

**Warrington Updated Proposed Submission Version Local Plan 2021 - 2038**

**September 2021**

**Representations on behalf of Satnam Millennium Ltd and Brooklyn Ltd,**

**POLICIES:**

**The Plan Period**

**DEV1 Housing Development**

**DEV2 Meeting Housing Needs**

**GB1 Green Belt**

**ENV3 Safeguarding Mineral Resources**

**ENV8 Environmental & Amenity Protection**

**MD1; MD2; MD3; MD5 Allocation Policies**

**M1 Local Plan Monitoring & Review**

**DOCUMENTS RELIED UPON**

The detailed reasoning in support of the contentions set out in these representations is to be found in the following documents prepared by Lichfields and submitted on behalf of the Consortium of Developers and Housebuilders (which includes both Satnam Millennium Ltd and Brooklyn Ltd). That reasoning is relied upon but not repeated in these representations.

- Warrington Local Plan- Issues Report
  - a. Appendix A- Housing Needs Technical Report
  - b. Appendix B- Housing Land Supply Technical Note
  - c. Appendix C- Fiddlers Ferry Technical Note
  - d. Appendix D- Viability Consultation Response- Warrington Local Plan

## PLAN PERIOD

1. The proposed period of the Updated Proposed Submission Local Plan is 2021 to 2038. The anticipated adoption date of the plan is mid-2023 (paragraph 1.3.3).
2. NPPF paragraph 22 requires Strategic Policies to look ahead over a minimum 15-year period from adoption of the plan. The same paragraph notes that where larger scale developments are proposed in plans, a 30-year time horizon is required.
3. The Warrington plan, therefore, on its own admission, plans for the minimum period of 15 years from the suggested adoption date. This is too tight a timescale for the plan to be considered sound based on,
  - a. The anticipated adoption date is optimistic.
  - b. The Proposed Submission plan is a significantly different plan to that previously published in March 2019 (also a pre submission plan), with amended allocations, deleted allocations, new allocations, a shortened plan period, a reduced housing requirement, and a significantly revised evidence base. All these elements usually result in lengthy and detailed representations, some of which are likely to lead to further work on the evidence base and amendments being made to the plan before submission. Several of the elements of this plan are seen for the first time by the development industry and local population of Warrington. Making an allowance for necessary flexibility for further revisions must be a sensible way to proceed at this stage, so that soundness issues can be addressed before the plan is submitted for examination. The use of the Main Modifications process is not appropriate for the scale of amendments that are required to be made to the plan.
  - c. The use of the base minimum plan period is overly optimistic in these circumstances. It ignores the inevitable delays there will be in the preparation, submission, consultation, and examination of this major local plan. It ignores any possibility that additional work or consultation will be required once the plan is submitted. Warrington is a major northwest development focus, and the competing elements in the forward plan debate will require significant consideration. All previous Warrington plans have experienced extended preparation and adoption processes.
4. The plan includes larger scale developments, where it is anticipated that development will continue beyond the current plan period. The South East Warrington Urban Extension (policy MD2) is an example of such a larger scale development. In that case it is anticipated that over 40% of the homes will be delivered after the end of the plan period (paragraph 10.2.2 of the draft Local Plan). The allocation at Fiddlers Ferry (policy MD3) provides another example of such a development. Such policies should be set within a vision which looks at least 30 years ahead. Based upon the information currently available it is highly unlikely that the plan will extend for that 15 year period from adoption. As a result the plan and the strategy which underlies it is unsound. That defect should be remedied before the plan is submitted for

examination. A failure to tackle the issue at this stage could lead to the plan failing to secure recommendation for approval at the examination stage.

5. The plan period therefore should be extended to reflect the inevitable risk of delay in adoption so that it at least meets the minimum period post adoption required by NPPF paragraph 22. A considerable lengthening of the plan period would also follow the advice in paragraph 22 that larger growth areas should form part of a longer plan vision period.

#### **POLICY DEV1- HOUSING DELIVERY**

1. We object to the proposed housing requirement of the plan; it fails to meet the housing needs of Warrington. As such the policy is unsound.
2. We rely on the attached statements by Litchfield's in this regard.
3. Additional land at Clay Lane Burtonwood should be allocated within the plan for a minimum of 250 dwellings, see separate representations.
4. The use of a stepped housing trajectory is not appropriate in the circumstances of Warrington's acute housing needs, see separate statements by Litchfield's in this regard. The need for housing delivery is now and in the early years of the plan period (reference numerous passages of the local plan itself) not later in the plan period as proposed by the Council in this plan.
5. The reliance on a "*review or partial review of the local plan*" to remedy a fall in the delivery of housing in the local plan period is not appropriate in the circumstances of this plan. See representations to M1 following. The housing supply is overly optimistic and will inevitably not meet housing needs over the plan period, see Litchfield's statement in this regard. Further allocations and reserve land should be allocated in the plan so these can be brought forward quickly in case of a slowdown in housing delivery.

#### **POLICY DEV2- MEETING HOUSING NEEDS**

1. Gross Housing need for affordable housing is 433 according to the local plan (paragraph 4.1.35). Our position on this, as stated in Litchfield's statements is this is low and should be increased.
2. The plan makes clear (paragraphs 2.1.38 and 2.1.39) that affordable housing supply is a significant issue for this plan to deal with and states the supply of affordable housing is "*an urgent issue which the local plan aims to tackle for the longer term*". But the plan fails to set out a positive plan to tackle the affordable housing crisis in Warrington. As such the policy is unsound.
3. The housing requirement is not high enough to allow the required amount of affordable housing to be brought forward, and so the current situation of inadequate supply will continue through the plan period to the detriment of those in housing need.

4. Paragraph 4.1.38 seeks to explain this under provision away by simply referring to unspecified “*environmental concerns*” if the need was met in full. This needs to be challenged and robustly assessed, particularly as the March 2019 proposed submission plan provided for higher rates of housing growth supported by a full SEA appraisal of the plan. The issue of under provision of affordable housing in this plan is of great concern and is an issue of soundness. It is clear that even the anticipated low levels of affordable housing will not be delivered by this plan.
5. The suggestion that the SEA is being used to support a preferred policy approach, rather than inform the most appropriate policy approach, must be thoroughly re-assessed (para 4.1.38).

#### **POLICY GB1- GREEN BELT**

1. The policy seeks to establish green belt boundaries to at least 2050, with scant evidence or assessment as to how these can be assured.
2. The current plan period allocates the known land areas (within and out of the green belt) for development within the plan period and beyond, but not extending to 2050. There is no secure forward supply to 2050 set out, therefore the plan fails the requirement of paragraphs 140 & 143 (e) of NPPF which requires plans to have regard to “*their intended permanence in the long term, so they can endure beyond the plan period*”. See Lichfields statements.
3. As such more land should be released from the green belt through this local plan process to avoid the need for further releases in the period up to 2050. This can be in the form of development allocations, reserve allocations or unspecified areas to be considered for allocation if development needs require.
4. Land at Clay Lane Burtonwood should be listed under 3 as land removed from the green belt (see separate representations).
5. Point 11 of the policy appears to be nonsensical and without meaning. It refers to “*a scheme of compensatory improvements*” to be provided, without setting out the circumstances where such a scheme is required, nor indeed who will provide such a scheme, and to whom that scheme should be submitted. It is also unclear who will be required to make financial contributions and whether such contributions would meet the tests set out in regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
6. At present the proposed green belt policy is unsound.

#### **POLICY ENV3- SAFEGUARDING OF MINERAL RESOURCES**

1. This policy is misguided and requires clarification. It seeks to protect at first instance, subject to detailed studies, the areas of minerals interest shown on the policies map.
2. The areas wash over sites allocated for development in this plan, thereby creating uncertainty over their delivery within the plan period. As such the policy is unsound.

3. This is particularly relevant to the employment and housing allocations so affected, as their timely delivery is anticipated in the development trajectories of the plan.
4. The ability to develop the allocated sites without further “*in principle*” studies must be settled in this local plan, and further assessment to achieve this must be undertaken before this plan is submitted for Examination.
5. As a minimum, and in order to ensure that the plan is deliverable (and therefore effective and sound) ENV 3 should be amended to make plain that criteria set out in ENV3(3) will not apply to sites allocated for development.

**POLICIES MD1; MD2; MD3; MD5; MAIN DEVELOPMENT AREAS AND SITE ALLOCATIONS.**

1. We have numerous criticisms of the proposed allocations in the plan, and these are set out in the Lichfield’s statements.
2. In short, the plan is over optimistic in its estimation of housing delivery on a number of allocated sites, and the reality of later starts (if at all within the plan period) will dramatically reduce the supply of housing within the plan period.
3. Numerous major sites (Warrington Waterfront / Southeast Warrington Urban Extension / Fiddlers Ferry / Thelwall Heys) rely on major infrastructure being approved, funded and constructed prior to development of scale on the sites, whilst at the present time the delivery of those elements of infrastructure are uncertain and unclear / unfunded. Some sites are untested at public consultation, Fiddlers Ferry in particular, and the detail of that proposed allocation is unsound and not viable.
4. This can be contrasted with Peel Hall where the site requires no external infrastructure of scale or significance, yet the housing trajectory envisages no housing from the site within the first 5 years. This anomaly illustrates very well the inadequate scrutiny that has been made of the proposed development areas in the plan by the Council.

**POLICY M1- LOCAL PLAN MONITORING AND REVIEW**

1. The monitoring and review process set out in this policy is too long and will not result in development needs being met in the circumstances where the policy is invoked: i.e. a situation of sustained low delivery. It is unsound.
2. Point 3 of the policy sets out that if delivery of housing falls below 75% of the requirement for less than 3 consecutive years then nothing will be triggered, save for the limited and ineffective steps set out at Point 2. The plan therefore could, as an illustration, undersupply dramatically for 2 years, then have one year of 24% under-delivery, then another 2 years of dramatic under delivery, and the policy is not invoked.
3. It is only after 3 consecutive years of less than 75% of required housing delivery that action be required, and only then it “*will trigger the need for the consideration of a review or partial*

*review of the local plan*". We note this requires a "consideration" not the actual commencement of "a review or partial review".

4. This is not an adequate response to under-delivery in a Borough already under significant housing need and with an extremely low housing land supply at present. It means at best the adoption of a review or partial review 5 or 6 years after the first 25% shortfall was experienced, but of course this will not result in houses being built, that will require at least a further 2-3 year process of application and technical approval. At worst it means that the shortfall continues indefinitely (and gets progressively worse) as the Council consider and assess whether to commence a review at all.
5. The policy must be reconsidered to enable sites to be brought forward rapidly if there is a shortfall after 1 year of a 25% or more shortfall in delivery.
6. In addition, M1(3) should be re-worded to require, that in the event that housing delivery falls below 75% of the annual requirement for three consecutive years, the plan to be reviewed and altered through a formal review with full public participation and examination. Such a change is required to make the plan sound, and to ensure consistency with the approach set out in footnote 8 of the NPPF.
7. Reserve sites are required to be allocated in the plan for this purpose, for the reasons set out elsewhere in these representations.