



**Response to
Matters, Issues and Questions
May 2021**

**Session 4 – 09.30 Tuesday 8 June 2021
Matter 4**

Evidence Base

ERCA Response to Submission Draft, May 2019

SD020 – Green Belt Review 2018

GRE001 - St Helens Local Plan Draft Green Belt Review 2016

SD0054 – St Helens Local Plan Sustainability Appraisal Addendum Report 2020

SHBC005 – Council response to Inspector’s preliminary questions

Insp007- Inspectors Matters, Issues and Questions

SHBC001 Response to Inspectors’ Preliminary Questions

Background

Since our previous response (May 2019), ECRA continues to provide evidence to the Council supporting lower housing targets and prioritised use of Brownfield/Contaminated land.

ECRA supports development, employment and housing growth where the need is identified, justified and sustainable. However, we strongly oppose unnecessary development on Green Belt. We fully support the view, in line with policies in the NPPF, that Green Belt is essential to quality of life and the health and wellbeing of the community. As residents, we have researched, analysed and scrutinised the NPPF and believe we have a good understanding of the process, policies and documents.

In our opinion, there are no exceptional circumstances requiring the removal of 8HS from Green Belt.

This is our written response to Matter 4 for discussion on Tuesday 8th June 2021. In addition, Kirkwells will represent us on all matters.

3. *Does the Green Belt assessment support the safeguarded land(8HS) and demonstrate exceptional circumstances for the removal of the land from the Green Belt?*

In ECRA’s opinion, it does not, as seen in our further comments Table 1.

In the Green Belt Review 2018 St Helens Council gave the following reasons for “not” allocating 8HS as they state that “A number of constraints ...would have a significant impact on the NDA and the deliverability of development within it.”

Table 1

Green Belt Review 2018 states:	ECRA further comments
It constitutes a substantial greenfield site which provides high quality agricultural land.	Described in the GB review (2b) as “excellent” agricultural land; safeguarding will deplete the reserves of BMV Agricultural land. The NPPF states that “using areas of poorer quality land should be preferred to those of a high quality”. Brownfield First should be both policy and practise.
Its development would form a sizeable outward extension of the urban area into the countryside.	The Green Belt Review (2b) states: “Creating access to this parcel would not lead to amenity issues for the wider area.” This is blatantly untrue. A definition of “amenity” is “the pleasantness or attractiveness of a place”. Access will impact on the attractiveness enjoyed from all site aspects.
Significant improvements to highways infrastructure would also be required.	Northern Boundary roads exit onto a ‘B’ road with unfixable traffic problems intensified by dense housing on narrow roads. 1000 new houses will exacerbate this local congestion.
Access is likely to be primarily from Houghtons Lane, which is currently a narrow country lane. Significant improvements would also be likely to be needed to public transport.	Exits onto the A580 could impact on the recent £7M scheme to increase traffic flow. Local public transport is infrequent. Development would encourage car usage without alternatives. Using “is likely” is subjective and questionable.
The parcel is likely to provide functionally linked habitat for bird species	The HRA identified use by qualifying bird species. How can this possibly be mitigated?
Given the scale of the parcel it is possible that a new primary school will be required.	The developer’s “Illustrative Masterplan” now includes a primary school. This will negatively impact the NDA and, with other identified mitigations, could reduce capacity to below 500.

A buffer of approximately 20m would be required to protect Windle Brook.	Is a buffer of 20m adequate? The inclusion of a buffer would suggest protection of ecology as well as flood risk. This does not accord with current/ historical local knowledge and experience of the Windle Brook area. See later detail (SA Appraisal) for 2020/21 flooding incidents.
Two UU pipelines run through the site. Their size and location is likely to limit the residential capacity of the parcel.	Additional to two major water (UU) aqueducts, there is a Cadent natural gas pipeline. It is not clear to ECRA that Cadent or UU has been consulted on “wayleave” or potential management. “Careful planning” appears to be the mitigation for this limiting factor. Does this not further impact the site viability?
A significant buffer (with a minimum width of 40m) would be needed.... To mitigate the impacts of noise and air pollution.	Currently no local measuring devices assess the noise/air pollution impact. Could a buffer offer mitigation? What is considered significant in terms of a buffer? This will, once again, reduce the site viability. 8HS is a natural boundary to the urban development and helps to act as a buffer against this possible air pollution. Building here will be detrimental to residents.

St Helens Council concluded that the Green Belt Assessment does not support allocating 8HS for development yet have taken the decision to “safeguard” it for development.

This is a contradiction.

ECRA firmly believes that there are no exceptional circumstances to remove 8HS from the Green Belt nor to safeguard it for future development.

8HS should remain in the Green Belt.

INSP007, Q44 asks if safeguarding was justified given the considerations in the Green Belt Review. In response a “mitigation strategy” was offered. This contained only a brief note on upgrading Houghtons Lane which was considered a benefit and ignored all the other issues. Residents currently benefit from the fact that Houghtons Lane is a narrow country lane as it reduces the prospect of it being used as a rat run by HGVs. This was evidenced during the Windle Island improvement project and the existing poor condition of Houghtons Lane results from this extra traffic. Promises to ‘make diversion roads good’ are still outstanding and subject to a resident petition regarding collateral damage. (April 2021)

The Mitigation Strategy is weak and there is no confidence to believe it will be fulfilled.

Sustainability Appraisal

In 2019 Consultation respondents argued that the Green Belt Review (2016) and the Sustainability Appraisal (2019) were subjective, inconsistent and misleading.

The SA Addendum (2020) acknowledges errors in the initial assessment indicating questionable insight, interpretation and scoring. The outcome, although including modifications, still portrays a subjective bias, making the methodology and results doubtful. See Table 2.

In this respect, ECRA would like to highlight the repeated reference to “planning judgement” which is used alongside “mitigation” for many valid objections raised by residents. In essence, the objections have not been dealt with and will be left to the integrity of the planning system.

Table 2

Comments from Local Plan responders (precis)	Response to comments from Local Plan responders in SA Addendum (2020)	ECRA further comments
Of the four options in Table 6.2, 8HA is the only one still being brought forward for future development with 4 “red” labels	It is not the role of the SA to suggest what sites should be allocated and which should not. The SA provides a consistent and objective comparison of the relative merits and constraints of sites. This contributes to the decision making process but is not the only factor. Therefore, sites that appear to perform ‘the worst’ are not necessarily always unsuitable for allocation. This is a planning judgement that the Council has to make.	The reports, particularly the methodology, are inconsistent and subjective. Where comments are not clearly rebutted the excuse is made that a future “planning judgement” is required. The SA should contribute significantly to a transparent decision-making process. How can sites which appear to be “the worst” be suitable for allocation?
There are numerous discarded sites with only one or two negative indicators whilst sites with greater negativity have been Allocated or Safeguarded.	It is not the role of the SA to suggest what sites should be allocated and which should not. The SA provides a consistent and objective comparison of the relative merits and constraints of sites. This contributes to the decision making process but is not the only factor. Therefore, sites that appear to	As the purpose of the SA is to inform the Local Plan process then judgement should be based on a consistently applied methodology. ECRA would like to know what the other factors are. If these are not

<p>SA6 is marked as potentially negative effects which could be mitigated. This cannot be marked as amber given the unknown conditions and the long history of flooding in the area.</p>	<p>perform 'the worst' are not necessarily always unsuitable for allocation.</p> <p>This is a planning judgement that the Council has to make. With regards to 8HS, the findings are based upon agreed criteria from scoping. These are applied consistently and are indicative high level findings. No changes are considered necessary.</p>	<p>defined the process remains questionable and open to bias.</p> <p>Flooding concerns are not addressed. Winter rain in 2020/2021 caused Windle Brook to flood gardens nearby. ECRA has compiled a property list (some which are 500m away) that have been refused insurance based on flood risk. SA6 should be marked red.</p> <p>We assume that high level findings are based on desk top research, whereas residents experience is very different. Mitigation does not resolve current flooding so it is doubtful it will handle the impact of a further 1000 houses.</p>
<p>1. Appendix A of the SA AECOM ID:75 indicates that development of the land (8HS) is unlikely to have significant impacts upon SA3 (Air-Quality). Clearly the development of 8HS will generate more traffic requiring a new roundabout from the A580, This will lead to stationary traffic with idling engines.</p>	<p>1. The classification / scoring is based upon set thresholds and criteria in the site appraisal framework. This gives an indication of whether significant effects would occur or not but is not a final prediction. The effects are dependent upon the details of a development itself. Generating traffic does not in itself mean that significant effects on air quality (particularly in the AQMA, which is a focus of this criterion) would occur.</p>	<p>Residents have questioned the LA on air-quality measurements. Air monitor placement has not been reviewed since 2009. A Windle resident still awaits Council responses to: How was the decision where to place the monitors made in 2009? Has this been updated in the last 12 years? Do you think Windle Island should be monitored for particulates and/or nitrous dioxide as it is an exceptionally busy junction (29.03.21).</p>

<p>2. SA6 regarding Flood risk indicates that development of AECOM ID:75 (8HS) is likely to have a negative impact however goes on to state that such an impact can be mitigated.</p>	<p>2. The appraisal outcome is based upon the agreed thresholds in the appraisal framework. For those sites where only part is at risk of flooding, it is considered that potential negative effects are avoidable / can be mitigated. Again, this depends upon scheme details, but at this high level, a site that is not entirely at risk of flooding is justified as an amber score rather than red.</p>	<p>See comments above on flood risk.</p>
<p>3. The medical centre is located much further away at 1km from the site and is planning on relocating to 1.5km away.</p>	<p>3. Measurement was based upon distance at the time of assessment for consistency. Was not aware of relocation plans.</p>	<p>3. The Surgery opened on 03.04.19 so surely this fact requires review, regardless of consistency? The furthest point of the site is 2.3km from the Medical Centre.</p>
<p>4. SA13 (Improving Education) indicates that there would be neutral impact on 8HS however the local catholic secondary school (some 550m away) is already at capacity. The impact of 8HS on SA13 should be negative.</p>	<p>4. SA13 does not take account of capacity factors. This is a recognised weakness in the criterion. In terms of distance though, the findings are correct and therefore the score remains the same.</p>	<p>4. A recognition that the process is weak. Capacity is not recognised as a criteria yet extra traffic and pollution should be considered to correlate to sustainability. The score should be red.</p>
<p>5. SA14 (Improving Employment Opportunities) considers that agricultural jobs</p>	<p>5. Catchdale Moss is categorised as a 'key employment area'. The criteria measures distance to the nearest opportunities and is scored</p>	<p>5. What is the information source for the label "key employment area"? The 2011 Census states</p>

<p>are unrealistic given that the development of 8HS for new homes will remove farming jobs. The nearest employment prospects are over 6km away with no connecting public transport.</p> <p>6. SA19 (reducing the need to travel) indicates the development will have a positive effect given its location 85m of a local bus stop. This is a low frequency service and much of 8HS will lie 1km from the bus stop.</p> <p>7. SA20 (access to Local centres) indicates that 8HS benefits from a convenience store within 45m. Objector states the shop, on the northern side of the A580, is not accessible. The development cannot score more than amber.</p>	<p>accordingly. This does not mean that all new homes here would be served by such opportunities. There are other key employment areas within 5km of the site also, so a neutral score is appropriate.</p> <p>6. The score is based upon agreed criteria and is correct. Agree that larger sites will have varying degrees of accessibility though.</p> <p>7. Agree that the score does not reflect real physical/safety barrier. A negative score should be recorded rather than a positive for SA20.</p>	<p>only 5 residents in Catchdale Moss are employed in “agriculture”.</p> <p>The nearest employment prospects remain over 6km with no connecting transport.</p> <p>6. ECRA is unsure what this comment means.</p> <p>7. Changing this to red highlights the inconvenient nature of a convenience store meeting the criteria for ‘a local centre’.</p>
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4. *If exceptional circumstances have been demonstrated have these been clearly articulated in the Plan?*

No, the criteria have been shown to be subjective, inconsistent and misleading.

5. *Is the configuration and scale of the safeguarded land justified taking into account long-term development needs and the Green Belt assessments?*

No, the need for safeguarding 8HS, after the plan period, has not been justified, in part or in total, in the context of long-term development needs.

6. *Should 8HS be allocated rather than safeguarded so that it can contribute to meeting needs in the Plan period?*

No – if 8HS is clearly not required for 15 years, then it should remain in Green Belt. Housing need can be met easily from other sources in the Plan period.

7. *Are the requirements for the Site 8HS within Appendix 7 (SiteProfiles) necessary, positively prepared and effective?*

Necessary? No, because:

They are not commensurate with Section 13 NPPF 2018, Protecting Green Belt Land.

Exceptional circumstances do not exist.

Paragraph 136 and 137 have not been unequivocally evidenced. Release of Green Belt land comes before the Council has facilitated a strategy which “makes as much use as possible of suitable brownfield sites... .” The Council’s Contaminated Land Strategy (CLS) fails to support the fifth purpose of Green Belt: **‘to assist in urban regeneration by encouraging the recycling of derelict and other urban land.’** The CLS languishes; stagnant between 2017 –21, with no additional sites added, revealing a process failure. According to Appendix 111, page 80, (<https://www.sthelens.gov.uk/media/5595/contaminated-land-inspection-strategy-review-2017.pdf>) a rolling programme commenced in 2009 with Annual Review. However, CLS point 4.3, (p.39), Measuring Progress with Table 1 (p.8), illustrates nil assessment. Contaminated land is in limbo; not being remediated thus incapable of release for meaningful use.

An effective CLS would translate to Green Belt parcels being eliminated from safeguarding. Otherwise, Green Belt will be rendered as ‘Go-to safeguarding fodder’; the cycle will self-perpetuate bringing greater environmental imbalance. For 8HS the LPSD approach to safeguarding (with ‘reservation for housing’) is effectively an allocation.

Positively Prepared? – No, due to inconsistencies in the methodologies and objectivity applied.

Example: Sustainability Appraisal (Addendum), September 2020:

There are data handling discrepancies as outlined above. The authors have failed to make necessary and fair adjustments when notified by responders. This is detrimental to the 8HS ‘scoring’.

Effective? – No, due to inconsistencies in the methodologies and objectivity applied.

Example: Green Belt Review, Stage 2B Pro-formas

These pro-formas were withheld from the consultation process and absent from the Green Belt Review (a template was given at Appendix F). Yet, the Council's response to PI's Preliminary Question, Evidence Base, PQ3 was:

"The conclusions of the Green Belt Review Stage 2B pro-formas were previously set out in the 2018 Green Belt Review (SD020 , tables 5.2 and 5.4). However, the full assessments were not published as part of the Green Belt Review, **to ensure that the document was kept to a reasonable size.** A small number of representations made to the LPSD commented that it would have been desirable to view the Stage 2B pro-formas. In response to the comments received from representors, SD021 contains all of the Stage 2B pro-formas, **and should be read in conjunction with the main Green Belt Review document (SD020)**".

The integrity of the 2B process is questionable - documents previously withheld are deemed significant when read in conjunction with the original document.

8. *Are the indicative site areas, appropriate uses, net developable areas, minimum densities and indicative site capacities within Tables 4.1, 4.5 and 4.8 justified and effective?*

Safeguarded land should not be allocated for a given purpose. This is tantamount to allocating 8HS as the site is safeguarded for housing.

10. *Will infrastructure to support the allocations be delivered at the right time and in the right place?*

The infrastructure plan is weak and mainly comprises of mitigations and actions to be taken at the planning stage. By their nature, these decisions are left to the integrity of the system and are not commitments for implementation.

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