

Response to Warrington Examination

Library Document [CD31]:

**Fiddlers Ferry Ecology Surveys and
Delivery Programme**

on Behalf of Ashall Property Ltd

(Respondent Ref: UPSVLP0417)

MATTER 6c – FIDDLERS FERRY

Prepared by Tetra Tech Environment Planning Transport Limited.

1. Introduction

- 1.1 We thank the Inspectors for granting us the opportunity to comment on the additional information added to the Examination Document Library by Warrington Council.
- 1.2 This Statement supplements the submissions previously made by Ashall Property Limited (Respondent Reference UPSVLP 0417) and should therefore be read in conjunction with the representations previously made.
- 1.3 The representation relate specifically to Document [CD31] which was produced by the Council in conjunction with the site promoter for Fiddlers Ferry. The document attempts to address questions rightly raised by the Inspectorate on the following two topics:
 - A. Ecology Surveys, and
 - B. Delivery Programme
- 1.4 We will now set out our thoughts on both of the above to inform the Inspectors deliberation on deliverability of the quantum of development currently projected to be completed within the Plan Period for the Updated Proposed Submission Version Local Plan.
- 1.5 We should stress that our comments are notwithstanding our continued position that due and consistent consideration has **not** been given to the Green Belt in this strategic gap.

2. Ecology Surveys

- 2.1 The Council's statement says:

"Given the vast existing baseline information available for the site, Peel already has a detailed understanding of the ecological constraints within the site and surrounding area"
- 2.2 We strongly dispute that the Council or Peel (the site promoter) has a detailed understanding of the ecological constraints.
- 2.3 Firstly, the document states in the second to last paragraph on Page 1 that *"the updated ecology surveys covered all the proposed development phases north of the canal."* We assume they meant to say development phases north of the *railway line*. If this is the case, that would imply that they have no or very little up to date ecology surveys of the land south of the railway line.

- 2.4 The land south of the railway line forms a vital part of the proposed allocation with the majority of the housing being proposed to come from this parcel. This parcel contains significant ecology features and directly abuts the River Mersey Estuary which is in part designated SPA, SSSI and RAMSAR site. The River Mersey Estuary is therefore of international ecological significance.
- 2.5 Up to date ecological survey data and assessment of the entire proposed allocation area and its surrounding should inform the Development Framework. Without this, the Development Framework cannot be a sound comprehensive document. And until such time that up to date and sufficient assessments are carried for all of the allocation, the Development Framework cannot be finalised.
- 2.6 Secondly, [CD31] confirms that they currently have **no** completed wintering bird surveys for either the north or south parcels of the proposed allocation. This work is only just now beginning to be undertaken. The Council acknowledges in their [CD31] statement that two years of survey information would be required for wintering birds.
- 2.7 As per our verbal comments during the Hearing Sessions we believe this to be a **fundamental** issue for the current proposed delivery trajectory of the proposed Fiddlers Ferry allocation. It could also affect the overall deliverability of the allocation.
- 2.8 As mentioned above, the southern parcel of the allocation lies directly adjacent to the River Mersey Estuary. Parts of the River Mersey is designated as a SPA for its habitats which, amongst other things, attract internationally important wintering birds. The Estuary and surrounding areas, including agricultural fields provide qualifying habitat features that will need to be considered as part of Habitat Regulations Assessment (HRA). This will include the greenfield elements of the north parcel as well as the agricultural fields to the north of the proposed allocation site.
- 2.9 We find it quite troubling that the Council is not even sure at this stage whether they think an HRA will be required for this allocation. In our experience it will undoubtedly be required given the sheer scale of the development and its proximity to the River Mersey estuary. The Council should as best practice take a precautionary approach as the other local authorities in the region have done for sites which are often further removed from SPA's and Ramsar sites that the proposed allocation site.

3. Delivery Programme

- 3.1 The concerns we have raised above are relevant to the proposed delivery programme in a number of ways. The results of the two years of wintering bird surveys should inform a number of Development Management decisions relating to the different phases of development. Without this information, any decisions the Council make on the

anticipated impacts from the different phases of development would be flawed and could be subject to legal challenge. Therefore, these decisions, should not be taken prior to the requisite surveys having been completed.

- 3.2 Firstly, the timing and duration of the demolition work may be affected by the likely presence of wintering birds in close proximity to the site. Demolition works by its very nature is quite noisy and due to the scale of the demolition works this would have a material noise impact on the surrounding area. Without sufficient survey information to inform the potential impact of the demolition works, the developer should apply a precautionary approach to avoid disturbance to wintering birds.
- 3.3 This will prolong the demolition works for the first two years at least.
- 3.4 We could not see any record of the Prior Notification for the Demolition having been submitted on the Council's website so we are unable to confirm if this has been taken in to consideration.
- 3.5 Secondly, we do not believe that the Development Framework can be agreed before due consideration has been given to ecological impact across the whole of the allocation and the potential impact on wintering birds. Therefore surveys at appropriate times of the year are required for the south parcel and two years of wintering bird surveys need to be completed before the Development Framework can be agreed. The earliest date for the adoption/ agreement of the Development Framework is April to May 2024, not October 2023 as proposed.
- 3.6 Thirdly, the timescales for the determination of the 1st and 2nd employment and 1st residential applications are unrealistic. As set out above we consider an HRA will be required for the development of this site. The HRA, including the likely need for Appropriate Assessment can only be completed after the 2nd wintering bird survey has been completed and collated into a report. The earliest the second wintering bird survey can complete is the end of March 2024. The finding will then have to be collated into a report. That report should then inform the EIA screening and HRA.
- 3.7 Once the relevant reports are completed they will need to be submitted to the Council for assessment and consultation with the public and statutory consultees, including Natural England. We therefore consider the Delivery Programme to be unrealistic for the determination of the 1st phases of residential and employment development as well as the 2nd phase of employment development. That will have a knock-on effect on the rest of the Delivery Programme. As such we believe the Programme to be unrealistic with substantially less housing being delivered within the Plan Period than projected.
- 3.8 A further procedural point which appears to have been overlooked is the relevant Sport England Policies. The Phase 2 Employment parcel contains a playing field that will need to be replaced **and made available for use before the existing pitch is lost**. As set out above we do not believe that the Phase 2 employment development can be fully considered or determined as set out in the Delivery programme. Once you factor in the 15 to 18 month lead in period for providing and establishing a replacement pitch, the

commencement of Phase 2 will be substantially delayed. That is even without factoring in the lengthier demolition period that we consider to be necessary.

- 3.9 Our final comment on the Delivery Programme is that it clearly has given little consideration to the facilities that will be required for residents on Phase 1. This issue is amplified by the proposed allocation's poor connectivity to existing facilities. The proposal is likely to generate a scenario where the community facilities, once finally provided, will be under-utilised as existing residents will by then have registered with other medical practices and established their shopping habits.
- 3.10 There is also a real risk that these community facilities are not provided at all as they are left to the back end of the proposed residential development. If this was to happen the development would be even less sustainable given the isolation from the main built-up areas and local centres in Warrington and Widnes.

4. Conclusion

- 4.1 We consider the Delivery Programme to be unrealistic, not least because of the lack of up to date and comprehensive ecological survey data. If allocated, the housing supply from Fidders Ferry for the Plan Period should be reduced by **at least** 235 (2 years of delivery) and suitable alternative sites identified and allocated to make up the shortfall.
- 4.2 We maintain that our client's site South of Chester Road should be allocated for housing, especially with its beneficial relationship for the delivery of the WWL, containment in Green Belt terms and proximity to Inner Warrington.