

# St Helens Local Plan 2020-2035 Examination in Public

## Hearing Statement on behalf of Story Homes

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

May 2021

Relevant Site:

Land south of A580 between Houghtons Lane and Crantock Grove, Windle (Ref: 8HS)

Representor ID: RO1954

Justin Cove, BA(Hons), MSc, MRTPI, Director

**Hive Land & Planning**

First Floor, Swan Buildings, Swan Street, Manchester, M4 5JW

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## 1 Introduction

- 1.1 This statement has been prepared by Hive Land & Planning on behalf of Story Homes and responds to the Matters, Issues and Questions released by the Inspectors on 30<sup>th</sup> March 2021. In this submission Story Homes are responding to **Matter 1, Issues 3 and 4, Questions 16, 17 and 18.**
- 1.2 The involvement of Story Homes in the St Helens Local Plan Examination relates to the continued promotion of the Land south of A580 between Houghtons Lane and Crantock Grove, Windle, Ref 8HS (hereafter referred to as 'Site 8HS'). Story Homes has promoted Site 8HS for the residential development of around 1,100 dwellings and has been undertaken following an agreement with the landowners.
- 1.3 Site 8HS is currently located within the Green Belt and has been identified as a Safeguarded Site within the Submission Draft St Helens Local Plan 2020 -2035, to be reserved for future residential development until after the plan period, unless a subsequent Local Plan Review proposes to allocate the land for development. In safeguarding Site 8HS, the Council has recognised that Site 8HS represents a suitable and sustainable location for housing and Story Homes welcome and support this recognition.
- 1.4 In the 2016 Preferred Options Draft of the Local Plan however, Site 8HS was identified as a Housing Allocation to come forward within the current Plan Period. This further confirms the Council's acceptance that Site 8HS, as a matter of principle, is a suitable location in which to locate this scale of new housing.
- 1.5 The Council has therefore acknowledged the acceptability of Site 8HS for residential development at every stage of the plan-making process.
- 1.6 This Hearing Statement should be read in conjunction with all the statements being submitted by Story Homes in response to **Matters 2, 3, 4, 7, 10 and 11.**
- 1.7 We trust that this Statement assists the Inspectors in respect of the Examination.

## 2 Matter 1. Introduction to the Hearings, Legal Compliance, Procedural Requirements and the Duty to Cooperate

### Issue 3: The Sustainability Appraisal (SA), its consideration of reasonable alternatives and proposed mitigation measures

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

- 2.1 The draft Sustainability Appraisal 2018 (Draft SA, Doc SD.005) sets out Council's view on 20 sustainability constraints affecting all the proposed safeguarded or allocated sites. The Council graded each of the 20 constraints (red, amber, green or grey) for each site, to create a picture of the overall sustainability of a site.
- 2.2 Story Homes highlighted in their Representation response to the Submission Draft Local Plan that the Draft SA assessment of Site 8HS did not reflect how the impact of development could be mitigated against to achieve better sustainability outcomes against a number of the 20 constraints.
- 2.3 To assist the Council, Story Homes provided independent, commissioned technical studies alongside their representation. Those studies were referred to in the representation to provide evidence based amendments to the sustainability constraint scores for Site 8HS. Story then allocated scores against each outcome to allow for an accurate numerical comparison of the sustainability matters across all the sites which had been through the SA process. The results are provided at Appendix 6 to the Story Homes Submission Draft representation.
- 2.4 To provide an example, Criteria SA9 of the SHBC Sustainability Appraisal related to 'Access to open space and green space'. The Council's SA stated that Site 8HS was 649m from open space and a Public Right of Way existed on site, with severance possible if not designed inclusively, concluding that this warranted 'Potentially negative effects which could be mitigated (amber)'. This completely disregards the Illustrative Masterplan for Site 8HS, which clearly demonstrates how the proposals for the scheme include the creation of a major new recreational facility for the benefit of the local community ('Watery Lane Green Corridor'). This will comprise a wide linear park through the centre of the Site and will include enhanced

Public Rights of Way and cycle links. Story then quite rightly concluded that the Site can be scored as 'likely to promote positive effects (green)'.

2.5 The same approach was then taken in respect of all strategic Green Belt sites considered within the SA to ensure that a consistent approach was taken. This evidence based exercise then re-scored each of the Green Belt sites and showed that Site 8HS is in the 4 highest scoring allocated and safeguarded proposal sites taking all SA criteria into account. It is also noted for reference that Site 8HS is defined as making an overall low contribution to the Green Belt, as determined by the Councils GBR evidence document.

2.6 The table submitted in the representation in Figure 1 below for reference.

Figure 1: Copy of Amended SA Assessment submitted by Story Homes to the Draft Local Plan Submission

Table 4: Amended Assessment of Allocated and Safeguarded Sites			
Ref	Site Name	SA Score <sup>1</sup>	Overall Contribution to Green Belt <sup>4</sup>
5HA	Land South of Gartons Lane and Former St Theresa's Social Club, Gartons Lane, Bold	66	Low
2HA	Land at Florida Farm (South of A580) Slag Lane, Blackbrook	63	Low
2HS	Land between Vista Road and Belvedere Road	62	Medium
8HS	Land south of A580 between Houghtons Lane and Crantock Grove, Windle	61	Low
7HS	Land South of Elton Head Road (adjacent to St John Vianney Primary School) Thatto Heath	60	Low
3HS	Former Eccleston Park Golf Club, Rainhill Road, Eccleston	58	Low
4HS	Land East of Newlands Grange (former Vulcan works) and West of West Coast Mainline, Newton-le-Willows	57	Low
1HA	Land South of Billinge Road, East of Garswood Road and West of Smock Lane	57	Low
7HA	Land West of the A49 Mill Lane and to the East of the West Coast	57	Low
	Mainline railway line, Newton-le-Willows		
5HS	Land West of Winwick Road and South of Wayfarers Drive, Newton-le-Willows	57	Low
6HS	Land East of Chapel Lane and South of Walkers Lane, Sutton Manor	56	Low
8HA	Land South of Higher Lane and East of Rookery Lane, Rainford	55	Low
1HS	Land South of Leyland Green Road, North of Billinge Road and East of Garswood Road, Garswood	54	Medium
4HA	Land bounded by Reginald Road/Bold Road/Travers Entry/Gorse Lane/Crawford Street, Bold	54	Medium

2.7 An Addendum to the SA was published in September 2020 (the ASA, Doc SD005.4). This has clarified some points and corrected errors made in the Draft SA (Please refer to our response to Question 17 for further details). However, those corrections do not amount to a fully updated sustainability assessment in light of additional evidence that has been made available to inform the process and therefore the update has not impacted on the site selection process in the way it should have done.

2.8 Specifically, the following additional technical evidence has been provided to the Council through previous representations and it has also been made available to the Council outside of formal consultations:

- Preliminary Ecological Appraisal (Urban Green, July 2016), provided at Appendix 4 to the Story Homes Submission Draft representation;
- Infrastructure and Delivery Statement (Turley, January 2018), provided at Appendix 3 to the Story Homes Submission Draft representation;
- Highways and Access Appraisal (Vectos, July 2016), appended to the Infrastructure and Delivery Statement;
- Noise Assessment (RS Acoustic Engineering Ltd, July 2016), appended to the Infrastructure and Delivery Statement;
- Landscape Appraisal (Pegasus), incorporated into the Vision Brochure provided at Appendix 2 to the Story Homes Submission Draft representation;
- Agricultural Land Classification (Soil Environmental Services Ltd, April 2019)
- Ecological Advisory Notes (Urban Green, March 2019), includes HRA Screening, Wintering Bird Survey and identification of recommended surveys
- Illustrative Masterplan (Design by Pod), provided at Appendix 1 to the Story Homes Submission Draft representation, which pulls together the findings of the various technical assessments that have been undertaken, along with site opportunities and constraints. The masterplan is provided overleaf for ease of reference:

Figure 2: Illustrative Masterplan for Site 8HS (Design by Pod)



2.9 Neither the Draft SA nor the ASA have considered the detailed technical evidence submitted by Story Homes at the Draft Submission stage (and prior to that), which clearly demonstrates that Site 8HS is a more suitable option than other Sites that have been identified as Housing Allocations and that it can be sustainably delivered. The Draft SA and subsequent ASA recognise that Site 8HS is appropriate for removal from the Green Belt and identified as Safeguarded Land, but the Council have failed to take into account the sustainability mitigation measures that would be delivered as an integral part of the development. These mitigation measures demonstrate that Site 8HS is in fact a more sustainable development option than 10 of the other 13 sites assessed.

2.10 Therefore, when considering how effective the SA process has been to inform the site selection process, the view of Story Homes is that the SA methodology and extent of the evidence considered is flawed. This calls into question the decision-making process that has been undertaken when deciding which sites should be allocated and safeguarded.



2.11 In light of the above, it is submitted that if undertaken correctly the SA process would assist in identifying Site 8HS as a Housing Allocation to meet housing needs over this Plan Period, and the Council's justification for not identifying it as an Allocation is not considered to be a robust outcome when considering all available evidence and the guidance set out in PPG.

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

2.12 The ASA makes some corrections to the draft SA in an attempt to provide a reliable assessment of the merits and constraints of the sites that have been considered. It is welcome to see the ASA attempting to correct factual errors made in the draft SA. However in the case of Site 8HS a further error has been made in the ASA correction exercise in terms of how well connected the site is to existing facilities (see para 2.10 – 2.14). This is unfortunate and does cast some doubt on the overall accuracy of the reporting that the SA and the ASA have undertaken in relation to Site 8HS.

2.13 Through the process, two less favourable 'scores' have been erroneously attributed to Site 8HS in relation to the impact on the heritage assets objective (SA8) and access to services objective (SA20). This does cast doubt on the veracity of the reporting in this instance and highlights how important it is that consultation representations are fully taken into account to assist the plan making process.

2.14 The Updated SA has attempted to correct factual errors made in the original SA on three sites, one of which is Site 8HS. In the assessment of Site 8HS this has resulted in an improved overall sustainability profile for the Site. See the excerpt from the Addendum to the SA below.

Figure 3: Extract from the Addendum to the updated Sustainability Appraisal (Doc SD005.4, Page 1)

A small number of changes have been recorded where it is agreed that scores are factually incorrect.

Site ref / name	SA Objective	SA Report score	Amended score
Site 8HS	SA20: Access to Convenience Store	Amber	Red
	SA8: Heritage	Red	Amber
	SA13: Education	Grey	Green
Site 10HA	SA16: Housing delivery	Green	Grey
Site 1HS	SA20: Access to Convenience Store	Green	Grey

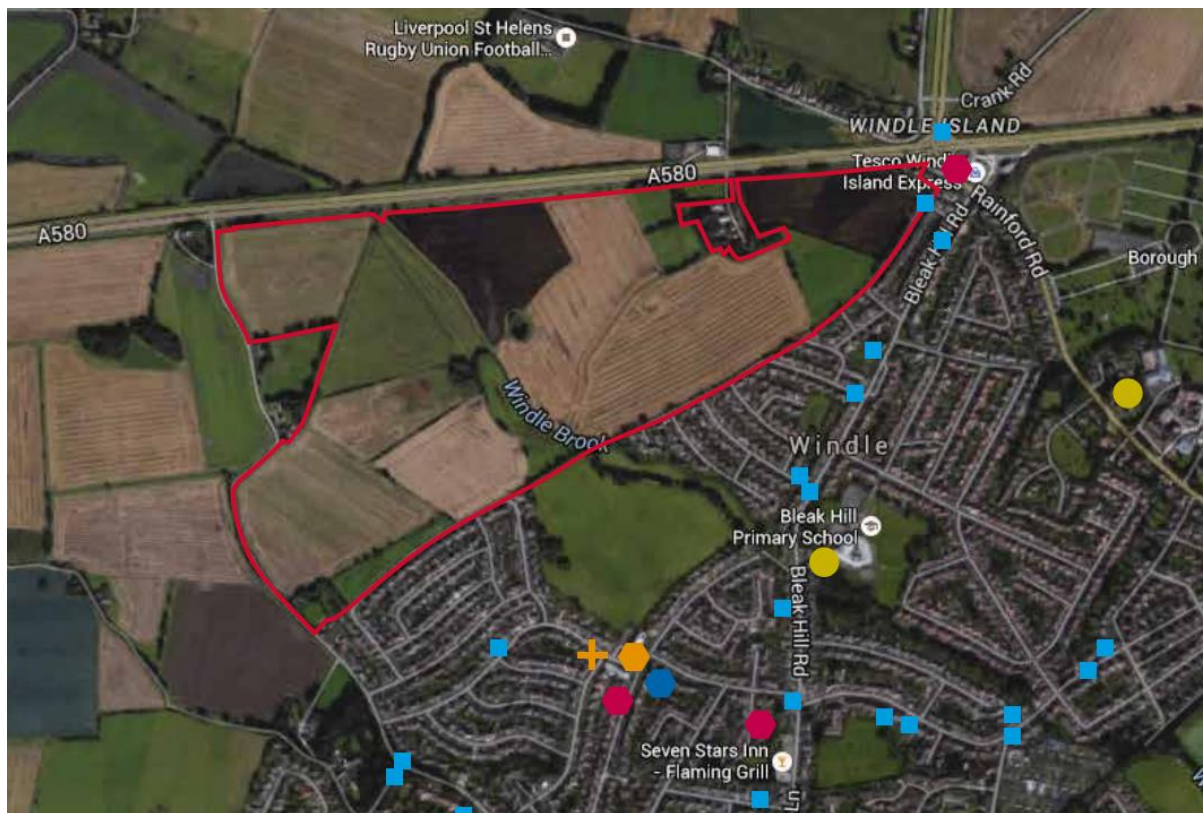
2.15 As the excerpt shows, as a result of these corrections, Site 8HS is the only site to have achieved an improved sustainability profile in the ASA. Factual errors have been corrected on two other sites and as a result their sustainability scores have worsened.

2.16 The improved sustainability profile of Site 8HS in the ASA, whilst improved from the Draft SA, should have been improved even further, as the amended score from amber to red against SA20 (Access to Services, which is called ‘Access to convenience Store’ in the ASA) is in fact another factual error. The justification given for the change from amber to red is set out in Appendix B of the ASA and responds to inaccurate comments submitted by a Member of the Public (EL0138/03), which even states that the development cannot score more than amber given the circumstances. The comment submitted was that the closest convenience store is located on the northern side of the A580 dual carriageway. For some unknown reason, the score has then been adjusted from amber to red. That revised score is adjusted with no basis and has failed to note the three other alternative convenience stores located within a 200 – 400m walking distance of the site (within the CIHT ‘Planning for journeys on Foot’ ‘desirable’ walking distance of 400m), all located around the perimeter of Site 8HS, all of which can be accessed without crossing the A580 dual carriageway. Had Aecom reviewed the evidence provided by Story Homes when producing the ASA this error would not have been made.

2.17 These convenience stores are the Tesco Express, open 24 hours a day and a Starbucks coffee shop, open until 11pm; both are only 135m from the eastern boundary of Site 8HS. Two more convenience stores open until 9pm and 10pm are within 400m from the southern boundary of the site. Also within 400m

are other retail, leisure outlets, amenities and services, which contribute towards a merited green score for Site 8HS against this objective. The following map extract is taken from the Vision Brochure (Page 13) provided at Appendix 2 to the Story Homes Submission Draft representation, which clearly indicates the position of the convenience stores describe above. Each convenience store location is indicated by the pink hexagons.

Figure 4: Extract of map from Vision Brochure indication position of convenience stores (pink hexagon) in relation to Site 8HS



2.18 The fact that the ASA has made this basic factual error about how well connected Site 8HS already is to existing facilities, whilst trying to correct factual errors made in the draft SA, is unfortunate. Such errors may have been avoided if the technical and supporting evidence submitted by Story Homes at each representation stage had been more fully considered in the assessment of Site 8HS and the Council had worked collaboratively with developers and landowners to fully understand the merits of each site, or ask if any additional evidence is available. The offer of assistance and collaboration in this respect has been consistently forthcoming from Story Homes perspective.

2.19 Instead, a 'mitigation off' approach to assessing the merits and constraints and sites has been followed, especially when considering Green Belt sites. Story Homes are strongly of the view that this 'mitigation off' approach is inappropriate and does not align with government guidance on the carrying out of and consulting on Sustainability Appraisals alongside Local Plan consultation.

'Mitigation off' approach to assessing site sustainability

2.20 The ASA confirms that the assessment of site constraints and merits in the Draft SA does not take into account the mitigation measures that residential development could bring forward to improve sustainability objectives:

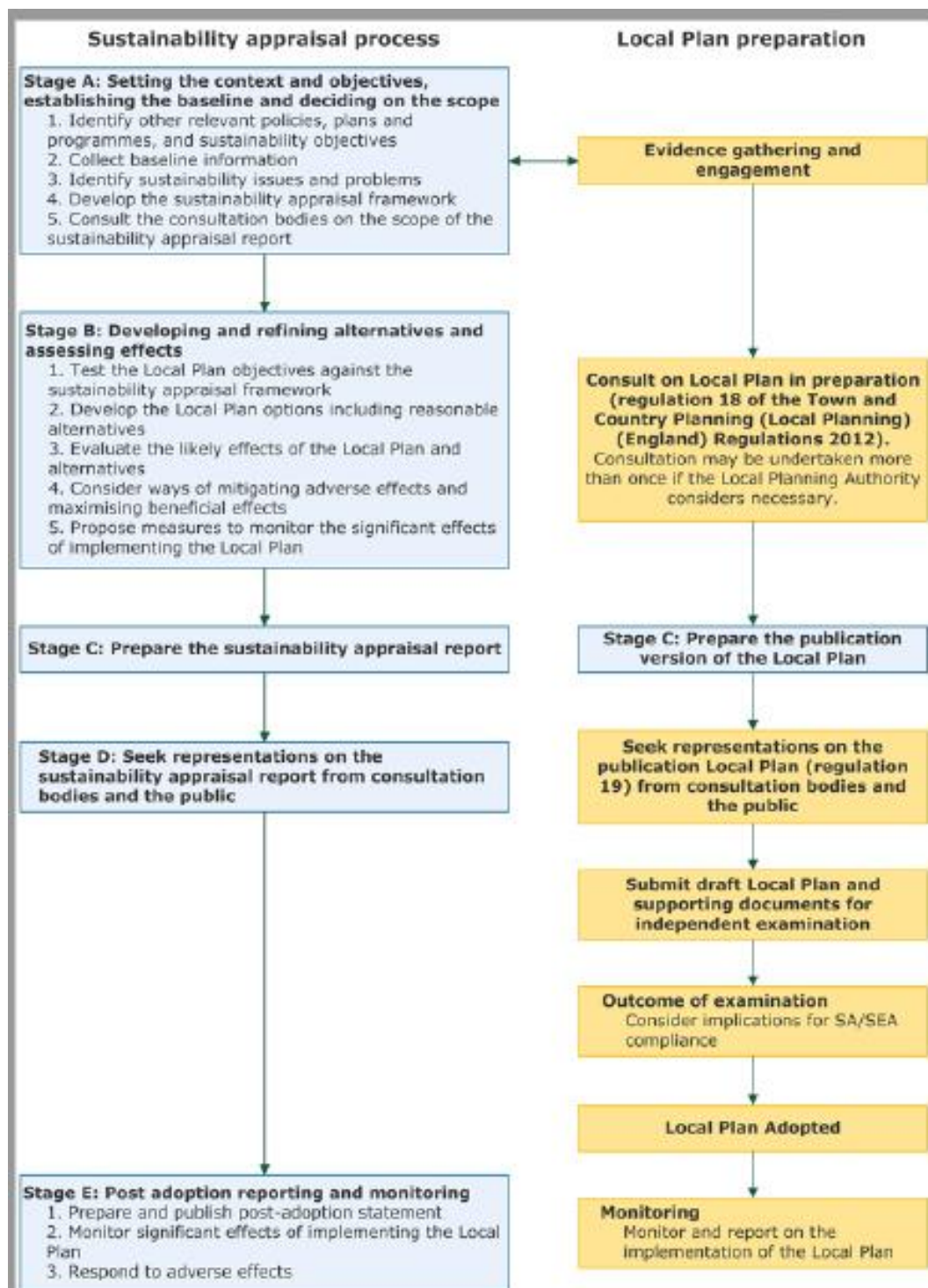
*"The majority of comments [made in representations to the draft Local Plan Submission] relate to the outcomes of the site appraisal process; with alternative scores suggested for specific sites. In the main, the suggested scores have not been accepted.... A 'mitigation-off' approach to the appraisal was taken to ensure consistency in comparison. Likewise, detailed technical studies were not available for each site to confirm whether 'potential negative effects' would occur or not (AECOM, Addendum to the SA, page 4, para 4.2).*

2.21 Story Homes have concerns with this approach and its resultant outcome in influencing which sites have been allocated and which have been safeguarded.

2.22 The National Planning Practice Guidance (PPG) on Sustainability Appraisals sets out that Local Planning Authorities should consider ways of mitigating adverse effects and maximising beneficial effects during the Sustainability Appraisal process (Stage B). There is a specific requirement to seek representations on the sustainability report when the publication Local Plan is consulted on (Stage D).

2.23 PPG Paragraph: 013 Reference ID: 11-013-20140306 sets out these stages in a flow chart, which is reproduced at Figure 2 below:

Figure 5: PPG Flowchart: Sustainability Appraisals process



([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/580027/sea1\\_013.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/580027/sea1_013.pdf), last accessed 26<sup>th</sup> April 2021)

- 2.24 The PPG is clear that *'The sustainability appraisal report should help to integrate different areas of evidence and to demonstrate why the proposals in the plan are the most appropriate'*.
- 2.25 The Draft SA and ASA do not take into account technical evidence submitted by Story Homes through the previous consultation stages of the Local Plan. In the case of the representations submitted by Story Homes, this is professionally prepared evidence, which includes a Preliminary Ecological Appraisal, Noise Assessment, Infrastructure and Delivery Statement, Highways and Access Appraisal, Landscape Appraisal, Agricultural Land Classification, HRA Screening, Wintering Bird Survey, Illustrative Masterplan and a Vision Brochure that pulls together the various outputs.
- 2.26 Together, this weight of evidence demonstrates that with mitigation Site 8HS is a far more sustainable development option than it has been credited for. The reason given for the 'mitigation off' or 'discounting technical evidence' approach, is that it ensures there is a consistency in approach as *'detailed technical studies were not available for each site to confirm whether potential negative effects would occur.'* This is not considered by Story Homes to be a viable reason for ignoring submitted evidence. It is incumbent upon parties submitting representations to Local Plan consultations to provide detailed evidence to support the promotion of individual sites. This helps provide the Council (and ultimately the Inspector) with more certainty that individual sites can be delivered and should other representors choose not to submit such evidence then those sites should be scored through the Sustainability Appraisal process accordingly.
- 2.27 The approach that has been taken is directly contrary to PPG advice and completely defeats the purpose of Local Plan consultations and the collation of evidence, irrespective of the source. Story Homes have duly and properly submitted evidence through representations to the Local Plan process that has subsequently been ignored.
- 2.28 In light of the above, it is clear that the Draft SA and ASA 'scores' in relation to sustainability objectives are not reliable as they have not considered all the evidence submitted through the consultation process and the appropriate corrections should be made. If these corrections are rectified, Site 8HS will score significantly higher than is currently recorded.
- 2.29 The 'mitigation off' SA methodology has concluded that 8HS should as a minimum be removed from the Green Belt and safeguarded for future residential development. Whilst Story Homes welcome the decision



to remove the site from the Green Belt, the SA and ASA should have applied 'mitigation on' methodology where such evidence has been made available, making full use of the technical representations submitted by Story Homes to understand the sustainable nature of the proposed development. If this had been done, in line with government guidance, Site 8HS should have been allocated to meet housing needs over this Plan Period.

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

2.30 Please refer to the responses to Questions 16 and 17

**Issue 4: Habitats Regulation Assessment**

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

2.31 Story Homes' previous representation on the Draft Habitats Regulation Assessment, September 2018 (HRA), referenced a technical study by Ecologists Urban Green who raised concerns about inaccuracy and missing information in that document which affected the purported impact of Site 8HS on designated sites.

2.32 Urban Green raised concerns that the information contained within the HRA is not wholly accurate. The HRA states the Eccleston Vale Site is located 7.8km away from the Mersey Estuary SPA and Ramsar site as the nearest European designated site. However, this does not appear to be an accurate measurement as the Multi Agency Geographic Information for the Countryside (MAGIC) maps shows the distance to be approximately 12.9 km. Furthermore, the HRA suggests the site is within the IRZ of a SSSI for pink-footed geese. However, the name of the SSSI was not provided and an assessment by Urban Green has found the closest SSSI with pink-footed geese as a qualifying feature appears to be Martin Mere SSSI, located approximately 17.8km to the north. Given these inconsistencies, more clarity is needed from the Council on the purported impact on designated sites and whether this concern is justified.

2.33 An addendum to the Habitats Regulation Assessment was published in September 2020. Story Homes would have expected as a bare minimum for the Council to have considered the evidence presented at Submission Draft stage and for the addendum to correct these errors, or clarify the position if their evidence is different than that submitted by Urban Green.

- 2.34 The addendum does not address the concerns raised by Urban Green. The distance of Site 8HS is still stated to be 7.8km away from the Mersey Estuary SPA and Ramsar site as the nearest European designated site and the name of the SSSI which Site 8HS supposedly falls into the IRZ for pink footed geese is still not provided.
- 2.35 In light of the above, it is submitted that the HRA and addendum to the Habitat Regulation Assessment is unreliable and Site 8HS should be allocated to meet housing needs over this Plan Period, although the findings of the HRA is not considered to be a determining factor in this regard.



## Hearing Statement on behalf of Story Homes

Matter 1 – Introduction to the Hearings, Legal Compliance, Procedural requirements and the Duty to Cooperate