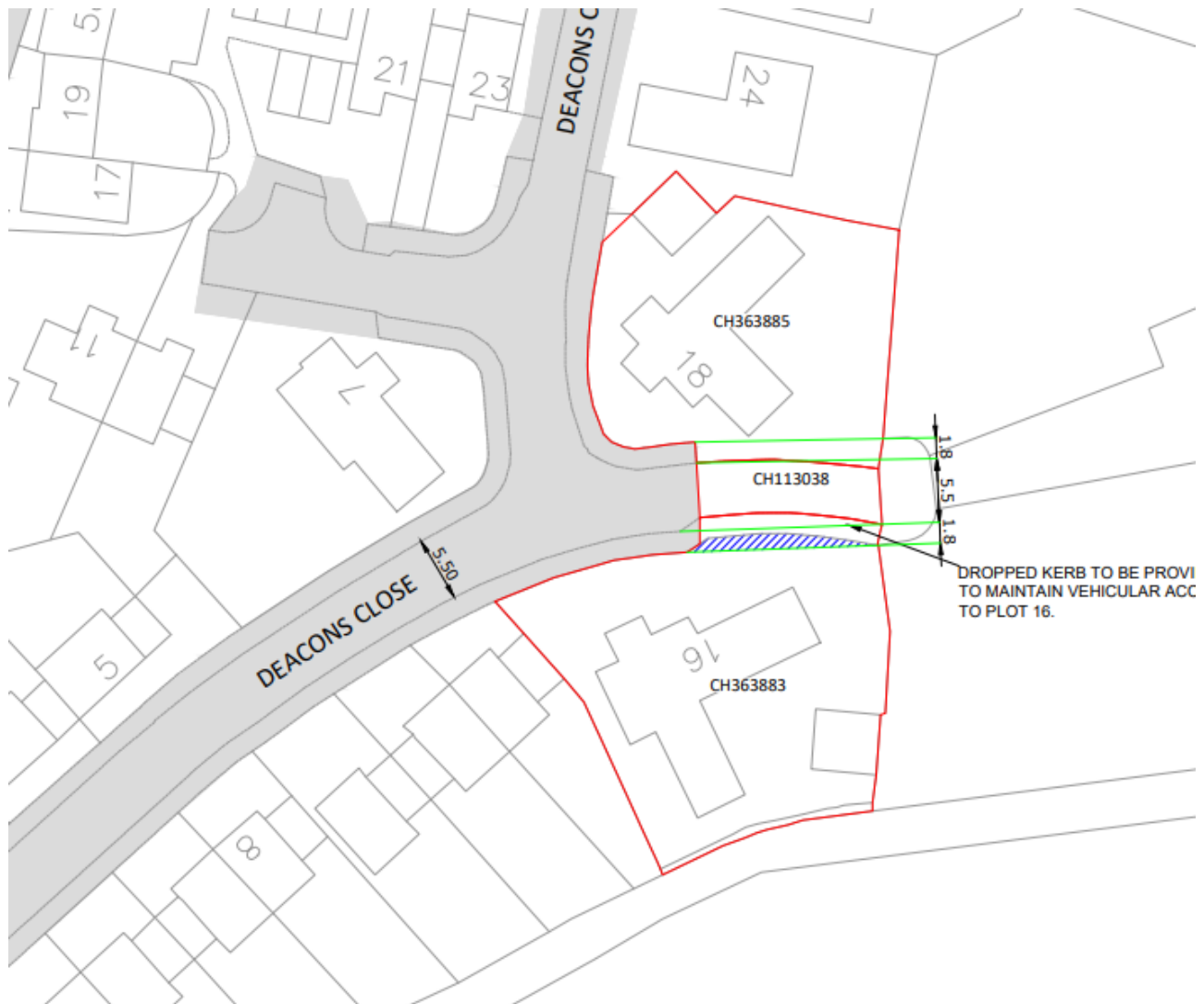
21. No response provided.

**Q8. Is the requirement for Green Belt compensatory improvements justified and appropriate?**

22. Green Belt compensatory improvements are a requirement of paragraph 142 of the NPPF and therefore the WLP is correct to set this out as a requirement.

**Q9. Is the Council satisfied that safe access to the site can be secured, and that Croft has the appropriate transport infrastructure required to support the development?**

- 23. While some information has been provided as part of representations to the Regulation 19 consultant by Bellway (Reference: UPSVLP-0434), it is not wholly clear how an appropriate level of access will be provided.
- 24. Reference is made to there being no legal or ownership problems, however, there is little detail in terms of the achievability of widening the access into the boundaries of numbers 16 and 18 Deacons Close.
- 25. An access plan produced by Croft and submitted as part of representations shows the ability for a 2m footway to be provided as an extension of the current pavement on the northern side of Deacons Close next to number 18. This is shown on the extract below.



26. However, the extract from Google Street View (captured in March 2020) shows that the gap between the built development on the plot of number 18 and the existing carriageway is already very tight.



27. Indeed, the continuation of the existing pavement would seem to require the removal of part of number 18. This appears to be confirmed in terms of aerial photography which shows the building much closer to the existing carriageway than the access plan shows. This is shown side by side below.





28. Given the above it is unclear as to whether the access arrangement shown within Bellway's representations can be delivered.

**Q10. 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**

29. No response provided.

**Q11. Is the development proposed viable and deliverable within the period envisaged, noting that it is anticipated that first homes would be completed in 2024/5**

30. As discussed in Q9, should there be an issue in terms of providing a suitable access then there are potential serious issues in relation to the delivery of the proposed allocation.

**Q12. What is the situation in relation to land ownership and developer interest?**

31. Clarity is required in terms of the land ownership position to facilitate the access to Deacon Close. This is required in order to demonstrate that the proposed allocation is deliverable.

**Q13. 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?**

32. No response provided.

**Q14. Are any main modifications necessary for soundness?**

33. Given the points raised in relation of the proposed allocation's impact on the Green Belt and potential issues associated with access, the Deacon Close land should be deleted and replaced by Miller's interest at land at Smithy Brow (Omission Site Profile 26 in CD03). Representations have demonstrated that this will have a lesser impact on the Green Belt and has a far less constrained point of access.