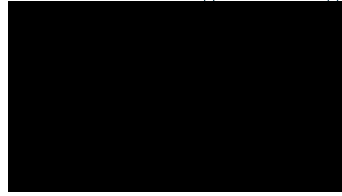


Hourigan Planning



# **WARRINGTON LOCAL PLAN 2021 – 2038 EXAMINATION**

## **MATTER 7d HEARING STATEMENT**

### **ON BEHALF OF THE STRATEGIC LAND GROUP**

# **RESPONDENT NO: 2286**



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On Behalf Of The Strategic Land Group (2286)**

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## **1. INTRODUCTION**

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- 1.1 This Hearing Statement is submitted on behalf of The Strategic Land Group (hereafter referred to as SLG) and responds to some of the questions raised by the Inspectors in relation to Matter 7d – Lymm.
- 1.2 This Hearing Statement supplements SLG’s duly made objections, which, in summary terms, are concerned with: the end date of the Plan period, the Vision for the Plan, completions data, past housing delivery in the Borough, the over reliance on SHLAA sites and large sites proposed to be allocated, the failure of the Plan to release sufficient Green Belt land to meet housing needs and the failure of the Plan to safeguard land beyond the end of the Plan period to meet future needs. Additionally, objections were made in respect of Policy OS4 Pool Lane/Warrington Road, Lymm and the suitability of that site for housing compared to an alternative site in the control of SLG.
- 1.3 In respect of the foregoing SLG is promoting a site (currently designated as Green Belt) at Reddish Crescent, Lymm for circa 60 new homes (affordable and open market). The merits of the site are set out in our duly made objections and are explored further in this Hearing Statement as a site which is preferable to the allocation of the southern parcel of land at Pool Lane/Warrington Road, Lymm under Policy OS4.
- 1.4 Having regard to SLG’s position we have only addressed those questions posed by the Inspectors that are directly relevant to SLG’s interests and their duly made objections.

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## **2. ISSUE AND QUESTIONS BY THE INSPECTORS – POLICY OS4**

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2.1 Having regard to SLG’s duly made objections we offer the following comments on the following Issue and questions posed by the Inspectors:

### **ISSUE**

**WHETHER THE SITE ALLOCATIONS AT LYMM (POLICIES OS4 AND OS5) ARE JUSTIFIED, EFFECTIVE AND CONSISTENT WITH NATIONAL POLICY.**

**N.B. IN RESPONDING TO THE QUESTIONS BELOW, THE COUNCIL SHOULD IDENTIFY AND ADDRESS SPECIFIC KEY CONCERNS RAISED IN REPRESENTATIONS E.G. IN TERMS OF SITE SELECTION, ADVERSE IMPACTS AND DELIVERY ETC.**

### **QUESTIONS<sup>1</sup>**

**TAKING EACH OF THE FOLLOWING SITE ALLOCATIONS INDIVIDUALLY IN TURN:**

- **POLICY OS4 – POOL LANE/WARRINGTON ROAD**

- 1. WHAT IS THE BACKGROUND TO THE SITE ALLOCATION AND HOW WAS IT IDENTIFIED?**
- 2. 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?**

2.2 As set out in our duly made objections (see Chapters 11 and 12) our principal concern is with regard to the process followed by the Council to allocate this site which we consider is not justified and contrary to national policy and therefore unsound. We also have concerns with regard to the conclusions reached in the Council’s Green Belt Assessment as noted below.

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<sup>1</sup> Only those questions relevant to SLG’s concerns are reproduced here.

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- 2.3 Notwithstanding the above we acknowledge it is not the role of the Inspectors (at this stage) to consider omission sites, however it is pertinent to consider whether the process followed in selecting those allocations included in the Local Plan was sound. We contend it was not. This can be best illustrated by comparing the process followed in allocating site OS4 and that followed in discounting our clients' site.
- 2.4 The proposed allocation of OS4 – Pool Lane/Warrington Road is not justified because the site we promote on behalf of SLG – Land at Reddish Crescent/Rushgreen Road in Lymm – is a reasonable alternative site, which is on an equal footing with the northern part of the OS4 allocation (north of Warrington Road), and is preferable to the southern half (south of Warrington Road).
- 2.5 The Council has simply not considered and adequately responded to our duly made objections and responses to previous consultations (as will be explained below) and has not justified the allocation of the land at Pool Lane/Warrington Road.
- 2.6 In response to our submissions the Council has simply chosen to continually repeat the same text which was originally published back in November 2018 and it has simply not addressed the key issues raised in our duly made objections.
- 2.7 Document **SAP2** Site Assessment Proformas (date unknown) and contained in the Examination Library folder 'Site Assessments' is a large document containing the detailed site proformas for SHLAA sites submitted during previous consultations on the Local Plan. This was the first opportunity for third parties to view the Council's assessment of those sites submitted – Paragraph 11.56 of our objections to the Regulation 19 consultation (November 2021) notes the chronology of those published documents which included Green Belt Assessments.
- 2.8 The land comprising the proposed allocation OS4 is considered at Page 483 (site no. 7 SHLAA Ref: 1528), page 486 (site no. 8 SHLAA Ref 1622), and page 492 (site no. 10 SHLAA Ref R18/P2/001) of document **SAP2**.
- 2.9 The 'Overall Site Conclusion' for each SHLAA site is set out in the corresponding text including a summary set out under the heading 'Workshop Comments'. There is no explanation in document **SAP2** what workshop these comments are a result of, but we have interpreted these comments to be the Council's final assessment after liaising with the various technical disciplines which have informed the proforma details, including the Local Highways Authority. We would welcome the Inspectors to clarify this during the Examination.
- 2.10 The text which makes up these 'Overall Site Conclusions' has been repeated again – the Inspectors will note that the text is identical – in the Council's subsequent document **03** Development Options and Site Assessment (March 2019) contained in the Examination Library

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folder 'Local Plan Options', and again in document **O1** Development Options and Site Assessment Technical Report (September 2021) contained in the Examination Library folder 'Local Plan Options'. This is plain to see when comparing the text at page 488 of document **SAP2** and page 66 of **O3** and page 55 of **O1** respectively.

- 2.11 Our submitted Regulation 19 objections also referred to the contents of document **OS1** at Paragraph 11.84 onwards in respect of our client's omission site at Reddish Crescent (SHLAA Ref 1565 – page 64 and 65 of document **OS1**). Again, the text contained in document **OS1** is identical to that contained in document **SAP2** (refer to page 501 site no. 13 SHLAA 1565).
- 2.12 There is nothing published thus far which provides us with any confidence that the Council has considered the technical information we have submitted to various consultation events in respect of the Local Plan; rather the Council has continued to rely on the first assessments and conclusions reached back in 2018 (**SAP2**), 2019 (**OS3**) and repeated again in 2021 (**OS1**). That position is not at all reasonable.
- 2.13 Document **SP6** Responding to Representations Reports for Submission (April 2022), is the first opportunity we have had to try and understand why the Council continues to omit some sites and allocate others. As noted in our previous representations, repeated attempts to engage with the Council to discuss the merits of the omission site at Reddish Crescent have been ignored.
- 2.14 In respect of proposed allocation OS4, the Council responds as follows to the comments made by landowners / developers (page 363 of document **SP6**):

Landowner/Developer	Planning application stage.
<ul style="list-style-type: none"> <li>Gladman Developments Ltd support the allocation. The site is not subject to any technical, landownership or viability constraints that would preclude development.</li> </ul>	<ul style="list-style-type: none"> <li>Support noted.</li> </ul>
<ul style="list-style-type: none"> <li>It is pointed out that the site is in Flood Zones 2 and 3 and this should preclude its allocation.</li> </ul>	<ul style="list-style-type: none"> <li>The Updated PSVLP is supported by a Level 1 &amp; Level 2 Strategic Flood Risk Assessment (SFRA) taking into account all sources of flooding across the whole of the Borough. The proposed allocation is predominantly within Flood Zone 1. A small element of the northern part of the allocation is within Flood Zone 2 but this is not considered to be a constraint in respect of the development of the site.</li> <li>Parts 18 and 19 of the policy require the site to put in appropriate drainage provision, improve water and sewage networks and ensure that the development mitigates against climate change.</li> </ul>
<ul style="list-style-type: none"> <li>There are some developers who consider that the site proposed to be allocated by Policy OS4 is not the most suitable site and that there are alternative sites that are more suitable, or that here should be additional</li> </ul>	<ul style="list-style-type: none"> <li>The Council is confident that its site assessment process is robust and that the conclusions reached in terms of the proposed site allocations are appropriate.</li> </ul>

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Policy OS4 - Lymm - Pool Lane	
Summary of Issues Raised	Response
allocations in Green Belt around the settlement to meet housing needs. These are identified as omitted sites with most representations regarding the Green Belt Assessment of sites, overall housing requirement and physical characteristics of sites.	

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**Figure 2.1 – SP6 Extract.**

- 2.15 The Inspectors will note from SP6 that the same text is repeated to respond to many of the issues raised during the Regulation 19 consultation and it is used by the Council in respect of the site at Reddish Crescent as the extract below from **SP6** shows (page 391 of **SP6**):

Omitted Sites	
Summary of Issues Raised	Response
<ul style="list-style-type: none"> <li>Land at Reddish Lane, Lymm for residential development.</li> </ul>	<ul style="list-style-type: none"> <li>The Council is confident that its site assessment process is robust and that the conclusions reached in terms of the proposed site allocations are appropriate.</li> </ul>

**Figure 2.2 – SP6 Extract.**

- 2.16 The Council makes no acknowledgement whatsoever of the technical information we have submitted in our duly made objections, nor does it appear that they have updated any of their assessments of the omission site at Reddish Crescent based on up-to-date information that has been provided to them on several occasions. Put simply they have failed to engage with our submissions on repeated occasions.
- 2.17 We therefore remain of the position that the proposed allocation of the land at Policy OS4 is not justified because our client's omission site comprises a reasonable alternative which (for the reasons set out in our duly made objections – see Chapters 11 and 12) would have less harm on the open countryside and Green Belt than the proposed allocation. The Council's approach is therefore plainly unsound.
- 2.18 Our duly made objections set out in detail (refer to Paragraph 11.46 onwards) how the SLG site and the wider area were considered by two previous Development Plan Inspectors (in 1997 (Inspector Collyer) and 2005 (Inspector Graham)). The Inspectors in this case are respectfully invited to review their colleagues' conclusions as reproduced in our duly made objections but the key messages are that the SLG site was not considered to comprise open countryside, there is a significant measure of enclosure, the area does not serve any significant Green Belt purpose and there is no compelling reason why it should be kept permanently open and that development here would not result in uncontrolled urban sprawl or encroachment into the open countryside. Inspector Collyer also noted that the Council raised no arguments against development on land at Reddish Crescent on technical infrastructure, landscape, ecological or agricultural land quality grounds.
- 2.19 Since consideration of the SLG land in 1997 and 2005, the physical appearance or visual containment of the site hasn't materially changed, neither has its relationship with the urban backdrop of the settlement.



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- 2.20 Moreover, our duly made objections contain a comparative assessment between the SLG omission site and proposed allocations OS4 and OS5 (see Paragraphs 11.56 – 11.81 for the detailed assessment).
- 2.21 Our conclusions on our client's site placed it on an equal footing with the northern part of the Pool Lane/Warrington Road allocation (north of Warrington Road) (Policy OS4) which has been classified as having an overall weak contribution to Green Belt purposes in the Council's 2021 Green Belt Assessment.
- 2.22 In Green Belt terms we found that release of our client's site was clearly preferable to the southern half (south of Warrington Road) of the Pool Lane/Warrington Road allocation (Policy OS4) which has been classified as having an overall moderate contribution to Green Belt purposes in the Council's 2021 Assessment. However, the Council's conclusion is predicated on a position that the southern part of the OS4 allocation would only entail a small incursion into open countryside; the reality of the situation is that to the west of Statham County Primary School (and south of Warrington Road) the proposed allocation forms part of the wider countryside and is clearly related to it. In fact, if developed the allocation would extend built development into the open countryside by circa 140 metres along Warrington Road and by some 340 metres from the rear of Turnberry Close to the western boundary of the site (refer to Paragraph 11.77 and Figure 11.8 of our duly made objections). That is in stark contrast to our client's omission site and its consideration by two previous Development Plan Inspectors as noted above at Paragraph 2.18.
- 2.23 Our assessment in our duly made objections also places our client's site on the same footing as the proposed allocation at Rushgreen Road (Policy OS5), which has been classified as having a weak contribution to Green Belt purposes in the Council's 2021 Assessment.

**3. WHAT WOULD BE THE EFFECT OF DEVELOPING THE SITE ON THE PURPOSES OF THE GREEN BELT?**

- 2.24 Allocation of the southern section of Allocation Policy OS4 (in light of the reasonable SLG alternative) would be unsound because it would be contrary to national policy in particular Paragraph 138 c) which seeks to safeguard the countryside from encroachment (the alternative of the SLG omission site has been found by previous Development Plan Inspectors to not comprise encroachment into the open countryside). Furthermore (in light of the reasonable alternative) allocation of the southern section of Allocation Policy OS4 would be contrary to Paragraph 142 of the Framework and the requirement to promote sustainable patterns of development. In light of the foregoing, allocation of the southern half of Allocation Policy OS4 is unsound because it is not justified i.e. it is not an appropriate strategy, taking into account

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the reasonable alternative (the SLG site) based upon proportionate evidence. It is also unsound because it is not consistent with national policy for the reasons stated above.

**4. ARE THERE EXCEPTIONAL CIRCUMSTANCES TO ALTER THE GREEN BELT IN THIS PARTICULAR CASE? IF SO, WHAT ARE THEY?**

2.25 SLG supports the Council's general position that exceptional circumstances do exist in the Borough to justify an alteration to Green Belt boundaries and the allocation of current Green Belt land for housing but as set out in our duly made objections (refer to Chapter 5) insufficient Green Belt land is proposed for release in order to meet housing needs over the Plan period.

2.26 Accordingly, we are seeking the allocation of our client's omission site for around 60 dwellings. If those submissions are not accepted and the Inspectors conclude that sufficient land is proposed (in quantum terms) to be released from the Green Belt in Lymm then our position is that our client's omission site should be allocated in preference to the southern part of allocation OS4 for the reasons set out above. If that position is not accepted then we are seeking the removal of our client's site from the Green Belt and the safeguarding of the land for future development.

**5. WHAT IS THE BASIS FOR THE SCALE OF DEVELOPMENT PROPOSED AND IS THIS JUSTIFIED?**

2.27 On the basis of the foregoing the allocation of the southern section of OS4 is not justified in the context that the SLG omission site is a preferable site and is available for development and around 60 new homes could be delivered quickly following confirmation of an allocation in an adopted Development Plan.

**8. IS THE REQUIREMENT FOR GREEN BELT COMPENSATORY IMPROVEMENTS JUSTIFIED AND APPROPRIATE?**

2.28 In stark contrast to OS4 the SLG omission site would not require Green Belt compensatory improvements (in that respect refer to Paragraph 2.18 above) and the conclusions of a previous Development Plan Inspector that there is no compelling reason why it should be kept permanently open. Again, this is another reason why the Council's decision to allocate the southern section of OS4 is not justified in the context that there is a reasonable alternative in the form of the SLG omission site.

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**10. 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**

- 2.29 The adverse effects of allocating the southern section of OS4 are highlighted above and in Chapters 11 and 12 of our duly made objections, in the interests of brevity there is no need to repeat the points again but just to emphasise that the Council's approach is not justified in the context that a reasonable alternative omission site exists that, if allocated for residential development would have less harm on the open countryside and the Green Belt than the site which the Council proposes to release for housing.

**11. ARE ANY MAIN MODIFICATIONS NECESSARY FOR SOUNDNESS?**

- 2.30 Allocation of the southern section of Allocation Policy OS4 (in light of the reasonable SLG alternative) would be unsound because it would be contrary to national policy in particular Paragraph 138 c) which seeks to safeguard the countryside from encroachment (the alternative of the SLG omission site has been found by previous Development Plan Inspectors to not comprise encroachment into the open countryside). Furthermore (in light of the reasonable SLG alternative site) allocation of the southern section of Allocation Policy OS4 would be contrary to Paragraph 142 of the Framework and the requirement to promote sustainable patterns of development. In light of the foregoing allocation of the southern half of Allocation Policy OS4 is unsound because it is not justified i.e. it is not an appropriate strategy, taking into account the reasonable alternative (the SLG site) based upon proportionate evidence. It is also unsound because it is not consistent with national policy for the reasons stated above.
- 2.31 Accordingly, the southern section of OS4 should be deleted and our client's site at Reddish Crescent should be allocated for around 60 homes. Such a modification would address our client's duly made objections and ensure this section of the Local Plan is sound.