

Warrington Local Plan 2021-2038: Examination in Public

Hearing Statement by Peel L&P (Holdings) UK
Ltd (representor no. UPSVLP 0426)

Matter 7d: Site Allocations – Lymm

August 2022

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Client

Peel L&P (Holdings) UK Ltd

Our reference

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1. Introduction

- 1.1 This Statement is prepared by Turley on behalf of Peel L&P (Holdings) UK Ltd (hereafter called 'Peel') in respect of the examination of the Warrington Local Plan 2021-2038. It provides Peel's response to the Matters, Issues and Questions ('MIQs')¹ identified by the Inspectors in respect of Matter 7d: Site Allocations – Lymm.
- 1.2 The context to Peel's representations, including its development interests in the Borough, is set out in its Matter 1 statement.
- 1.3 This Statement should be read alongside Peel's statements in relation to Matters 1, 3, 4, 6a, b and c, 7a, b and c, 8, 11 and 14. It should also be read alongside statements submitted jointly on behalf of Peel L&P (Holdings) UK Ltd and Peel Ports (representor number UPSVLP 0438) which relate specifically to Peel's land interest at Port Warrington and Warrington Waterfront.
- 1.4 This Statement focusses on the proposed allocations in the Outlying Settlement of Lymm.
- 1.5 Peel is promoting a site in Lymm ('Land at Rushgreen Road, Lymm (Land east of Tanyard Farm') for residential purposes and has made submissions seeking its allocation at previous stages of the Local Plan. The Rushgreen Road site is capable of accommodating around 115 homes along with community health facilities. An additional area of land adjoining the Bridgewater Canal is also proposed for release from the Green Belt to be either designated as a Green Wedge, or similar, if it were deemed necessary to retain an area of open land in this location. Open land uses comprising community sports facilities, informal open space and open tourism / leisure uses are proposed within this area.
- 1.6 A Development Prospectus for Peel's site at Rushgreen Road and an associated technical and environmental evidence base formed part of Peel's representations to the UPSVLP² which demonstrate that the site is developable and can be delivered in an acceptable manner over the plan period or beyond.
- 1.7 Peel's representations demonstrate that the Rushgreen Road site is capable of accommodating a sustainable residential development and that it performs better than the proposed allocations in Lymm when assessed against the criteria used by Warrington Borough Council ('WBC') to assess potential allocations and is therefore a more appropriate and sustainable allocation than the Council's proposed allocations. It is able to offer significant additional benefits for existing and future residents that the other sites are not capable of delivering.

¹ ID02

² UPSVLP-0426-P15

2. Matter 7d: Site Allocations – Lymm

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

- 2.1 Potential development sites have been considered through the evidence base, with OS4 and 5 assessed through the Site Assessment Proformas report November 2018, undertaken to inform the Proposed Submission Version Local Plan ('PSVLP') in 2019 (OS4 assessed as part of site ref. 1528 / R18/162 and R18/P2/001, and OS5: site ref. R18/118, R18/P2/054 and R18/P2/133).
- 2.2 The assessment includes the scoring of the potential sites against numerous criteria. Peel's representations to the Updated Proposed Submission Version Local Plan ('UPSVP') demonstrated that the scoring of its site³ (Site ref. 1545 – comprises other land not promoted by Peel) is flawed as it is based on a much larger extent, and as such does not recognise the numerous beneficial aspects of this part of the assessed site and overstates the extent of constraints. Appendix 7 of Paper 4 submitted as part of Peel's representations⁴ presented a revised assessment and compares it to OS4 and OS5. It demonstrates that if the performance against a number of criteria is reassessed reflecting up to date information / evidence and a more objective assessment approach, Peel's site performs better than OS4 and OS5 in relation to a number of assessment criteria and therefore better overall.

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?

OS4

- 2.3 OS4 comprises of two parcels of land. The Green Belt Assessment (Additional Site Assessments of Call for Sites Responses and SHLAA Green Belt Sites) (2017) ('GBA') concludes that the site to the south of Warrington Road makes a moderate Green Belt contribution overall (including a strong contribution in respect of Purpose 3). The overall moderate contribution reflects that a 'professional judgement' has been applied to reach this conclusion. Peel considers that the contribution made to individual purposes are such that an overall score of strong would be justified, and indeed has been proposed in respect of a number of other sites which have the same scoring profile against individual purposes when applying the 'professional judgement' input.
- 2.4 The overall scoring of moderate is marginal therefore and must be seen in the context of a strong contribution against purpose 3 and moderate contribution to purpose 5. The justification offered for this overall conclusion is flawed, with the presence of the M6 motorway c.300m to the west referenced as a feature which could supplement the 'mostly durable' boundaries of the site. This distance from the site means that it could never perform such a function.

³ Contained within the Site Assessment Proformas report November 2018

⁴ UPSVLP-426-P4

OS5

- 2.5 The proposed site forms part of a larger Green Belt Parcel (LY16) defined through the GBA. It is identified as making an overall weak contribution to the Green Belt through the GBA.
- 2.6 As set out below, Peel considers that the impact of the proposed allocation on purpose 2 is understated and that the overall conclusion is not justified or supported by evidence. Furthermore, the form of development proposed by Peel would result in a lesser Green Belt impact comprising the least sensitive part of the parcel. Peel's reasoning is considered further below.

Q3: What would be the effect of developing the site on the purposes of the Green Belt?

- 2.7 Peel considers that the release of OS4 would result in a significant effect on the openness of the Green Belt with a high degree of encroachment due to the absence of strong and durable boundaries. This conclusion is consistent with the GBA's assessment of the southern site making a strong contribution to this purpose. Its release would be contrary to paragraph 140 of the NPPF regarding the ability of new Green Belt boundaries to endure.
- 2.8 In relation to OS5, Peel proposes an alternative approach to the release of land within Parcel LY16 through its representations (and showed this spatially in the plan provided as Appendix 6 of Paper 4⁵).
- 2.9 Peel's proposal involves development within the northern extent of the part of the Parcel it is promoting, with the southern part adjacent to the Bridgewater Canal kept open. This approach reflects the conclusions of a Planning Inspector in allowing an appeal for residential development within part of the parcel (immediately west of the land promoted by Peel) in which he referred to the importance of a corridor of openness between the development and the canal, concluding that *"this swathe of open space would remain permanently open, and a gap between Oughtrington and Lymm would be maintained"*⁶.
- 2.10 The proposed allocation OS5 will result in development close to the canal and the complete loss of openness and would result in a degree of merging between Lymm and Oughtrington.
- 2.11 In contrast, Peel's proposed development would 'tuck in' behind the appeal development utilising an area of 'backland' which is not generally visible from public viewpoints. From a Green Belt point of view and the separate point of the desirability of retaining separate identity of sub-parts of settlements in this location, the site proposed for release by Peel would be the least sensitive. Its development would follow the principle established on appeal.

⁵ UPSVLP-426-P4

⁶ Appeal decision ref. APP/M0655/W/18/3200416

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

- 2.12 Peel supports the Council's position that exceptional circumstances exist to justify the release of land from the Green Belt including around the Outlying Settlements.
- 2.13 The Council has demonstrated that this is necessary in order to meet the Borough's housing and employment needs and has sought to maximise the use of land outside the Green Belt as a first priority.
- 2.14 In doing so it has demonstrated that this need cannot be met in full through land outside of the Green Belt.
- 2.15 Exceptional circumstances are therefore considered to exist and warrant a Green Belt boundary review in order that the Borough's full plan period housing and employment needs can be met.

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

- 2.16 The UPSVLP proposes to allocate sites (OS4 and 5) with a combined capacity of 306 dwellings (comprising 170 in OS4 and 136 in OS5) reflecting the minimum housing number of 306 homes as identified for Lymm through Policy DEV1. It is Peel's view that this is consistent with the proposed strategy of 'incremental growth' within Lymm and the other Outlying Settlements of the Borough. This quantum of development is reflective of the scale of Lymm, being a proportionate addition. Lymm is also of a sufficient size and scale to offer a range of services and facilities to contribute towards the sustainability of development.
- 2.17 Peel's position, however, is that a substantial component of Lymm's development requirement would be more sustainably met through the release of land to the south of Rushgreen Road as proposed by Peel. This site is much better related to the services and facilities of Lymm village centre than the peripheral sites comprising OS4 (and indeed OS5). Peel's site would also be able to offer other benefits that the other sites cannot, principally community facilities, including sport facilities capable of use by the community and the health facilities (consistent with OS5), informal open space and tourism / leisure uses.

Q7: Do the policies identify appropriate and necessary infrastructure requirements? How will these be provided and funded? Is this sufficiently clear?

- 2.18 The distance from OS4 to the main centre of Lymm (approximately 1.7km from the centre of the site) is beyond reasonable walking distance.
- 2.19 Furthermore, the site's relationship with the centre of Lymm and the nature of accessibility to the centre is of a poor quality which would require the use of a narrow footway along the northern side of Warrington Road (with limited opportunity to widen and improve). It is therefore apparent that it does not have a clear and integral relationship with the facilities within the settlement. Its relationship with the

settlement is reflective of its peripheral location. This brings into question the general sustainability and suitability of this location.

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

2.20 See response to Q7 – the access from the Pool Lane site (OS4) to the village centre is poor and there is limited scope to improve.

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

2.21 See response to Q7 – the access from the OS4 site to the village centre is poor and there is limited scope to improve.

2.22 The Pool Lane site is also located entirely within Environment Agency Flood Zones 2 and 3. There are alternative sites available which are located outside of Flood Zones 2 and 3. The sequential test in NPPF is not met. This should result in the site being discounted at the outset. There are alternative sites that are not so constrained by flooding; notably the Peel site. In accordance with NPPF (paragraph 161 and 162) this site should not be allocated.

Q14: Are any main modifications necessary for soundness?

2.23 Peel considers that the proposed allocations in Lymm are unsound as the approach to selecting potential allocations is unsound as it is:

- not justified by evidence, with the Pool Lane site being subject to flood risk constraints (and the sequential test not being met) and the Council's assessment underpinning the contribution of OS4 to the Green Belt;
- not positively prepared – failing to capitalise the advantages offered by the Land at Rushgreen Road, in respect of the range of additional facilities and benefits it can provide and its superior relationship with Lymm village centre; and
- contrary to national planning policy in respect of ensuring that new Green Belt boundaries endure beyond the plan period.

2.24 These issues could be remedied by allocating the land promoted by Peel at Rushgreen Road.

2.25 Peel's Matter 3 statement has also set out the need for the allocation of Safeguarded Land within the Outlying Settlements in order to satisfy paragraph 140 of the NPPF. Peel's land at Rushgreen Road would be suitable for such an allocation in this context, given the evidence base submitted by Peel which demonstrates that the site is developable in an acceptable and sustainable manner.

Turley Manchester



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