

**Hearing Statement – Matter I**

# **St Helens Local Plan**

**On behalf of Parkside Regeneration LLP**

May 2021



## I. Introduction

I.1. This is a Hearing Statement prepared by Spawforths on behalf of Parkside Regeneration LLP in respect of:

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

I.2. Parkside Regeneration LLP has significant land interests in the area and has made representations to earlier stages of the Local Plan process.

I.3. The Inspector's Issues and Questions are included in **bold** for ease of reference. The following responses should be read in conjunction with Parkside Regeneration LLP comments upon the submission version of the St Helens Local Plan, dated January 2019.

I.4. Parkside Regeneration LLP has expressed a desire to attend and participate in Matter 2, 3 and 4 of the Examination in Public.

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

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

<b>Q1</b>	<b>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?</b>
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2.1. Parkside Regeneration LLP has no specific comments on this issue.

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

<b>Q2</b>	<b>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?</b>
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2.2. Parkside Regeneration LLP has no specific comment on this issue.

<b>Q3</b>	<b>What is the current position on Warrington's LP and the SOCG between Warrington and St Helens?</b>
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2.3. Parkside Regeneration LLP has no specific comment on this issue.

**Q4**

**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 (IEA) which is intended to meet Warrington’s needs?**

2.4. Parkside Regeneration LLP consider that the pause in the Warrington Local Plan has no implications for the St Helens Local Plan as at the Omega West Call In inquiry, Warrington confirmed in a Position Statement what the respective Councils have agreed through the Local Plan Duty to Cooperate process that site IEA (31.22 ha) of St Helens Local Plan would count towards meeting Warrington’s employment land needs. A copy of the position statement is provided in appendix I

**Q5**

**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?**

2.5. Parkside Regeneration LLP has no specific comments to make on this issue.

**Q6**

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

2.6. Parkside Regeneration LLP has no specific comments to make on this issue.

**Q7** Is the uplift in the employment requirement to meet sub-regional need for logistics and warehousing supported by sufficient evidence on collaboration and effective joint working between St Helens and other strategic policy making authorities?

2.7. Parkside Regeneration LLP has no specific comments to make on this issue.

**Q8** 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?

2.8. Parkside Regeneration LLP has no specific comments to make on this issue.

**Q9** 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?

2.9. Parkside Regeneration LLP has no specific comments to make on this issue with regards to the wider process of cooperation. However, Parkside Regeneration LLP can confirm that there has been extensive engagement between Parkside Regeneration LLP, St Helens MBC, Warrington Borough Council and Highways England with respect of the proposed development at Parkside West.

- 2.10. Initial scoping discussions were held with officers of SHMBC, WBC and HE in 2015, this was followed by a number of discussions throughout 2016 to agree the scope of the transport assessment to support the Phase 1 Planning Application. In 2017 SHMBC and HE formalised earlier comments by commenting on the Environmental Statement (ES) Scoping.
- 2.11. In 2017 a second meeting with SHMBC, WBC, WC Highways, and HE was held to discuss how the PLR should be considered through the Phase 1 application, and particularly the cumulative impact section of the ES, which included the development of the remainder of allocation 8EA (Phase 2). There was ongoing liaison on technical matters in response to the Planning Application, and preparation of the ES, and ES addendum in 2018 and 2019.
- 2.12. All highway matters were fully resolved with SHMBC, HE and WBC. Parkside Regeneration LLP would reiterate that the assessments that formed the basis of the discussions on the Phase 1 application included Phase 2 of allocation 8EA. Thus, in respect of highway matters the proposed allocation at 8EA has been subject to significant scrutiny and engagement with technical consultees and Duty to Cooperate partners. Parkside Regeneration LLP will address other technical issues in response to Matter 4.

**Q10**

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

- 2.13. Parkside Regeneration LLP has no specific comments to make on this issue beyond that that is directly relevant to allocation 8EA.
- 2.14. There is no evidence to suggest that the level of engagement on technical matters that has been evidenced to date will not continue. Indeed, both the Phase 1 and PLR applications will be expected to contain obligations and planning conditions related to the delivery of the necessary highways infrastructure, enabling the associated traffic and transport impacts of the proposed development to be mitigated. Continuous engagement will be required in order to discharge any of the associated conditions. The same will be true for a subsequent phase 2 application. Parkside Regeneration LLP will address the wider deliverability and phasing of development in respect of Parkside West in response to Matter 4.

**Q11** 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?

- 2.15. Parkside Regeneration LLP has no specific comments to make on this issue. However, Parkside Regeneration LLP would highlight that Parkside West, Site 8EA, has been the subject of detailed traffic and transport analysis, and been subject to significant scrutiny by SHMBC, WBC highways and Highway England, and there has been nothing to suggest that any unacceptable highways impacts would occur.
- 2.16. Parkside Regeneration note that the motorway junction mitigation works required to deliver Parkside phase 1 and the PLR is limited to improvements at the M6 Junction 22 that would be delivered as part of the PLR scheme via planning condition. Subject to support from the Secretary of State the PLR will be delivered within the next few years. Parkside Regeneration LLP will address site specific highways matters arising from the development of proposed allocation 8EA in response to Matter 4.

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

**Q12** Have the likely environmental, social, and economic effects of the Local Plan been adequately assessed in the SA?

- 2.17. Parkside Regeneration LLP will address site specific matters in relation to proposed allocation 8EA in response to Matter 4.

**Q13** Does the SA meet statutory and legal requirements in relation to the assessment of reasonable alternatives?

- 2.18. Parkside Regeneration LLP has no specific comments to make on this issue.

**Q14** In the light of the above is there any evidence to indicate that the SA process did not comply with the relevant regulations?

2.19. Parkside Regeneration LLP has no specific comments to make on this issue.

**Q15** 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?

2.20. Parkside Regeneration LLP has no specific comments to make on this issue.

**Q16** Has the SA informed the site selection process?

2.21. Parkside Regeneration LLP has no comments to make on this issue in respect of the Local Plan as a whole, Parkside Regeneration LLP will address site specific matters in response to Matter 4.

**Q17** Is it clear how the relative merits and constraints of the sites have been assessed?

2.22. Parkside Regeneration LLP has no comments to make on this issue in respect of the Local Plan as a whole, Parkside Regeneration LLP will address site specific matters in response to Matter 4.

**Q18**

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

2.23. Parkside Regeneration LLP has no comments to make on this issue in respect of the Local Plan as a whole, Parkside Regeneration LLP will address site specific matters in response to Matter 4.

**Q19** The SA describes the potential for certain adverse impacts to arise because of some policies and projects in the Plan? Does the Plan include adequate mitigation measures to address these? Specifically, the potential adverse impacts include:

a) Air quality and the Air Quality Management (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; and

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.

2.24. Parkside Regeneration LLP will respond to specific matters relating to the proposed allocation of Parkside West, Site 8EA, in response to Matter 4, however we make some general observations herein.

2.25. The proposed allocation at Parkside West, Site 8EA has been the subject of detailed traffic and transport analysis as part of the Planning Application, and recent 'call-in' inquiry. The site has therefore been subject to significant scrutiny and traffic and transport mitigation has been developed that has satisfied SHMBC Highways, WBC Highways and Highways England. There is no evidence to indicate that unacceptable highways impacts would result.

2.26. The detailed traffic projections arising from Parkside West, Phase 1 and cumulatively with Phase 2 (8EA) and Parkside Link Road have been presented at the respective Call-In Inquiries for the Phase 1 and Parkside Link Road in January 2021. This was presented alongside evidence

on the associated likely effects on local air quality. There is no evidence to indicate that the traffic generated by the development at Parkside West will cause the annual NO<sub>2</sub> air quality objective to be exceeded. Moreover, Parkside Regeneration LLP highlight that the Sustainability Appraisal covers a 15 year period and the changing nature of vehicles and air quality generally has not been set out. Background air quality in St Helens and surrounding boroughs is projected to improve over the next few years, due in part to tighter emissions standards for petrol cars and all types of new diesel vehicles, but also due to the decline in industrial emissions to the increasing share of renewable energy generation. The Governments policy to end the sales of new petrol and diesel cars by 2030 will have an additional effect to incentives electric and hybrid vehicles in advance of that target year.

2.27. Parkside Regeneration LLP recognise that the SA considers air quality matters, however it is conservative in its approach to linking increase in road vehicles, with a direct adverse effect on local air quality. Parkside Regeneration LLP consider that the conclusion that the development proposals will only have a negligible impact on air quality is endorsed.

2.28. In relation to Parkside West, 8EA, and the potential for adverse impacts on the AQMAs in Newton-le-Willows and around the M6 Junction 22, there is no evidence to suggest that there would be a significant adverse effect on local air quality. This will be confirmed in Matter 4.

**Q20 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?**

2.29. Parkside Regeneration LLP has no specific comments to make on this issue.

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

**Q21 Will the mitigation measures proposed within the HRA ensure that there will be no significant effects on the integrity of sites of European importance?**

2.30. Parkside Regeneration LLP has no specific comments to make on this issue.

**Q22**

**How will it be ensured that the Recreation Mitigation Strategy (RMS) is realistic and effective?**

2.31. Parkside Regeneration LLP has no specific comments to make on this issue.

**Q23**

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

2.32. Parkside Regeneration LLP has no specific comments to make on this issue.

**Q24**

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

2.33. Parkside Regeneration LLP has no specific comments to make on this issue.

**Q25**

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

2.34. Parkside Regeneration LLP has no specific comments to make on this issue.

**Q26** Is the Plan sufficiently clear as to the scope, content, and details of the proposed SPD?

2.35. Parkside Regeneration LLP has no specific comments to make on this issue.

**Q27** What level of certainty is there that any proposed mitigation measures could be achieved at applications stage and what form are the mitigation measures likely to take?

2.36. Parkside Regeneration LLP has no specific comments to make on this issue.

**Q28** 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 I 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.  
  
Is such a requirement necessary and justified?

2.37. Parkside Regeneration will respond to site specific matters in connection with the proposed allocation of Parkside West, Site 8EA in response to Matter 4. However, Parkside Regeneration LLP makes some general observations herein. Parkside Regeneration LLP notes that the HRA states that the current nitrogen deposition rate on the Manchester Mosses SAC

exceeds the Critical Load range. Parkside regeneration note that although there is no direct correlation between emissions, background airborne NO<sub>x</sub> concentrations and nitrogen deposition, it is likely that the improvement in road vehicle primary emissions due to an increasing proportion of clean vehicles in the fleet will lead to a reduction in nitrogen deposition.

- 2.38. Parkside West (8EA) to the west of the M6 is over 7km distant from the SAC in question, and the evidence on traffic and air quality presented at the Parkside Inquiry demonstrated that Phase 1 of Parkside West would not impact upon the SAC. Furthermore, the development of Parkside West 8EA cumulatively with Parkside East and PLR developments (committed development and background growth) would not give rise to adverse impacts upon the integrity of the designated site and are deliverable in respect of the HRA requirement.
- 2.39. With specific regard to the Modifications to policy LPC06, proposed in AM067, Parkside Regeneration would welcome additional clarity within the Plan, that confirms that the sustainable mitigation proposal 8 will only be considered for site allocations and future applications which will materially affect traffic flows on the M62 at the SAC location.
- 2.40. The proposed requirement for small individual projects to demonstrate that they alone or in combination with other projects would not have a significant effect could be interpreted widely. Dispersion modelling studies of nitrogen deposition are complex and scenarios which need to consider the relative contribution of a small project in combination with existing motorway traffic and potentially other significant projects are time intensive and expensive. The original proposal introduced screening criteria for consideration of the impact of developments on designated sites and the same principle is set out in relevant technical Guidance published by the Institute of Air Quality Management (IAQM), in its 'guide to the assessment of air quality impact on designated nature conservation sites' (May 2020). Parkside Regeneration LLP suggest by way of additional modification that reference to this professional guidance is used in the Authorities consideration of whether a small development would likely to have a significant effect. The same principle should be applied to larger developments which are distant from a designated site, such as in the case of Parkside West scheme, where any generated road traffic dissipates over a wide network and gives rise to minima change in flows at the sensitive site locations.

**Q29** Is it clear from the wording of the policy what is meant by ‘smaller development proposals’ or ‘sufficient evidence’?

2.41. Parkside Regeneration LLP has no additional comments to make on this issue, please see refer to the response to Q28 for suggested additional clarifications.

**Q30** 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?

2.42. Parkside Regeneration LLP has no additional comments to make on this issue, please refer to the response to Q28 for suggested clarifications.

**Q31** Where relevant are the policies in the Plan consistent with the avoid, mitigate, and compensate hierarchy in paragraph 175 of the Framework?

2.43. Parkside Regeneration LLP has no specific comments to make on this issue.

## Conclusion

### 2.44. Parkside Regeneration LLP support:

- Additional clarification in respect of proposed modification AM067, sustainable travel mitigation proposal 8, to confirm that numerical restrictions on HGV movements or for Euro VI compliance should only be considered for site allocations and future applications which materially affect traffic flows on the M62 at the SAC location.
- Additional clarification by way of modification to policy LPC06 as amended (AM067) to ensure that the requirements are not unduly onerous. Parkside Regeneration LLP would encourage reference to the Institute of Air Quality Managements 'Guide to the assessment of air quality impacts on designated nature conservation sites', May 2020. To support the consideration of whether a small development would have a significant effect on a designated site. Parkside Regeneration LLP would support additional wording by way of modification to clarify that similar principle will be applied to larger developments that are distant from a designated site.

## **Appendix I: Warrington Borough Council: Position Statement**

## **Warrington Borough Council**

### **Position Statement**

**APPEAL REF: APP/H4315/V/20/3265899**

**Omega Zone 8, West of Omega South and South of the M62, St Helens,  
Merseyside WA8 3TR**

Warrington Borough Council's Development Management Committee (DMC) in August 2020 agreed Warrington's response to the planning application P/2020/0061/HYBR.

In October 2020 Warrington Borough Council subsequently paused work on its Local Plan in response to the impact of COVID-19, along with the Government's proposed planning reforms and new housing calculation methodology. This has resulted in a delay submitting the Local Plan to the Secretary of State for Independent examination.

The delay gives the council time to reflect and be confident that the Local Plan submitted for examination is the right one for Warrington, given the events of last year and the effects they are likely to have for years to come.

In light of the changes, it is anticipated that the council will now be in a position to progress with the Local Plan in the summer of 2021.

The respective Councils have agreed through the Local Plan Duty to Cooperate process that site 1EA (Omega South Western Extension, Land North of Finches Lane, totalling 31.22 ha) of St. Helens Borough Local Plan 2020-2035 Submission Version would count towards meeting Warrington's employment land needs.

Given the location of the Omega site, Warrington Borough Council will need to give further consideration to the additional proposed floorspace subject to this appeal at Omega Zone 8 through its Local Plan process and the duty to cooperate.