

Our ref: [REDACTED]

Local Plan, Planning Policy and Programmes
Growth Directorate
Warrington Borough Council
East Annexe
Town Hall
Sankey Street
Warrington WA1 1HU

by email: localplan@warrington.gov.uk

11 April 2023

Dear Sirs

Re Warrington Local Plan: Representations to the Main Modifications, March 2023

On behalf of Satnam Millennium and Brooklyn Ltd please find attached a statement of representation to the Main Modifications.

As you will see, our representations seek the withdrawal of the plan, or failing that, the withdrawal of the Main Modifications for the reasons set out in the attached statement.

Please acknowledge receipt of these representations and we look forward to considering your response to the points raised in due course.

Yours faithfully

[REDACTED]
Colin Griffiths BA (Hons) MRTPI
Managing Director
Email: [REDACTED]

ATTACHMENT

Updated Proposed Submission Version Local Plan 2021/22-2038/39

Schedule of Proposed Main Modifications

March 2023

Representations made by

Satnam Millennium Limited

Brooklyn Limited

Summary

1. We submit the following representations to the Proposed Main Modifications to the Warrington Local Plan. These are submitted on behalf of Satnam Millennium Ltd (former total owner and now part owner of the Peel Hall site) and Brooklyn Ltd (owner of land at Clay Lane, Burtonwood).
2. In summary we consider the plan to be unsound and should be halted for substantial and far-reaching revision or withdrawn and a fresh local plan prepared. Some of the reasons for this stem from the representations made to the Examination, and part stem from the consequences of the Main Modifications themselves. We do not repeat here the planning representations raised at the Examination, but these still stand.
3. In representations and at the oral hearings we raised a legal argument in respect of the Duty to Cooperate. Although the inspectors have stated (ID06 paragraph 2) that they are satisfied that the duty to co-operate has been complied with, no reasons have been given for that conclusion. The following representations are submitted without prejudice to the representors' primary submission that the duty to co-operate has not been complied with.

The Main Modifications

4. MM002:
 - a. The effect of the changes proposed, in particular the reduction in the assessed need for employment land from 316.26 ha to 168 ha results in plan which fails to

include the policies necessary to deliver the stated vision, is not positively prepared, is not aspirational, and is therefore unsound.

- b. The Vision states (inter alia) that Warrington will be a place that works for all, with a strong sustainable economy that benefits everyone, and that Warrington will consolidate its position as one of the most important economic hubs in the UK and will see the development of major new employment locations. In support of that Vision, in the submission plan the Council proposed to meet the need for 316.26 ha of employment land.
- c. In ID06, the inspectors state that the employment allocations in the submission draft local plan could facilitate the creation of 33,000 (or 44,900) additional jobs, whereas the housing requirement of 816 homes per annum would support an increase in the labour supply of 18,300.
- d. The inspectors then state (ID06 paragraph 17) that an employment land requirement of 168 ha would be broadly aligned with the projected increase in labour supply resulting from the housing requirement of 816 homes per annum.
- e. The proposed modifications result in a statement that provision will be made to meet the need for 168 ha of employment land. The figure in the submission draft plan (316.26) has been almost halved.
- f. It appears that the changes to the employment land allocations (advocated by the inspectors) are designed to align additional employment land supply with a pre-determined housing land requirement.
- g. The approach taken in the proposed modifications is defective and unsound as:
 - i. Basing the assessment of employment land need, and resulting employment land allocation, on a pre-determined housing requirement does not accord with the Vision to consolidate Warrington's position as one of the most important economic hubs in the UK, and to take advantage of the unrivalled access to the Liverpool and Manchester conurbations and national road and public transport infrastructure.
 - ii. The plan was prepared in a way that was aspirational (as referred to at paragraph 16b of the NPPF). The proposed modifications would result in a plan which is not aspirational and fails to take advantage of opportunities for economic growth.
- h. The appropriate way to make the plan sound would be to increase the housing allocations to accommodate the labour force required to fulfil the potential offered by the employment land allocations set out in the submission draft plan.

- i. It is entirely inappropriate to constrain economic growth by reducing employment land allocations without even considering the alternative solution of increasing the housing requirement figures to match the employment land allocation or considering an option of combining an increase in the housing requirement with a (lower than proposed) reduction in the employment land allocation.
 - j. The Sustainability Report Addendum (CD 70) purports to be an appraisal of the proposed modifications such as to comply with the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (*"the 2004 Regulations"*). At paragraph 4.3 of CD70 it is stated that the SA has already assessed higher and lower levels of land supply *"... and it is considered unnecessary to undertake further alternatives."* The inspector's reasoning (in ID06) in support of the proposal to reduce the employment land allocations, is that the increase in labour supply attributable to new housing should accord with the likely employment opportunities arising from the employment land allocations. Such a balance could be achieved by increasing the housing allocations to align with the employment land allocations or reducing the employment land allocations to a lesser extent than proposed and increasing housing allocations to achieve alignment. Those are all reasonable alternatives which should have been considered in the environmental report. A failure to consider such alternatives constitutes a failure to provide an environmental report which complies with the requirements of regulation 12(2)(b) of the 2004 Regulations.
5. MM003: We support the change of status of Peel Hall from an allocation to a commitment, reflecting the fact that outline planning permission has been granted.
 6. MM005: The severe reduction in the employment land requirements for the plan period are not supported by a rigorous and comprehensive assessment of the implications of such a reduction. The reduction is based, largely, on a reliance on a *"jobs created"* association with the already suppressed housing requirement (which at the Examination was subject to significant objection). The implications, including spatial/social/traffic and environmental considerations, of this drastic reduction must be assessed in the environmental report required by the 2004 Regulations.
 7. MM018: The final position reached on the major topic of impact on the Manchester Mosses area is wholly inadequate: it is in effect, an agreement to agree a solution at a future date, following the publication and approval of several other documents that have yet to be prepared, including an update to the Council's Planning Obligations SPD. The failings of this approach are multiple.
 - a. The major allocation sites affected have no clear guidance how to reduce impact on the Manchester Mosses and must wait for design guidance as to how that can

be achieved and to what level the reductions should be designed. There is no set formula or charging regime to assess the cost of such impact, so the viability of the large allocations cannot be comprehensively assessed. To these failings in guidance, add to the long lead-in times for the developments themselves, as master plans and design codes are prepared and consulted upon, prior to the submission of planning applications. This all adds to delay in housing delivery, well beyond the optimistic estimations set out in the Housing Trajectory.

- b. The Habitats Regulations Assessment (CD 71 paragraph 4.61) reaches the conclusion that the plan will have no adverse impact on the integrity of the European sites, if the three-tier strategy (referred to at paragraph 4.54) is in place. Policy ENV8 as proposed to be modified by MM18 does not ensure that the three-tier strategy is secured. Thus, the plan in this regard does not comply with the relevant legislation and is unsound.
8. MM019: The Warrington Waterfront site is proposed to remain an allocation in the plan, but the plan then explains it is likely not to be developed within the plan period due to a lack of funding for the Western Link Road. Further no housing completions are predicted to occur on this site in the housing trajectory. Thus, the allocation should be removed, and replaced if required with a safeguarding or reserve site allocation, indicating the site may come forward (subject to criteria to be met) at a future review or after the plan period. To be sound, allocated sites must be deliverable over the plan period. It is clear that the Warrington Waterfront site is not deliverable within the plan period. To allocate such a site renders the plan unsound.
9. Housing Trajectory (Appendix 2): The overly optimistic assumptions for the delivery of housing on the major allocated sites are difficult to comprehend. These sites have no master plans, no Manchester Mosses contributions agreed, no consultation undertaken, and no OLPPs in place, but are expected to deliver houses at the same time as Peel Hall, which has OLPP and is now in the ownership of a large national housebuilder. This overly optimistic view of housing delivery rates will fail to deliver the envisaged development, and as a result the provision of housing in Warrington will fall and housing needs will be unmet.

Proposed Actions

10. The plan should be withdrawn.
11. If the plan is not withdrawn:
 - a. The main modifications should be withdrawn.
 - b. The alternative of increasing housing allocations to align with the submission draft plan employment allocations should be considered, and assessed in an

environmental report, together with the reasonable of alternative of reducing the employment allocations (to a lesser extent than proposed in the main modifications) and increasing housing allocations to align with the employment allocations.

- c. The results of that environmental assessment should be considered, and further main modifications should be published and consulted upon.