

EiP Statement

Warrington Updated Proposed Submission

Version Local Plan 2021-2038

Home Builders Consortium

Representor ID UPSVLP 0410

Our ref 64052/01/RCA/MKR

Date 21st October 2022

Subject **Supplementary Statement in Response to CD31 (Fiddlers Ferry Ecological Surveys and Masterplan Delivery Programme)**

1.0 Introduction

- 1.1 Lichfields was instructed by a Consortium of leading developers and housebuilders, namely Ashall Property, Barratt Developments (Barratt Homes and David Wilson Homes), Metacre Ltd, Satnam Developments and Story Homes [the Consortium], to make representations on its behalf to the Warrington Updated Proposed Submission Local Plan 2021 to 2038 (September 2021) [WUPSVLP].
- 1.2 This Note has been prepared on behalf of the Consortium in response to the submission of a suite of additional documents by Warrington Borough Council [the Council] during the EiP Hearing sessions in September 2022. This Note provides a response to the following document:
- 1 **CD31** Matter 6c Fiddlers Ferry – Note for Inspectors on Ecological Surveys and Masterplan Delivery Programme.
- 1.3 In CD31, the Council responds to the Inspectors’ questions on the Fiddlers Ferry ecological survey work. The document also contains the Council’s and Peel’s joint response to the Inspectors’ request for the key milestones for the delivery of Fiddlers Ferry, namely:
- 1 A date for agreement and finalisation of the Development Framework;
 - 2 Key dates for completion Phase 1 clearance and remediation; and,
 - 3 Phase 1 Build Out and completions.

2.0 Analysis

Masterplan Delivery Programme

- 2.1 The Council’s response to the Inspectors’ question on the delivery programme sets out that Peel has reviewed the Masterplan Delivery Programme prepared by SSE and provided an amended headline delivery programme. The amended programme is provided at Appendix

1 of CD31. Peel's updated programme comprises a number of detailed phased planning applications for the employment element and hybrid/outline planning applications for the residential/mixed use element. Despite Peel's amendments to the Fiddlers Ferry delivery programme, the Council claims that (CD31, page 2):

“The timing and sequence of residential planning applications demonstrate, and the estimated receipt of planning permission would ensure, that housing delivery would be delivered in line with the housing trajectory presented at Appendix 1 of the UPSVLP.”

- 2.2 As such, the Council still maintains that residential dwellings will be completed at Fiddlers Ferry within the first five-years of the plan period, and that 1,310 dwellings will come forward during the plan period (2021-2038).
- 2.3 The Consortium continues to have fundamental concerns with the Peel's claimed delivery rates for Fiddlers Ferry. The delivery trajectory for the site across the plan period is overly ambitious and will not be achieved because the site is wholly unviable. No robust evidence was provided by the Council at the Examination to demonstrate that dwellings could come forward in the first five years of the plan.
- 2.4 WUPSVLP Policy MD3 (Fiddler Ferry) requires a Development Framework to be agreed with the Council in advance of a planning application being submitted on the site. The Council is proposing the following modification to part 6 of Policy MD3:
- “The Development Framework will be agreed with the Council in advance of **the determination of the application for the first part of the employment site and before any further planning applications being are** submitted.”*
- 2.5 The proposed modification would enable the first planning application (for an employment phase) to be submitted by Peel in advance of the Development Framework being agreed.
- 2.6 The Consortium notes that the purpose of the Development Framework is to provide guidance for future for planning applications and to ensure a coordinated approach across developments. Policy MD3 (part 8) also states that the Development Framework will be reviewed and updated alongside future reviews of the Local Plan, indicating that it has the weighting of a Supplementary Planning Document. By allowing planning applications to be submitted in advance of an agreement on the Development Framework, its purpose is being eroded.
- 2.7 WUPSVLP Policy MD3 (part 5) requires the Development Framework to undergo consultation with statutory consultees and the local community before being finalised. Peel's programme sets out that the Development Framework will be agreed with the Council by Q4 2023, with consultation commencing on it in Q4 2022. The document has not been published for consultation at the time of writing this Note. Peel's trajectory assumes that the Council will have sufficient resource to undertake substantial work on the Development Framework in a short space of time. It also assumes that statutory consultees will respond to consultation requests in a timely manner. Based on their experience, the Consortium would question these assumptions.

- 2.8 The Consortium considers that the trajectory for Fiddlers Ferry should be amended to reflect a realistic delivery programme. The Council's suggested approach of watering-down the requirement for a Development Framework in order to include Fiddlers Ferry in years 1-5 and 6-10 of the trajectory is unjustified. The preparation of the Development Framework itself will have a significant impact on lead-in times. Therefore, the time period to reach first delivery is likely to extend well beyond Peel's suggested start date.
- 2.9 Peel's programme sets out that a hybrid planning application for the northern residential parcel of Fiddlers Ferry will be **prepared, submitted and determined in an 18-month period between Q4 2022 to Q2 2024**. The Consortium has significant concerns with this timetable.
- 2.10 Firstly, the hybrid planning application cannot be submitted until the Development Framework has been agreed with the Council. Peel's programme shows this is scheduled for Q4 2023 (albeit, the Consortium considers this to be too ambitious, as discussed above). **This means that Peel is suggesting that a hybrid planning application will be determined within six months**. This is extremely ambitious.
- 2.11 Even if a hybrid planning application was brought forward on the site by Q4 2023, it is likely that the process of securing planning permission will take significantly longer than envisaged as the site is subject to a number of constraints which will need to be resolved¹. We also note that the existing ash processing activities at the site are also expected to continue beyond the Power Station's life span, until the existing deposits are fully depleted. It is not clear how long this process will take and what the implications are of this on the delivery of the site.
- 2.12 The application determination process is also likely to be complex and could quite easily extend beyond usual timescales. We have reviewed the planning determination timeframes at other power station regeneration sites², including Drakelow Park (South Derbyshire) and Rugeley Power Station (Cannock Chase). Based on the lengthy determination periods on these applications, we consider that a two-to-three-year period between the submission of the hybrid planning application and its determination is more appropriate.
- 2.13 The determination period for the initial hybrid planning application will also have a knock-on effect on the remaining stages of the application process, including the submission of reserved matters for later phases and discharge of conditions on the first residential phase.
- 2.14 The delivery of first dwelling completions will also be affected by a number of other issues including the demolition and remediation of the site. Peel's trajectory sets out that housing delivery from Phase 1 (the detailed element of the hybrid application comprising 150 dwellings) will commence in Q3 2025 and take five years. We would question whether this is realistic and likely to be achievable. An additional lead-in period also needs to be factored in for the necessary remediation, infrastructure and utilities works required to serve the first homes.

¹ As set out the Consortium's (0410) Written Statement to Matter 6c – Fiddlers Ferry (August 2022)

² 9/2009/0341 – Hybrid Planning application including 2,239 dwellings at Drakelow Park, South Derbyshire (validated: 08/05/2009 with permission granted: 01/03/2012) & CH/19/201 - Outline Planning Application including 2,300 dwellings at Rugeley Power Station, Cannock Chase (validated 28/05/19 with permission granted 07/05/21)

- 2.15 Notwithstanding the conclusions of the Consortium’s viability consultant that the site is unviable³, we consider that from a planning process perspective, units will not be completed before 2033/34 in accordance with the following timeline:
- 1 Adoption of the Local Plan – 2023.
 - 2 Commencement of Development Framework upon adoption of the Plan. Significant levels of technical input required for such a complex site and the best-case scenario for adoption would be end 2025.
 - 3 Planning Application(s) to follow in 2026 in accordance with the Development Framework.
 - 4 First completion seven years post submission of the hybrid planning application. This accounts for extensive negotiation of the planning application including engagement with public consultees, signing of legal agreements, preparation and submission of reserved matters applications, discharging planning conditions, remediating the site, putting necessary infrastructure including access into the site before finally completing dwellings. – First completion expected 2033.
- 2.16 If the Council can provide robust evidence on the viability of Fiddlers Ferry, the Consortium recommends that the trajectory of Fiddlers Ferry is pushed back eight years. The Council must identify additional sites which can meet the shortfall of housing in the intervening period. If the Council is unable to demonstrate the site is viable, it must be removed from the housing land supply and replaced with sites that can be viably developed.

Ecology Strategy

- 2.17 The Council notes in CD31 (page 2) that:
- It is currently uncertain whether a project / phase specific Habitat Regulations Assessment (HRA) will be necessary. Should it be determined that a project / phase HRA is needed to support a specific planning application, this assessment will be prepared alongside the relevant ecology reports. Adequate survey information is being collected to ensure a detailed HRA can be delivered should this be necessary.*
- 2.18 The need for a project specific HRA is dependent on the outcomes of wintering bird surveys. We understand that Peel is yet to undertake all of these surveys. Should the surveys indicate that a project-level HRA is required, it will have a knock-on impact on the remainder of Peel’s programme.
- 2.19 Furthermore, Peel’s programme suggests that some ecological surveys will be undertaken just before the Development Framework is scheduled to be agreed with the Council in Q4 2023. The outcome of the ecological surveys will need to feed into the preparation of the Development Framework. In addition, consultation on the Development Framework, including with Natural England, will only be able to take place once the ecological survey work has been completed. In this context, the Consortium considers that Peel’s delivery programme is wholly unrealistic.

³ Roger Hannah - Viability Assessment of the Fiddlers Ferry (November 2021)