



**ST HELENS**  
BOROUGH COUNCIL

**ST HELENS BOROUGH  
LOCAL PLAN 2020-2035**

**ST HELENS BOROUGH COUNCIL'S RESPONSE  
TO INSPECTORS MATTERS ISSUES AND  
QUESTIONS**

**Matter 1 – Introduction to the hearings, Legal  
Compliance, Procedural Requirements and the  
Duty to Cooperate**

**SESSION 1 – 9:30 TUESDAY 25 MAY 2021**

**May 2021**

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## **Matter 1: Introduction to the Hearings, Legal Compliance, Procedural Requirements and the Duty to Cooperate**

(Policies to be covered: LPA02 and LPA04)

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

- 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?*

No, the Council considers it has consulted in accordance with the adopted SCI at all stages in the preparation of the Local Plan. The Regulation 22 Consultation Statement (SD004) provides the full details of the consultation undertaken to date, demonstrating full accordance with the adopted SCI (SD015), and meeting the requirements of legislation. For reference, a separate note has been prepared in relation to the SCI.

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

- 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?*

Yes, the Council's view on the alignment between the Local Plan and the SDS is set out under PQ20 of SHBC001. In summary, the Local Plan is considered to align well with the direction of the SDS to date.

St Helens Borough Council Officers have an ongoing dialogue with colleagues at the Combined Authority who are responsible for the preparation of the SDS, as well as with the other local planning authorities across the Liverpool City Region. Discussions and engagement to date indicate that the St Helens Local Plan aligns well with the SDS, and there is no reason to consider this would not remain the case as preparation of the SDS continues. St Helens Borough Council will continue to engage with the Combined Authority on the further preparation of the SDS.

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

As set out in response to PQ21 in SHBC001, work on Warrington's Local Plan was paused last year. It was intended that Warrington would take the SoCG for agreement at the same time as agreement was sought to submit the Plan for Examination. As the decision was taken to pause the Plan, the SoCG was not subject to final agreement by Warrington Council. Work is expected to restart on the Warrington Local Plan in Summer 2021. Accordingly, despite the draft SoCG (SD012) between the two Councils being agreed by St Helens Council, it is not yet finalised, and is unlikely to be during the St Helens Local Plan Examination process. Notwithstanding this, the draft SoCG outlines the latest agreed position between the parties. This has been supported by ongoing discussions between Officers of the two Councils over the past months.

*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?*

There are no significant implications for the St Helens LP arising from the pause in the preparation of the Warrington LP generally or specifically for the Omega Allocation (1EA). The draft Statement of Common Ground with Warrington (SD012), has provided the basis of a working relationship between St Helens and Warrington to move the St Helens LP forward and the land comprising the Omega Allocation to be brought forward to contribute towards the employment land requirement arising in Warrington.

Warrington BC produced a Position Statement<sup>1</sup> for the purposes of the "call-in" public inquiry in respect of application reference P/2020/0061/HYBR for employment development on land at Omega West, which incorporates the Omega Allocation (1EA). This Position Statement records agreement through the DTC process that site 1EA would count towards meeting Warrington's employment land needs.

The pause in the preparation of the Warrington LP does not have implications for site 1EA. Bearing in mind that the "called-in" Omega West planning application involves a larger site than site 1EA, the Position Statement indicates that Warrington BC will need to give further consideration to the additional proposed floorspace through its Local Plan process and the DTC.

*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?*

Yes, the Council considers there to be significant evidence of effective cooperation regarding whether the development needs of St Helens could be met elsewhere, or whether St Helens

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<sup>1</sup> Omega West Inquiry Core Document List CD 43.73 [Omega West Core Documents - Public Inquiry \(omegawestdocuments.com\)](https://www.omegawestdocuments.com)

ought to assist in meeting the development needs of neighbouring authorities. The DtC Statement (SD009) demonstrates under ‘Strategic Matter 4 – The review of Green Belt boundaries to meet development needs’, that the review of the St Helens Green Belt in the preparation of the Local Plan has been subject to significant consultation with all neighbouring authorities.

The St Helens Green Belt Review, 2018 (SD020), in the Introduction section, paragraphs 1.19-1.20 re-iterates NPPF advice that authorities should work with their neighbours to meet development requirements that can’t be met within their own boundaries, and then goes on to explain why it has not been possible for the needs of St Helens to be met elsewhere. As shown in SD030, all the neighbouring authorities to St Helens also contain Green Belt. Paragraph 1.19 explains that the neighbouring authorities within the same Housing Market Area (Halton and Warrington) face shortages of urban land supply for housing, and beyond this within the wider functional economic market area (LCR), no authorities have identified spare capacity to assist in meeting the needs of St Helens. Moreover, the shortage of development land in the area (outside the Green Belt) has led to several authorities undertaking local Green Belt Reviews to meet their own needs.

With respect to addressing unmet needs from neighbouring authorities, the Liverpool City Region Spatial Planning SoCG (SD010) sets out that “*The LCR authorities agree that there is no unmet housing need to be redistributed among or beyond the seven local authorities during current local plan periods*”. This is reflected on page 19 of the DtC Statement (SD009).

Notwithstanding this, Wirral Council did make a formal DtC request asking whether it “*would be appropriate and / or possible to identify any additional land within your local authority area to meet any of the housing needs arising in Wirral and the reason for those views*”. In response, St Helens clarified that it would be neither appropriate, nor possible to do so for two main reasons – Wirral is in a different housing market area to St Helens and it was not considered appropriate for St Helens to meet needs arising outside its own housing market area, and St Helens is proposing to release land from the Green Belt to meet its own needs, therefore, there is no land available to meet needs arising in Wirral. Full details of this correspondence are set out in Appendix 4 of SD009.

Therefore, there are no unmet needs from the LCR authorities that St Helens is expected to assist in meeting through the Local Plan. Further, “The LCR authorities agree to continue involving each other closely when considering the case for localised changes to the Green Belt.” Such engagement in the Green Belt Reviews process has provided St Helens Council with a useful understanding of the urban land supply shortages beyond the St Helens Borough boundary.

With respect to Warrington Borough Council (WBC), the draft Statement of Common Ground between St Helens and Warrington (SD012) states in paragraph 4.5, “*WBC has also indicated that it is not able to accommodate any unmet housing need from other adjacent Local Authorities given it requires release of Green Belt to meet its own housing requirement. Similarly, WBC will not be seeking for any other adjacent authorities to contribute to meeting its own needs in recognition of their respective Local Plans either having released Green Belt, or proposing to release Green Belt, to meet their own requirements.*” Separately to this, St Helens Council, through Duty to Cooperate

discussions, has agreed to allocate land at the Omega South Western Extension (site 1EA) to meet employment needs arising in Warrington. It is therefore clear that St Helens Council co-operated positively with Warrington with respect to the Green Belt.

No objections were raised by Wigan Council regarding the principle of the Green Belt release in St Helens Borough in response to the Local Plan Submission Draft consultation in 2019.

It is therefore concluded that St Helens has cooperated effectively, and the discussions and evidence, and subsequent agreement have concluded that St Helens would meet its own development needs, and was not expected to accommodate unmet needs from elsewhere.

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

St Helens Borough Council has entered into a SoCG with most of the adjoining authorities via the LCR Spatial Planning SoCG (SD010), which covers matters of strategic importance between all the LCR authorities, and via the draft SoCG with Warrington Borough Council (SD012). The only neighbouring authority that the Council does not have a SoCG with is Wigan Council.

The absence of a SoCG with Wigan Council does not indicate a lack of effective cooperation. To the contrary, Figure 2 of SD009 identifies Wigan Council as a body which the Council has cooperated with under the Duty to Cooperate. This cooperation has included pro-active, joint work on the M6 Junction 23 Study (TRA007 and TRA008). The Study was commissioned by St Helens Council in partnership with Highways England and Wigan Council as the first stage in considering options for junction improvements, which is a significant cross boundary matter.

Furthermore, as set out in paragraph 3.10 of the DtC Statement (SD009), Wigan Council forms part of Greater Manchester, and is part of the emerging Greater Manchester Spatial Framework (GMSF). St Helens Council has engaged in the GMSF preparation process as a neighbouring authority. As summarised on pages 18 and 25, email correspondence between the Greater Manchester authorities and St Helens has established that St Helens does not propose to assist in meeting Greater Manchester housing and employment needs by providing additional land (Green Belt release) within St Helens Borough. The full correspondence in this respect is provided in Appendix 3 of SD009.

It is therefore clear there has been joint work and ongoing discussions between St Helens and Wigan Councils in the preparation of the Plan, demonstrating effective cooperation. The Council does not consider any other Statements of Common Ground were required with neighbouring authorities.

*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?*

Yes, the uplift to contribute towards meeting the sub-regional need is supported by ongoing, positive and effective collaboration between St Helens Borough Council and the other strategic policy-making authorities.

This includes the preparation of joint evidence across the LCR to understand the sub-regional need for the logistics and warehousing sector (SUB001) undertaken by GL Hearn. This Study concluded a need for 308-397ha of large scale B8 up to 2037, but this was not disaggregated to local authority level. In the subsequent study, which provided an assessment of the existing LCR wide supply that may be able to contribute towards meeting the need (SUB002), in paragraph 1.6, it explains that whilst the market for large-scale warehouse / distribution is sub-regional in nature, the growth of this sector at a local level is typically supply-driven, ie. it is influenced by the availability of land at market attractive locations. Therefore the distribution of growth is supply-led. Following on from the assessment of existing supply in SUB002, GL Hearn undertook another piece of work to consider further areas with development potential for strategic B8 warehousing and distribution requirements (SUB003 and SUB004). All of these studies were undertaken jointly by the Councils across the LCR. It is therefore clearly the case that the sub-regional need for logistics and warehousing has long been supported by effective joint working between St Helens and the other strategic policy-making authorities. Furthermore, the evidence has shown that St Helens has a role to play in contributing to meeting this sub-regional need. A summary on the findings of these studies is provided in SD022, paragraphs 2.12-2.30.

Notwithstanding the above, there is to date no final agreed distribution of the residual large scale B8 need across the LCR, and so the Council will continue to work with the other LCR authorities to reach this stage. In the meantime, the LPSD has sought to take a reasoned and justified approach to determining the uplift allowance based on the above evidence, along with the ELNS and associated addendum (EMPO02 and EMP001),

In terms of determining what the extent of the additional allowance on top of the baseline demand should be for the St Helens employment requirement, at the time the ELNS 2015 was drafted, the evidence indicated there was a need for 340ha of logistics and manufacturing land in the LCR over a 20 year timeframe (excluding wholly port based activities and baseline demand), but this was not split into local authority areas. Accordingly, paragraphs 8.60-8.64 set out how an uplift figure of 30-40 ha (subsequently revised upwards to 55-65ha in the 2019 addendum) was derived, and the considerations that informed this.

The St Helens Borough Local Plan 2020-2035 Duty to Cooperate Statement, October 2020 (SD009) identifies 'the amount and type of land needed for employment development in St Helens relative to nearby authorities within and outside the Liverpool City Region' as a strategic matter that falls within the scope of the Duty to Cooperate. In Appendix 2, page 24, a summary of how the Duty to Cooperate has been fulfilled is provided, and includes the following with respect to the outcome of co-operation: 'The SHBLP identifies a total of

234.08ha of other site allocations for employment use. In combination with other sites in the supply, this will be sufficient to meet the Borough-specific needs of St Helens, and also contribute substantially to meeting the sub-regional need for strategic Class B8 uses identified in the SHELMA.’

The LCR Statement of Cooperation on Local Planning 2016 (SD011) was prepared jointly on behalf of the LCR Combined Authority. It highlights evidence indicating a shortfall in the supply of available and good quality land for industrial and distribution type uses across the LCR, and that addressing this should be recognised as an urgent economic development priority for the City Region. It goes on to reference the commitment of the LCR authorities to work together on the LCR SHELMA as a means to addressing this through Local Plans in the LCR (paragraphs 4.13-4.18).

In conclusion, the approach to applying the uplift to the St Helens baseline employment requirement has therefore been arrived at following a jointly prepared evidence base and discussions with Officers in neighbouring authorities, and is the subject of agreement. Significantly, no objections were received to this approach in respect of the Duty to Cooperate from other strategic policy making authorities (including other Councils, the LCR Combined Authority or the LCR LEP) as part of the public consultation on the LPSD in 2019, nor since.

*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?*

The aspiration to develop an SRFI at Parkside is longstanding and flows from the identification of the Parkside location as being suitable for an SRFI in the Merseyside Regional Spatial Strategy (2008)<sup>2</sup>. The aspiration of the RSS was reflected in the Core Strategy<sup>3</sup>.

The SRFI Background Paper (SD024) provides evidence of the extent to which an SRFI at Parkside has support from other strategic policy-making authorities and agencies. This support includes Transport for the North (“TfN”) and the Liverpool City Region (“LCR”)<sup>4</sup>. The LCR Spatial Planning Statement of Common Ground (SD010) states that the LCR

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<sup>2</sup> See RSS Policy RT8: Inter-Modal Freight Terminals which identifies Newton-le-Willows (with access to the west Coast Main Line and Chat Moss rail route as a broad location: Parkside/Haydock Point Core document List CD 2.11 [Parkside and Haydock Point – Core List of Documents - St Helens Council](#)

<sup>3</sup> See Core Strategy Policies CSS1; CAS 3.1; CAS 3.2; and CE1. LOC001

<sup>4</sup> The documents demonstrating support for the SRFI include: TfN Northern Freight and Logistics Strategy, 2016; LCR Freight and Logistics Strategy, 2017; TfN Long Term Rail Strategy, 2018; LCR Assessment of the Supply of Large-Scale B8 Site, 2018; TfN Strategic Transport Plan, 2019; TfN Long Term Rail Strategy, 2019;



authorities will support the delivery of key initiatives identified by the TfN (paragraphs 4.14 – 4.16).

Further, there is express support from the LCR Strategic Investment Fund (“SIF”) in granting funding for the Parkside Link Road (PLR) to facilitate the delivery of the SRFI (see SD024, paragraphs 3.61-3.63) and further support from the LEP. There is ongoing support from the LCR Combined Authority to deliver the SRFI through the funding of technical reports to support delivery, specifically, the Parkside Strategic Rail Freight Interchange Capacity Study (April 2021) undertaken by Steer (EMP012).

Warrington is not part of the LCR. However, Warrington have been active in supporting the delivery of necessary infrastructure to support the development of an SRFI at Parkside by resolving to grant permission for the Parkside Link Road in December 2019. Further, whilst the Warrington LP has paused, a SRFI at Parkside aligns with Warrington’s economic and regeneration programme, *Warrington Means Business*<sup>5</sup>, ensuring that development at Parkside, which sits within Warrington’s economic hinterland, is progressed and successful will provide a major economic resource for the wider region. The closing submissions of Warrington to the Parkside Link Road (“PLR”) Inquiry asserted that the PLR would unlock the Parkside site and as such was aligned with the policy aims, objectives, priorities for Warrington<sup>6</sup>.

*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?*

Yes. The Duty to Co-operate Statement (SD009) sets out how co-operation with infrastructure providers / technical consultees has been undertaken. Appendix 2 of the document provides a tabular overview of the strategic matter for co-operation, the partners engaged in respect of that matter, and an assessment of co-operation. This includes engagement on the preparation of Infrastructure Delivery Plan (SD013) and engagement on other elements of the evidence base in respect of infrastructure which includes joint commissioning of studies (such as strategic assessment of options for the upgrading of junction 23 of the M6 with Highways England) and preparation of action plans (such as Sankey Catchment Action Plan, 2018 with Environment Agency). The cooperation has extended to include the delivery of Bold Forest Area Action Plan as detailed in the Bold Forest Garden Suburb Position Statement (SD027).

In addition, the Council has maintained regular contact with infrastructure providers and technical consultees during the preparation of the Local Plan to seek informal advice on specific technical and infrastructure related matters. Evidence of this is provided in Appendix

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<sup>5</sup> Parkside/PLR Inquiry Document CD 5.58 [Parkside and Haydock Point – Core List of Documents - St Helens Council](#)

<sup>6</sup> Para. 18 of the Closing Submission of Ms Sarah Reid of Counsel on behalf of Warrington to the PLR Inquiry: PLR Inquiry Document ID 14.61; Parkside and Haydock Point – Core List of Documents - St Helens Council

2 of the DtC Statement (SD009), which refers to ongoing correspondence between the Council and relevant bodies through the Local Plan preparation process, on a range of different issues.

Specific input has also been received at key consultation stages resulting in the modification of the Plan, where relevant. This is detailed out in St Helens Local Plan 2020-2035 Regulation 22 Consultation Statement (SD004). Some of the cooperation on wider infrastructure matters are addressed in the LCR Spatial Planning Statement of Common Ground, 2019 (SD010).

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

Yes. There is evidence that the cooperation will continue as demonstrated by an ongoing engagement. For example, a draft SOCG between SHBC and Highways England is currently being prepared, which will set out in broad terms how ongoing engagement will continue in the future to ensure the delivery of necessary infrastructure in a timely fashion. The LCR Authorities and associated bodies have all contributed to and signed the SoCG [SD010] which demonstrates a commitment to working together on wider infrastructure matters (including cross boundary issues).

SHBC is also part of the steering group driving forward the work on the Recreational Mitigation Strategy. Furthermore, the Council will continue to work with other organisations, such as the Mersey Forest, to ensure the delivery of necessary infrastructure.

The Council has a demonstrable history of joint working with various organisations (evidenced through the DtC Statement, SD009), which will continue into the future, and is considered key to delivering the necessary infrastructure to support the plan, as identified in the Infrastructure Delivery Plan.

*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?*

A SoCG is in the course of being prepared with Highways England, however following discussions with Highways England to date, cooperation in terms of delivering key motorway junction improvements can be summarised as follows:

M6 J22 – In October 2018, Liverpool City Region Combined Authority approved the Full Business Case for the Parkside Link Road (PLR), agreeing to grant an award of £23,790,786 to deliver the scheme, alongside contributions from the Council and private sector, with a total scheme value of £39.81 million. This delivers on Policy LPA10 of the Plan for Parkside East, which makes provision of a 'safe and convenient access from

Junction 22 for Heavy Goods Vehicles and other vehicles' a requirement of delivering the site.

St Helens Council recommended planning permission for the road is granted subject to conditions and Secretary of State approval in December 2019. A public inquiry subsequently took place in January 2021, and a decision is awaited.

Separately, the Local Plan Infrastructure Delivery Plan (SD013) and Transport Impact Assessment (TRA003) identify future capacity constraints at M6 J22 itself. Road Improvement Strategy 2 (RIS2) (2020-25) includes the junction as a pipeline scheme for potential future development in the next period (RIS3, 2025-30). The Council, Highways England and Wigan Council are working collaboratively to identify funding for an improvement scheme at this junction in parallel to the PLR.

M6 J23 – An initial feasibility study was developed in 2019 by a partnership between St Helens Council, Highways England and Wigan Council (TRA007 and TRA008). It identified a number of deliverable options for improvements to the junction, and made a recommendation based on the initial assessments conducted. However, this design option is outside current national standards and significant additional work as part of scheme business case development is required to identify a preferred solution.

Moving forward, the Council and Highways England will build on their existing relationships and hold further regular discussions (which will also seek the involvement of Wigan Council and any relevant site promoters) to drive forward the design development of proposals at the junction and ensure coordinated delivery in line with development phasing set out in the Local Plan. They will also seek to identify capital funding opportunities for the scheme.

M62, J7 – The Infrastructure Delivery Plan notes potential for mitigation at the junction to be required in relation to site allocations 4HA, 5HA, 9HA, EA and 10EA.

While the junction is not identified for development as part of the RIS programme (prioritised or pipeline), Highways England conducted a capacity study on this junction in 2018 and engaged with both St Helens and Halton Councils as part of this Study. The study found that existing congestion issues are forecast to worsen if left unmitigated as a result of background growth and proposed Local Plan allocations. Three options were identified and a preferred option selected.

Impacts on the junction and potential mitigation will continue to be monitored, assessed and developed between the parties moving forward.

M62, J8 – The IDP (SD013) acknowledges the potential need for mitigation at the junction in relation to sites 4HA and 1EA.

Highways England commissioned a baseline study relating to the junction in 2019 focussed on improving access to the Omega Business Park. It identified that the junction currently operates within capacity, but is likely to operate at or just over absolute capacity in an assumed 2035 scenario based on future committed development, local plan sites in St Helens and Warrington Boroughs, and background growth. The Study concludes that further assessment is required to accurately identify the likely costs and impacts of potential interventions.

The draft SoCG with Warrington Borough Council (SD012) includes an agreement for the two Councils to continue working together, with Highways England, to address cumulative traffic impacts arising from Local Plan allocations.

### **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?*

Yes, the Sustainability Appraisal has tested all policies and reasonable alternatives against the 20 sustainability objectives under 11 themes assessing the likely environmental, social and economic effects. The sustainability objectives and decision-making criteria can be found on page 2 and 3 of St Helens Borough Local Plan 2020-2035 – Submission Draft Sustainability Appraisal: SA Report (SD005). Sustainability appraisal ensures that potential environmental effects are given full consideration alongside social and economic issues as set out in the SA report. The methods for undertaking appraisals are set out clearly in the SA Report, and reflect the characteristics referred to in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004 (The Regulations). The appraisals were undertaken by independent consultants with vast experience in SA/SEA and Local Plan making. We are therefore confident that the likely effects of the plan have been explored and identified in a thorough and legally compliant manner.

#### *13. Does the SA meet statutory and legal requirements in relation to the assessment of reasonable alternatives?*

Under the Regulations the SA should identify, describe and evaluate the likely significant effects on the environment of implementing the plan or programme; and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme. Similarly, the PPG notes that SA and SEA are tools used at the plan-making stage to assess the likely effects of the plan when judged against reasonable alternatives. The SA for the Plan has followed the guidance set out in the Planning Practice Guidance (PPG) in terms of how the process should assess alternatives and identify likely significant effects.

The consideration of reasonable alternative options has been embedded in the SA throughout the five-year process. Alternative options have consistently been assessed and considered against the SA objectives, which comprehensively cover the themes of the SEA directive and the NPPF economic, social and environmental dimensions. The provision of the decision-aiding questions for each SA Objective, has provided a consistent and coherent framework for assessing, analysing and considering each option and assessment. The SA of the Local Plan considers all of the reasonable alternatives, on a like for like basis, against the coherent framework provided by the 20 SA Objectives and guidance questions, and

consistently so from the Issues, Options and Recommendations stage up to the submission of the Local Plan in October 2020, and all stages in between. The Interim Sustainability Appraisal which accompanied the Local Plan 'Preferred Options' (LPPO), published in December 2016, identified and appraised the reasonable alternatives and subsequently informed the Plan. The findings were also made available for consultation on a draft Plan, giving stakeholders ample time to provide input on the plan and any reasonable alternatives.

In summary, the Sustainability Appraisal (SA) conducted in support of the Plan has fully met all statutory regulatory requirements and fully met the requirements of national guidance and has been amended to address consultation responses. The SA process has been an iterative process updating and revising earlier work, as well as demonstrating ongoing monitoring of contextual and baseline information originally set out at the Scoping stage.

We recognise that there are endless permutations of options and alternatives that could be considered, but only 'reasonable' ones need to be tested through the SA process. In determining what is reasonable, we were mindful of a range of factors including deliverability, major constraints, and the need to meet the objectives of the Plan. There is case law in this respect which suggests that Plan making authorities do not need to test unreasonable alternatives, especially when they are contrary to the Plan vision and objectives. We have taken suggestions for alternatives on board through consultation, but where we have considered alternatives to be unreasonable, an explanation is provided in the SA Report.

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

No, there is no evidence to indicate that the SA process did not comply with the relevant regulations in respect of the alternatives outlined. The approach is consistent with the advice set out in the Planning Practice Guidance which defines reasonable alternatives as the different realistic options considered by the plan-maker in developing the policies in the plan. It advises that they need to be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made (Planning Practice Guidance on SEA, Paragraph 018, Reference ID: 11-018-20140306).

The Council consider that 'not meeting housing needs' would not deliver the strategic objectives of the Plan which include supporting regeneration and balanced economic growth. In terms of employment land, 'not meeting employment needs' would not comply with the NPPF in addition to the strategic objectives of the Plan not being met, and hence not considered as a reasonable alternative. Likewise focusing a greater proportion of new development on brownfield land in the urban area and limited or no release of Green Belt land to meet future development needs were considered unreasonable as set out in paragraphs 4.2.29 to 4.3.3 and 4.3.19 in LPSD SA Report (SD005).

The reasons why the above alternatives would not deliver the strategic objectives of the Plan and by implications could not be considered as realistic options are also set out in SHBC001 – PQ4-7. The Council consider that the SA process is compliant with the relevant regulations.

*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?*

Please refer to response to MIQ 14 above. The process for identifying and appraising reasonable alternatives for the level and distribution of growth including rejecting the options considered unreasonable is described in the SA Report (SD005).

With regards to the distribution of employment land, the Council appraised a range of reasonable site options for employment as 'bottom-up' evidence, along with strategic approaches to the provision of employment land. The SA report (Para 4.2.23 to 4.2.24 of SD005) makes it clear that in the context of St. Helens, the distribution is based upon this broad approach, which focuses on attractive, accessible sites in key locations. In the main, these are located on sites close to key road junctions such as the M6 (Junctions 23 and 22), and the M56 (Junctions 7 and 8). The choice is therefore largely based upon which of these sites (both individually and in combination) perform against a range of factors.

Likewise, in respect of housing, to help establish the preferred approach four distribution strategies have been identified as reasonable at the 'Preferred Options stage (Table 4.2 of the SA Report -SD005).

Building up from different elements including the level and distribution of employment and housing land, the SA Report (SD005) also explores four growth scenarios and the distribution options that are considered to be reasonable at each level of growth (Table 4.3.)

In summary, 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. The Council did not identify the above listed options as reasonable alternatives as they did not present different, realistic alternative approaches to policies which would comply with the overall vision or strategic priorities of the Local Plan; be consistent the NPPF; and reflect the geographic characteristics of the Borough. The Council consider that, in the context of the Borough there is no evidence that not considering the options listed above as reasonable alternatives affects the soundness of the Plan in terms of the preferred approach identified and that this approach is justified and effective, and therefore soundly based.

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

Yes. The SA is about appraisal of sites to allow a consistent comparison of sites and to understand high level constraints and opportunities. The findings have been taken into account by the Council alongside a range of other evidence when making decisions about which sites to allocate or otherwise.

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

It is clear how the sites have been appraised against the site appraisal framework, and why they have been allocated scores in accordance with the established thresholds. The criteria and thresholds are appropriate, and were developed with reference to the overall SA Framework, and [well-established] methods of assessing site performance.

Table 6.2 in the SA Report (SD005) summarises the site appraisal process, which illustrates the scores for each site option against the site appraisal criteria and provides a comparison of the relative merits and constraints of each site. A consistent approach is taken and findings are quantitative where appropriate. The rationale for selecting sites is set out in table 6.3. All sites submitted in previous Call for Sites between 2008 and 2016 have been subject to assessment by the Council in the St. Helens Strategic Housing Land Availability Assessment 2016 (SHLAA) and the St. Helens Green Belt Review. The Green Belt Review considered the suitability of broad areas and then where appropriate, assessed individual sites. The Preferred Option sites and reasonable alternatives have then been subject to SA. The site appraisal framework is a high level assessment tool that identifies the relative constraints and merits of sites independent of the exact location of development or detailed proposals for mitigation. Detailed proformas for each site option, are contained within Technical Appendix A (SD005.3) that provides full details and justification for the scores.

It is important to note that neither the PPG, Section 19 & Section 39 of the Planning and Compulsory Purchase Act 2004, nor the Environmental Assessment of Plans and Programmes Regulations 2004 provide a definitive 'scoring' methodology. This is down to the individual local planning authority to determine, whilst ensuring the requirements of the aforementioned legislation are met.

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

Although it is not the role of the SA to suggest what sites should be allocated, safeguarded or omitted, it provides a consistent and objective comparison of the relative merits and constraints of sites to come to that decision. The classification / scoring is based upon set thresholds and criteria in the site appraisal framework which have been developed through reference to a range of guidance documents, professional experience in undertaking site assessments for hundreds of Plans, and consideration of the scoping report. This gives a good indication of 'general merits' and the potential for more significant effects to arise. For example, sites with medium to high landscape and visual sensitivities are flagged as having potential significant impacts and mitigation. The effects are dependent upon the details of a development itself.

It should therefore be noted that the SA findings contribute to the decision making but are not the only factors taken into account. Indeed, there can often be an equal number of positive and/or negative effects identified for each alternative, such that it is not possible to

'rank' them based on sustainability performance in order to select a preferred approach. Factors such as deliverability are also taken into account by the Council when determining which sites should be allocated, safeguarded or omitted. Therefore, sites that appear to perform 'the worst' are not necessarily always unsuitable for allocation. This is a planning judgement that the Council has made based on the SA and other evidence including: Green Belt Review 2018 (SD020) and St Helens Strategic Housing Land Availability Assessment Update July 2017 (HOU002).

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

Mitigation and enhancement measures have been considered throughout the SA process. In particular, this has involved:

- Acknowledgement of how the effects for each spatial option could be mitigated and potential for enhancements.
- Initial recommendations for mitigation and enhancement were made to help inform the development of plan policies at the Issues and Options stage. Some of these factors were addressed as the Plan progressed including recommendations made at the most recent stage of appraisal (Reg19), whilst others were considered unnecessary or became less relevant in a changing context.
- Further recommendations made through additional modifications (SD003).

The Council has identified a number of mitigation measures such as specific policies or the phasing of development on certain sites. The site profiles for allocated and safeguarded sites in the LP (Appendices 5 and 7) set out necessary infrastructure requirements, this provides clarity on a site by site basis in this respect

In relation to Air quality and the Air Quality Management Area (AQMA) close to the Parkside allocation and Junction 22 of the M6 (Newton-le-Willows), Policy LPD09: Air Quality and LPA07: Transport and Travel place specific requirements on developers to carry out air quality assessments and then take mitigating action if the impact on air quality was negative. In addition, site specific Policies (Policy LPA10, LPA04.1) have criteria to ensure a positive impact on good air quality is achieved. Policy LPA10 requires the Parkside allocation to a masterplan approach which will help to build in any site-specific mitigation measures. The Parkside allocations (7EA & 8EA) are also required to be implemented in phases which gives greater control over introducing mitigating measures.

Likewise, the Plan has a number of policies that seek to mitigate Potential negative effects on landscape in relation to housing and employment allocations in the Green Belt. These policies range from those that seek to preserve visual and environmental sensitivities (primarily LPC09 - Landscape Protection and Environment, LPD01 (Ensuring Quality Development), LPD02 (Design and Layout of New Housing) and to Policies LPA4.1 (Strategic Employment Sites) and LPA05.1 (Strategic Housing Sites) that seek an attractive built form with high quality landscaping. Other policies that are likely to provide mitigation indirectly include LPA09 (Green Infrastructure) LPC05 (Open Space), LPC07 (Greenways), LPC10 (Trees and Woodland) and LPC11 (Historic Environment), LPD03 (Open Space Provision). It is accepted that there will be residual minor negative effects which are



unavoidable with the level of growth involved. However, the Council believes significant negative effects can be avoided with the suggested mitigation, and this is alluded to in the SA Report.

Similarly, 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 SA states that a potentially significant negative effect is predicted, however, this may be offset by infrastructure improvement, and encouragement of alternative modes of transport, and with regards to freight, the long term aspiration for a strategic rail freight terminal. Additional modifications are being suggested. The residual effects are therefore not expected to be significantly negative. This can be tested and confirmed through the SA of the modifications.

Please also refer to the response to Inspectors' Preliminary Question PQ7 (SHBC001) - for further details.

*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?*

Yes the Council consider that the combined measures that include policies in the Plan phasing of development will be sufficient to mitigate the potential adverse impact identified.

#### **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?*

The measures proposed within the HRA will ensure no adverse effect on European sites. There is a high level of consistency between these measures and those which other authorities in the Liverpool City Region are implementing to protect European sites through their own Local Plans. As such, there has been extensive discussion of these measures with parties such as Natural England and Merseyside EAS (local authority environmental service hosted by Sefton MBC).

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

The RMS is currently being advanced as a strategic response to the issue of recreation pressure arising from the total quantum of housing development in SHBC and across the Liverpool City Region. A project Steering Group that includes SHBC and Natural England as well as all other LCR local authorities and the National Trust is overseeing the work that is being co-ordinated by Merseyside Environmental Advisory Service (MEAS).

There is a strong commitment to active participation in the process by all 6 authorities, MEAS, National Trust and Natural England including advancing any evidence gathering and developing interim approaches. There is a clear timetable to complete the RMS that includes updated the recreation user evidence base that includes the scope, timescale and funding for addressing the gaps in recreation user data. The Steering Group agreed in April 2021 that this additional evidence gathering should be commenced as soon as possible in the summer now that COVID restrictions are easing.

The current evidence base for the emerging RMS, is the best currently available, and will be published by June 2021 and has informed interim approaches that are being developed by the authorities. This plus the new evidence will also feed into the final RMS. SHBC will continue to be a full and active partner in the joint approach. SHBC is therefore confident that good progress is being made, and continues to be made on this matter to produce a realistic and effective RMS.

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

As discussed on page 35 of the HRA report (SD006.1) the enhancement to Bold Forest Park will most typically consist of measures to improve functionality and management of the Bold Forest Park to increase its attractiveness, for example through promotional activities (such as improved signage, home buyers' packs, web / social media advertising), landscape enhancement (such as increase in percentage of tree cover) and access management (such as increase in length of footpaths). Please refer to the Bold Forest Park AAP (LC004) Delivery Plan and Monitoring Framework (2017-2023) for details of an extensive package of measures. Bold Forest Park has also been identified as a Suitable Alternative Natural Greenspace (SANG) in both the emerging RMS and evidence base by virtue of its size and potential for enhancement to act as an alternative destination to visiting the European sites of the Liverpool City Region.

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

Yes. The HRA of the Local Plan has confirmed that it is a realistic prospect to create new accessible recreational destination of a scale or character that would effectively deflect all potential additional visits from St Helens away from the designated sites. The Council consider the use of diverse package of measures set out in HRA report (SD006.1) and Bold Forest AAP to be capable in mitigating any potential effects arising in terms of recreational disturbance, air and water quality by way of increasing the likelihood of people visiting the Park instead of the SPA and Ramsar site (or other parts of the Liverpool City Region coast) for regular casual recreation and dog-walking. SMBC will monitor the effectiveness of the enhancements to the Park and it is identified as one of the SANG locations for additional recreation survey commencing in summer 2021.

The completion of the package of measures listed in the Bold Forest Park AAP (LC004) is the year 2023 when the new LCR-wide RMS will be adopted. Moreover, the Council's schedule of proposed changes (AM058) shows additional wording which would require, where appropriate, and evidence-based, any developer contributions to be focussed at least in part on the delivery of strategic greenspace enhancements in the local area such as Bold Forest Park. The effectiveness of the approach followed by SHBC in the interim will be reviewed once the RMS is completed.

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

The approach set out in Policy LPC06, and the proposed Nature Conservation Supplementary Planning Document (SPD), will be sufficient to ensure no adverse effect on European sites through loss of Functionally Linked Land. The requirement for detailed bird surveys of each allocation (several years) to inform detailed design and tailoring of mitigation will ensure the presence of functionally-linked land will be identified and suitable mitigation agreed before planning consent is granted thus ensuring no adverse effect on the SPA can arise. The SPD will then provide guidance to developers in the form of possible habitat enhancements and by directing them to suitable locations for such enhancements such as the LCR Ecological Network and Nature Improvement Areas.

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

Yes. Paragraph 7.6.13 of the Local Plan states that 'The Nature Conservation SPD sets out more detail about how the provision of functionally linked compensatory habitat for the loss of supporting habitat for Pink Footed Geese and other bird species should be achieved' thus explicitly linking the SPD to addressing losses of functionally linked land and to the key, although not exclusive, species of relevance (pink footed goose).

*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?*

There is a high degree of certainty. The habitats in question are common or widespread and other LCR authorities such as Sefton Metropolitan Borough Council already follow the same approach to addressing loss of FLL. Moreover, as referenced in the HRA Liverpool City Region has an agreed evidence base - the LCR Ecological Network – that clearly identifies opportunities for delivery of mitigation and habitat enhancement through the Nature Improvement Areas. This will facilitate a strategic approach to targeting and delivery of mitigation especially in those instances where there is insufficient land available within the

proposed development site. There is therefore no reason to assume that mitigation measures could not be secured at the application stage.

The mitigation measures will most typically consist of habitat management, for example no shooting, changes to cropping (such as growing crops or maintain grassland types which geese and swans prefer to feed on), some food source crop provision). This could be delivered within the development site, in the immediate locality of the site and/or within the Core Biodiversity Area within the control of the landowner or developer, or in the LCR Nature Improvement Area Focus Areas to provide improved management and compensation – usually by the developer or landowner leasing land to manage or managing it in agreement or partnership with the landowner using an agreed legal or financial.

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

It is necessary because there may be sites which have could have a cumulative ‘in combination’ effect on traffic flows on the M62, and thus on air quality at Manchester Mosses SAC, but which have individual flows falling below the 1000 AADT and 200 HGV thresholds. For example, three sites each responsible for a change in flows of 350 AADT on the relevant stretch of the M62 at the same time would not individually exceed the 1000 AADT threshold but would do so cumulatively. There must also be the opportunity for them to be captured and mitigation obtained for their contribution to that ‘in combination’ effect.

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

It is acknowledged that the ‘smaller development proposal’ has not been defined in the policy as the Council will rely on SHBC’s ‘Guidance Notes for the Submission of Transport Assessments’ (March 2016) for this purpose. In the majority of cases developments that would exceed SHBC’s thresholds for Transport Assessments are required to undertake traffic modelling and to devise a scheme-specific range of measures to reduce reliance on cars, reduce trip generation and promote ultra-low emission vehicles. The threshold is however guidance only and much will depend on the individual circumstances of the proposal. There may be site-specific issues or traffic sensitive locations that require a particular level of assessment that does not fall within the thresholds indicated.

*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?*

It is considered that defining the level of evidence is a detailed matter best dealt with by the Development Management process on case by case basis. In most cases evidence that would need to be submitted with applications in order to comply with the policy (ie. Transport

Assessments) will require all relevant developments to devise a scheme-specific range of measures to reduce reliance on cars, reduce trip generation and promote ultra-low emission vehicles. In relation to sites that could have an impact on the Manchester Mosses SAC, such evidence would need to include details of anticipated traffic flows, associated emissions, and air quality impacts, to enable the decision maker to determine the effects upon the SAC.

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

Yes, the policies in the plan are consistent with this framework hierarchy, although it should be noted that the Conservation of Habitats and Species Regulations 2017 do not recognise a distinction between avoidance and mitigation, provided the outcome is that no adverse effect on the integrity of European sites arises.