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Local Plan - Planning Policy and Programmes Team  
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***VIA EMAIL ONLY: [localplan@warrington.gov.uk](mailto:localplan@warrington.gov.uk)***

33093/A3/VR

26 April 2023

Dear Sir / Madam,

**RE: WARRINGTON UPDATED PROPOSED SUBMISSION VERSION LOCAL PLAN (2021-2038)  
SCHEDULE OF PROPOSED MAIN MODIFICATIONS CONSULTATION**

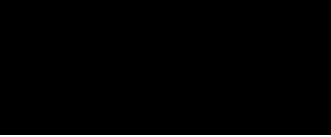
Representations on behalf of Miller Homes – Representor ID 0432

Please find enclosed on behalf of our Client, Miller Homes, representations to the above consultation. The representations present the combined response of our Client and Homes England (ID 0404), as joint promoters of the South East Warrington Urban Extension (SEWUE).

The enclosed representations, prepared in partnership with WSP, are submitted in the spirit of support for the Local Plan and with the desire for ongoing co-operation with the Borough Council to deliver significant sustainable development at the SEWUE during the Plan period and beyond.

Should the Council or Inspectors have any questions relating to the enclosed submissions please do not hesitate to contact me.

Yours sincerely



**VINCENT RYAN**

Planning Director

Encl.

# Warrington 'Updated Proposed Submission Version Local Plan' (UPSVLP) (2021-2038)

Updated Proposed Submission Version  
Local Plan 2021/22 - 2038/39 Schedule of  
Proposed Main Modifications March 2023

*Representations on behalf of Homes England  
and Miller Homes*

*(Respondent Refs: 0404 and 0432)*



Homes  
England

Miller Homes



Homes England and Miller Homes

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**WARRINGTON ‘UPDATED PROPOSED  
SUBMISSION VERSION LOCAL PLAN’  
(UPSVLP) (2021-2038)**

**Updated Proposed Submission Version Local Plan  
2021/22 - 2038/39 Schedule of Proposed Main  
Modifications March 2023**

**TYPE OF DOCUMENT (VERSION) PUBLIC**

**PROJECT NO. 70079931**

**DATE: APRIL 2023**



Homes England and Miller Homes

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**WARRINGTON ‘UPDATED PROPOSED  
SUBMISSION VERSION LOCAL PLAN’  
(UPSVLP) (2021-2038)**

**Updated Proposed Submission Version Local Plan  
2021/22 - 2038/39 Schedule of Proposed Main  
Modifications March 2023**

WSP



Phone: [REDACTED]

WSP.com

# 1 INTRODUCTION

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- 1.1.1. This response to the consultation by Warrington Borough Council (WBC) in respect of the Schedule of Proposed Main Modifications (March 2023) (Document Ref: **ID09**) to the submitted Local Plan (Ref: **SP1**) has been prepared by WSP on behalf of Homes England and Miller Homes in collaboration with Barton Wilmore now Stantec (BWnS) (Respondent References: 0404 and 0432).
- 1.1.2. Homes England and Miller Homes are jointly promoting the proposed allocation of land in South Warrington pursuant to Policy MD2 (South East Warrington Urban Extension) (SEWUE) and have previously made joint submissions to the Local Plan at the Regulation 19<sup>1</sup> and Regulation 20<sup>2</sup> stages, including in-person representation at the Examination Hearing pertaining to Matter 6b (regarding the SEWUE allocation policy). A joint Statement of Common Ground (SoCG) (Ref: **SG01**) was also prepared and submitted on behalf of WBC, Homes England and Miller Homes.
- 1.1.3. Homes England and Miller Homes welcome that the Inspectors have concluded, in principle, that the inclusion of the SEWUE within the Local Plan is justified, and hence Miller Homes and Homes England welcome WBC's continued support for the proposed allocation. It is noted that only a small number of Main Modifications to draft Policy MD2 have been proposed further to receipt and consideration of the Inspectors' post hearings letter to the Council (December 2022) (Ref: **ID06**) and subsequent correspondence pertaining to Main Modifications (Ref: **ID07** and **ID08**).
- 1.1.4. Generally, Homes England and Miller Homes are supportive of the principle of the changes proposed to Policy MD2, however, do consider that the proposed wording would benefit from some further, albeit limited, refinement to ensure that the policy is clearly written, justified, effective and consistent with national policy. A further change to Policy MD2 is also considered necessary (and was identified previously by Homes England and Miller Homes at the Regulation 20 stage), to ensure clarity in the policy requirements reflective of the proposed removal of Policy MD6 (South East Warrington Employment Allocation) and associated proposed allocation. Finally, some further clarity in proposed wording to other policies/supporting text of the plan is also considered necessary.
- 1.1.5. This statement focuses only on those Main Modifications which Homes England and Miller Homes consider require further refinement and these are set out below, with appropriate references back to the Schedule.

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<sup>1</sup> Respondent Ref: 0404 and 0432 – Jointly submitted elements are Document Ref: 0404-P2 and 0432-P2 (Planning Representations) and 0404-P3 and 0432-P1 (Deliverable Allocation Document)

<sup>2</sup> Joint Hearing Statement is referred to as Document Ref: M6b.09. Additionally, supplementary submissions were made including CD28 'Matter 6f Joint Statement on East-West Connectivity' and CD38 'Timescales for delivery of the SEWUE'.

## 2 SPECIFIC COMMENTS ON MAIN MODIFICATIONS AS PER PUBLISHED SCHEDULE

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### 2.1 MM 020 (POLICY MD2)

#### PARTS 1, 3, 5, 8, 16, 26, 27(B), 27(C),

2.1.1. Homes England and Miller Homes confirm their support for these specific proposed changes as set out in the Schedule and note their alignment with the previously submitted Joint SoCG (Ref: **SG01**).

#### PARAGRAPH 10.2.25

2.1.2. The proposed modification mirrors the suggested wording put forward by WBC and set out in the Joint SoCG (Ref: **SG01**). As noted in the SoCG itself (Paragraph 6.5), whilst Homes England and Miller Homes welcome this clarification to some degree, they remain of the view that the wording could go further in a) confirming the role of the Development Framework and b) clarifying that Appendix 2 to the IDP does not set 'requirements'.

2.1.3. In the case of the SEWUE, Part 4 of Policy MD2 requires preparation of a comprehensive Development Framework which has to accord with the site-specific requirements of the policy and wider Local Plan policies, but also be agreed with the Council in advance of planning applications being submitted. Inevitably, the Development Framework will be informed by further detailed technical assessments (undertaken either by WBC itself and/or by the land promoters) and will reflect the requirements of the IDP in so far as they are relevant to the SEWUE and justified based on this more detailed assessment work. As set out in the Homes England and Miller Homes Matter 6b Hearing Statement (Ref: **M6b.09**), the Development Framework will include an updated schedule of infrastructure requirements, supported by more detailed evidence identifying the scale of measures required, the timing of their delivery and how they will be provided and funded (including the provision of any land required i.e. whether this will be developer-led (in-kind) or via a S106 contribution on a pro rata basis.

2.1.4. To this end, the IDP will both inform (initially) and (subsequently) be informed by the Development Framework for the SEWUE and this aligns with WBC's comments at Paragraph 31.2 of their Matter 3 Hearing Statement (Ref: M3.01) which stated:

*"The IDP is a 'live' document which has been updated prior to the preparation of both the UPSVLP 2021 and PSVLP 2019, and will be reviewed and monitored regularly to ensure that it includes the most up to date information. Any identified costs are based on the best available information at the time of publication, and will be subject to change during the plan period."*

2.1.5. In terms of the role of IDP Appendix 2, Miller Homes and Homes England note that the latter point was subsequently addressed by WBC at Paragraph 31.3 of their Hearing Statement which stated:

*"The Council acknowledges that Appendix 2 to the Infrastructure Delivery Plan 2021 (IN1) might be better appended to the Warrington Local Plan Viability Assessment (2021) (V2). Appendix 2 contains a number of assumptions on costs for the main development areas for the purposes of preparing the Local Plan Viability Assessment. These are proportionate in detail to the Local Plan Viability Assessment but are cautious and ensure an appropriate level of contingency prior to the*

*actual scheme costs being worked up in detail, so as not to test the margins of viability. A higher level representation of infrastructure on these sites is contained in Appendix 1. These will be reviewed and refined as the actual scheme costs become apparent.”*

- 2.1.6. On the basis of the above, Homes England and Miller Homes consider that Paragraph 10.2.25 should be further revised to read as follows:

*“The allocation Policy, together with the Council’s Infrastructure Delivery Plan **notably at Appendix 1**, set out the key infrastructure requirements to support the SEWUE. More **detailed infrastructure requirements for the SEWUE will be determined through the process of preparing the Development Framework, which will be agreed with the Council prior to any applications for development being submitted, and subsequently informed by future planning applications.** The IDP will be kept under review. ~~And~~ **Any changes to the policy requirements will be confirmed through future reviews of the plan.**”*

- 2.1.7. This will ensure that the role of the IDP in relation to both the allocation (overall) and the role of the required Development Framework, are clear and properly linked.

## 2.2 MM 003

### PARAGRAPHS 4.1.24 TO 4.1.33

- 2.2.1. The Council is proposing to delete paragraphs 4.1.24 to 4.1.33 and replace with a single paragraph as follows:

*“Housing needs beyond 2038/39 are not yet known, however, the Local Plan will be reviewed before this time and delivery of housing beyond 2038/39 is expected to continue. This will include development within the South East Warrington Urban Extension, with a further 1,800 homes, the Waterfront, with around 1,300 homes depending on whether development is able to commence within the Plan Period, and from additional urban capacity and brownfield sites.”*

- 2.2.2. Homes England and Miller Homes have no objection to the first sentence (as proposed). However, the second sentence is confusing and the latter line suggests that the quantum of development to be delivered on both the SEWUE and Waterfront beyond the plan period might reduce if other potential development sites come forward.

- 2.2.3. Homes England and Miller Homes presume this is just a drafting error and that the Council is not actually seeking to reduce the quantum of development that can come forward on either of these allocations as this would be at odds with the drafting of the allocation policies themselves. Furthermore, the proposed Main Modification would be going further than what was suggested by the Inspectors’ in their ‘Outline of Main Modifications Required’ (Ref: **ID08**).

- 2.2.4. Homes England and Miller Homes consider that this can be readily addressed by updating the Main Modification to read as follows:

*“Housing needs beyond 2038/39 are not yet known, however, the Local Plan will be reviewed before this time and delivery of housing beyond 2038/39 is expected to continue. This will include development within the South East Warrington Urban Extension, with a further 1,800 homes; and, the Waterfront, with around 1,300 homes depending on whether development is able to commence within the Plan Period. ~~and from additional urban capacity and brownfield sites~~”*



## 2.3 MM 009 (POLICY INF5)

### PART 5

- 2.3.1. Homes England and Miller Homes note the Council's intention to add 'Emergency Services' to the list of 'matters' that can be funded by planning obligations as identified at Part 5 of Policy INF5.
- 2.3.2. Homes England and Miller Homes note that the purpose of this policy is to ensure that provision of 'infrastructure' is provided, or at least contributions towards its provision can be secured, where necessary to support new development.
- 2.3.3. The reference to 'infrastructure' (as opposed to services) is significant and Homes England and Miller Homes would like to draw the Council's attention to a recent High Court case '*R (University Hospitals of Leicester NHS Trust) v (Harborough District Council & Ors [2023] EWHC 263 (Admin)*' whereby an NHS Trust challenged the decision of a Local Planning Authority (LPA) to decline to insist on a S106 contribution in respect of services provided by the Trust. It is notable that the Trusts' challenge to the decision failed albeit the judgement of Mr Justice Holgate makes plain that the case turned on its own facts. Notwithstanding, the case does open the wider question of whether S106 obligations funding infrastructure or services (or both) are reasonable dependent upon the statutory duties (and funding) of a service provider to provide such services in a locality.
- 2.3.4. Whilst this case does not demonstrably favour non-inclusion of reference to 'Emergency Services' in Part 5 of INF5, it does support Homes England and Miller Homes concerns around its proposed inclusion absent of understanding:
- a) How 'Emergency Services' are to be defined – noting evidence from Cheshire Constabulary was submitted at Regulation 19 and 20 stages, but not from other emergency services operating locally (noting that 'Heath infrastructure' is separately listed already);
  - b) What the potential infrastructure 'ask' for Emergency Services might be;
  - c) The extent to which such provision should continue to be funded through standardised taxation as per the existing approach (e.g. Income and Council Taxes) regardless of whether this is to provide new built facilities or expansion of services from existing; and
  - d) The potential financial costs involved and the extent to which contributions from development across the Borough would be viable given that 'Emergency Services' are not currently included for within the IDP.
- 2.3.5. At this stage Homes England and Miller Homes would encourage the Council to provide more detail to support the suggested inclusion of 'Emergency Services' in this list as a Main Modification.

## 2.4 MM 013 (POLICY DC3)

### PARAGRAPH 8.3.19

- 2.4.1. Homes England and Miller Homes does not have any in principle objections to the proposed amendments to Policy DC3 as set out in MM 013.
- 2.4.2. However, Homes England and Miller Homes do consider it would be of benefit if the Council could provide an indication of the timescales for production of the Local Nature Recovery Strategy within the proposed wording of Paragraph 8.3.19 (akin to the approach taken with Policy ENV8(4) dealing with mitigation at Holcroft Moss). Additionally, it would be beneficial for the Council to clarify



whether an entirely new SPD is proposed to assist in addressing impacts on the ecological network and if so, the timescales for its production alongside the Local Nature Recovery Strategy and implementation thereafter.

### 3 ADDITIONAL CHANGE PROPOSED TO POLICY MD2 PART 27(E)

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3.1.1. Policy MD2, specifically clause 27, requires ‘a comprehensive package of transport improvements’ to support the SEWUE. It continues:

*‘Required improvements will include:*

*(e) providing an improved connection from the allocation site to the A50.’*

3.1.2. WBC’s ‘Responding to Representations Report’ (Ref: SP6) confirmed that WBC is not seeking a ‘direct connection’ to the A50 (see Page 163) rather that vehicles from the SEWUE are able to efficiently access the A50.

3.1.3. The Council’s position was reaffirmed in the Joint Statement by Homes England, Miller Homes and Warrington Borough Council (Ref: **CD28**) (see Section 1.2). This Statement also demonstrated how the SEWUE could comply with the policy requirement based on this agreed understanding of what would be required.

3.1.4. In light of the Inspectors’ comments and WBC’s subsequent proposed removal of the SEWEA allocation (Policy MD6), Homes England and Miller Homes consider that the proposed wording of clause 27(e) remains ambiguous and that the reference to a connection being required to the ‘A50’ should be replaced with reference to the ‘*B5356 Grappenhall Lane*’. This ensure clarity when proposals for the site are brought forward, both at the preliminary Development Framework (DF) stage and through subsequent applications for development.

3.1.5. For the avoidance of doubt, CD28 confirms how this would be achieved and that WBC is supportive of the principles of this approach to improving connectivity to the east of the SEWUE.

3.1.6. Subject to WBC’s agreement, the proposed modification would read as follows:

*‘Required improvements will include:*

*(e) providing an improved connection from the allocation site to the A50 **B5356 Grappenhall Lane.**’*

## 4 SUMMARY

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- 4.1.1. As set out above, Homes England and Miller Homes welcome WBC's continued support for allocation of the SEWUE.
- 4.1.2. Homes England and Miller Homes trust that these comments will be duly considered in ensuring that the requirements of the SEWUE are clear and justified in accordance with policy and ensuring and enabling its delivery upon adoption of the Local Plan later this year



Homes  
England

millershomes