

# ST HELENS BOROUGH LOCAL PLAN 2020—2035 EXAMINATION

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## **Agenda**

**Session 1 – 09.30 Tuesday 25 May 2021**

### **Matter 1**

#### **Introduction to the Hearings, Legal Compliance, Procedural Requirements, and the Duty to Cooperate**

This matter explores whether the Plan (LP) has been prepared in accordance with legal and procedural requirements set out in the Planning Act 2004 and the Local Planning Regulations 2012.

There are provisions within the Act and Regulations relating to the Duty to Cooperate (DtC), Sustainability Appraisal (SA), publication and notification requirements and dealing with representations.

#### **Policies to be covered by Matter 1: LPA02 and LPA04 (in respect of the DtC)**

##### **Main Evidence Base**

SD004 - Consultation Statement

SD015 – Statement of Community Involvement (SCI)

SD015A – SCI Addendum (May 2021)

SHBC009 - Information Note on the SCI May 2021

SD005 - SA Reports

SD006 – Habitats Regulations Assessment (HRA) and Addendum Report

SD009 – SD012.1 - DtC Statement and Statements of Common Ground

SD017 – Legal Compliance Statement

SD022 – Employment Land Need and Supply Background Paper

SD025 - Housing Need and Supply Background Paper

SD030 – Liverpool City Region (LCR) and Neighbouring Authorities Indicative Green Belt

SHBC001 – Council response to Inspector’s preliminary questions

SHBC010 - St Helens Local Plan Draft Schedule of Modifications

##### **Examination library link:**

<https://www.sthelens.gov.uk/planning-building-control/planning-policy/local-plan/local-plan-examination-library/>

##### **Participants**

Please refer to the latest Hearings Programme (INSP009B)

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## **Statements**

St Helens Borough Council  
Taylor Wimpey UK Ltd  
Steve Muskett  
Redrow Homes NW  
Story Homes  
Omega St Helens Ltd  
Lovell Partnership Ltd  
Bericote Properties  
Parkside Regeneration LLP  
Peel L & P  
Murphy Group  
Parkside Action Group

## **Introduction to the hearings**

The Inspectors will introduce themselves, outline the scope of the hearings, the protocols to be observed during the virtual hearings and respond to any procedural questions.

## **Issue 1: The extent and type of consultation and community engagement**

The Planning Act requires that the local planning authority (LPA) prepares a SCI and complies with it. The purpose of the examination is to determine whether these requirements have been met.

Regulation 10a of the Local Planning Regulations 2017 requires that SCIs be reviewed every 5 years. The SCI dates from 2013 and has not been reviewed since that date.

*The Council has produced an information note on the SCI setting out how consultation was carried out in accordance with the 2013 SCI. The Council has provided an addendum to the SCI to support consultation during the examination taking into account any Covid restrictions in place e.g. at the time of the Main Modifications consultation.*

- 1. Is there any evidence that the Council has not complied with the Statement of Community Involvement (SCI) or otherwise not met the minimum requirements for consultation or that consultation and publicity has otherwise been inadequate at various stages of the LP process?*

*1a. Does the failure to review the SCI since 2013 have any implications for the legal compliance of the Plan?*

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*1b. In addition to drop-in sessions, should the Council have held workshops and public meetings as part of its consultation?*

*1c. Have there been any significant issues with the Council's commitment to consult with residents who live within 200m of sites proposed to be allocated or safeguarded for future development?*

*1d. Are the amendments to the SCI contained within the addendum (SD015A) in relation to temporary measures during the pandemic appropriate?*

## **Issue 2: The DTC and in particular addressing development needs in the Housing Market Area and dealing with infrastructure constraints, particularly transport.**

The LCR is in the early stages of developing a Spatial Development Strategy (SDS). A Statement of Common Ground (SOCG) has been prepared by the authorities within the LCR together with West Lancashire Borough Council.

*2. Based on work on the SDS to date, including the proposed vision, policy topic areas and potential suggested policy approaches, is there likely to be alignment between the LP and the SDS?*

*2a. Should the vision and objectives for the LP be modified to place more emphasis on climate change and health and well-being so that they align more closely with the SDS?*

*The Council's view is that the LP and SDS align well to date (see also PQ20 of SHBC001).*

Warrington lies outside the LCR but has close links with it, particularly, St Helens and Halton, which together form the mid-Mersey Housing Market Area (HMA). It is noted that a Draft SOCG was prepared with Warrington but has not been finalised. The reason given is due to Warrington pausing work on its LP.

*3. What is the current position on Warrington's LP and the SOCG between Warrington and St Helens?*

*The Council notes that the SOCG remains in draft form pending work restarting on the Warrington LP in summer 2021.*

*4. Are there any implications for the St Helens LP arising from the pause in the preparation of the Warrington LP, particularly for the Omega Allocation (1EA) which is intended to meet Warrington's needs?*

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*The Council does not consider that there are any significant implications from the pause in the preparation of the Warrington LP. Warrington BC has accepted that Site 1EA would count towards meeting its employment land needs.*

The DtC Statement indicates that, as a result of the cooperation process relating to development needs and land supply, none of the neighbouring districts have identified a need for St Helens to accommodate any of their development needs and no spare capacity has been identified in any neighbouring local authority areas to accommodate any of the needs arising in St Helens. Adjoining authorities, like St Helens, are constrained by Green Belt (see SD030).

*5. Is there sufficient evidence to demonstrate that the Council has cooperated effectively with adjoining authorities in exploring whether any of St Helen's housing and employment land needs can be met elsewhere or that St Helens does not need to meet the development needs of neighbouring authorities?*

*5a. Does the recent uplift in housing needs for Liverpool have any implications for compliance with the DtC?*

*In addition to the point that all neighbouring authorities are affected by Green Belt, the Council notes that the LCR authorities have agreed that there is no unmet housing need to be distributed among the seven LPAs. A request from Wirral about meeting needs was rebutted due to (1) the authorities being in different HMAs and (2) that such needs would require further Green Belt release. The Council points out that it has sought to meet some of Warrington's employment needs through the Omega allocation (1EA).*

*6. Does the absence of SOCG with adjoining authorities e.g. Wigan have any implications for demonstrating whether effective cooperation has been maintained?*

*The Council notes the absence of a SOCG with Wigan but considers that there has been effective cooperation demonstrated by joint work on the M6 Junction 23 Study (TRA007 and TRA008) and engagement with the emerging Greater Manchester Spatial Framework of which Wigan forms part.*

A need has been identified within the LCR as a whole to accommodate the growth of the logistics and warehousing sector. This is linked in part to the growth of the Port of Liverpool and the proposed Strategic Rail Freight Interchange (SRFI) at Parkside. SHBC001 (PQ37) summarises the

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approach to uplifting the employment requirement over the baseline objectively assessed need (OAN) for St Helens to meet some of this need.

- 7. Is the uplift in the employment requirement to meet a sub-regional need for the logistics and warehousing sector supported by sufficient evidence of collaboration and effective joint working between St Helens and other strategic policy-making authorities?*

*The Council refers to the work undertaken by GL Hearn on behalf of the LCR authorities which sought to understand the sub-regional need for the logistics and warehousing sector but that distribution tends to be supplied (SUB001-004).*

- 8. Is the proposal for a SRFI at Parkside supported by sufficient evidence of collaboration and effective joint working between St Helens and other strategic policy-making authorities?*

*8a. To what extent is Parkside supported by links to the proposed Liverpool Freeport?*

*8b. Has it been demonstrated that the traffic impacts of Parkside beyond the boundaries St Helens will be taken into account?*

*The Council refers to the longstanding aspiration to develop an SRFI at Parkside (see Merseyside Regional Spatial Strategy and Core Strategy). The SRFI Background Paper (SD024) refers to support from other LPAs and agencies. The support from the LCR Strategic Investment Fund and Warrington is also noted.*

The Framework indicates that strategic policy-making authorities should engage with infrastructure providers. The DtC Statement refers to the cooperation that has been instigated in relation to infrastructure including on transport, flood risk and utilities. SHBC001 refers to the preparation of a SOCG with Highways England to inform the examination process (PQ23).

- 9. Is there sufficient evidence that the Council has cooperated effectively with infrastructure providers and technical consultees on relevant issues such as transport, flood risk and utilities?*

*The Council refers to the DtC Statement and in particular Appendix 2. Engagement on the Infrastructure Delivery Plan is also noted. Specific examples of cooperation are cited (Junction 23 of the M6 with Highways England and the Sankey Catchment Action Plan with the Environment Agency).*

- 10. Is there evidence that this cooperation will continue so that the necessary infrastructure will be delivered in a timely fashion?*

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*The Council notes engagement with various bodies such as Highways England which is set to continue.*

- 11. What is the up-to-date position on cooperation in terms of delivery of key motorway junction improvements, taking into account any SOCG with Highways England?*

*The Council notes that a SoCG is in the course of being prepared with Highways England. In the meantime, the Council refers to cooperation on delivering improvements to Junctions 22 & 23 of the M6, and Junctions 7 and 8 of the M62, Junction 22 improvements to be in association with the Parkside Link Road.*

**Note** – the above questions focus on cooperation on housing and employment provision and infrastructure in the context of the DtC. Matters 2, 3, 4 and 10 will consider housing, employment, and infrastructure and its delivery, (including the SFRI) in more detail.

### **Issue 3: The SA, its consideration of reasonable alternatives and proposed mitigation measures**

- 12. Have the likely environmental, social, and economic effects of the Local Plan been adequately assessed in the SA?*
- 13. Does the SA meet statutory and legal requirements in relation to the assessment of reasonable alternatives?*

When assessing reasonable alternatives, a number of options were rejected as they were not considered reasonable (summarised in SHBC001 – PQ4). These include:

- a. Not meeting housing needs
- b. Not meeting employment needs
- c. Focusing a greater proportion of new development on brownfield land in the urban area
- d. Limited or no release of Green Belt land to meet future development needs

- 14. In light of the above is there any evidence to indicate that the SA process did not comply with the relevant regulations?*

The options that were assessed in the SA were used to inform the preferred approach to the level and distribution of growth set out in the Plan.

- 15. Is there any evidence to indicate that not considering the options listed above as reasonable alternatives affects the soundness of the Plan in terms of the preferred approach identified? If so, how?*

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*16. Has the SA informed the site selection process?*

*17. Is it clear how the relative merits and constraints of the sites have been assessed?*

*18. How has this assessment informed decisions to allocate, safeguard or omit sites?*

The SA describes the potential for certain adverse impacts to arise because of some policies and projects identified in the Plan.

*19. Does the Plan include adequate mitigate measures to address these?*

Specifically, the potential adverse impacts include:

a. Air quality and the Air Quality Management Area (AQMA) close to the Parkside allocation and Junction 22 of the M6 (Newton-le-Willows) and potential issues that might arise as a consequence of the levels of planned development.

b. Potential negative effects on landscape in relation to housing and employment allocations in the Green Belt.

c. Potential impacts that may arise regarding growth in locations that are likely to attract high levels of car usage and the suggestion that monitoring of impacts will be important.

The Council has identified a number of mitigation measures such as specific policies or the phasing of development on certain sites.

*20. Will these combined measures be sufficient to mitigate the potential adverse impacts identified? If not, what evidence is there to suggest that they won't?*

**Note** – the questions focus on the overall robustness of the SA process rather than detailed assessment of specific sites. Matter 4 will consider whether there are any significant inconsistencies in the way that particular allocations and safeguarded sites have been assessed.

## **Issue 4: Habitats Regulations Assessment (HRA)**

*21. Will the mitigation measures proposed within the HRA ensure that there will be no significant effects on the integrity of sites of European importance?*

Addressing recreational pressure is the only identified impact pathway for which an agreed approach across the LCR will be required. A Recreation Mitigation Strategy (RMS) is therefore being developed by Merseyside Environmental Advisory Services for the LCR authorities, in discussion with Natural England. The RMS is due to be finalised in January 2023.



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*22. How will it be ensured that the RMS is realistic and effective?*

Until the RMS is finalised the Council have said (in their response to the Inspector's Preliminary Questions) that enhancements to Bold Forest Park will be delivered to address any increase in recreational pressure arising.

*23. What form will the enhancements to Bold Forest Park take?*

*24. Will these measures be effective in mitigating any potential effects? If not, why not?*

The HRA identifies potential impact pathways in relation to functionally linked land for non-breeding birds (most likely pink footed goose) using the Special Protection Area particularly regarding several employment and housing allocations in the Plan. Mitigation measures identified by the Council to address this potential impact include Policy LPC06 and a proposed Nature Conservation Supplementary Planning Document (SPD).

*25. Will the above mitigation measures be sufficient to ensure that there will be no significant effects?*

*26. Is the Plan sufficiently clear as to the scope, content, and details of the proposed SPD?*

*27. What level of certainty is there that any proposed mitigation measures could be achieved at application stage and what form are the mitigation measures likely to take?*

The Manchester Mosses Special Area of Conservation (SAC) has been identified as being at risk from increased air pollution caused by traffic. The Council's schedule of proposed changes (AM067) shows additional wording to part 1 of Policy LPC06 which would require 'smaller development proposals' to be accompanied by sufficient evidence to enable the effects of the proposal on the SAC to be assessed.

*28. Is such a requirement necessary and justified?*

*29. Is it clear from the wording of the policy what is meant by 'smaller development proposals' or 'sufficient evidence'?*

*30. Would it be clear to applicants and decision makers what level of evidence they would need to submit with applications in order to comply with the policy?*

*31. Where relevant are the policies in the Plan consistent with the avoid, mitigate, and compensate hierarchy in paragraph 175 of the Framework?*

## **Actions arising from the hearing session**