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**ST HELENS**  
BOROUGH COUNCIL

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

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

**Matter 8 – Minerals Policies  
Matter 9 – Generic Policies**

**SESSION 10 – 9:30 FRIDAY 18 JUNE 2021**

**May 2021**

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## **Matter 8: Minerals Policies**

(Policies covered: LPC14, LPC15, LPA11, LPD10, LPC06, LPC07, LPC08, LPC09, LPC10, LPC11, LPC12, LPC13 (other than Section 4), LPD01, LPD02, LPD04, LPD05, LPD06, LPD07, LPD08, LPD09)

### **Issue 1: Minerals and Waste Policies**

*1. Is Policy LPC14 positively prepared and consistent with the Framework?*

Section 17 of the NPPF refers to Facilitating the sustainable use of minerals.

The Council is satisfied that with the modification proposed (MM036 in SHBC010 refers) Policy LPC14 now aligns with paragraph 204 in the NPPF. Policy LPC14 is therefore considered to be positively prepared and is consistent with the National Planning Policy Framework.

*2. Is Policy LPC15 positively prepared and consistent with the Framework and the Merseyside and Halton Waste Plan?*

The Council is satisfied that Policy LPC15 is consistent with the National Policy for Waste (2014) and the Merseyside and Halton Waste Plan. The Council has closely worked with other local authorities in the preparation of the Joint Waste Plan to identify sites and mechanism for waste management in the Borough and that work has fed into the development of the Policy. The 5-year review of the Joint Waste Plan is due, and this is currently under discussion with the Chief Planning Officer's group. The Council is committed to working collaboratively with other Authorities on the review.

## **Matter 9: Generic Policies**

### **Issue 2: Health and Wellbeing**

*3. Are Policies LPA11 and LPD10 positively prepared, justified and consistent with national policy?*

Both policies LPA11 and LPD10 are justified and positively prepared in accordance with Paragraphs 91 and 92 of the National Planning Policy Framework. Policy LPA11 seeks to guide the location of food and drink uses that may have negative health impacts dependent on their local area. In addition, the exclusion zones highlighted within Policy LPD10 is consistent with the Hot Food Takeaway SPD and wider national Policy.

4. *Taking into account the creation of Class E, are the modifications proposed by the Council to Policy LPD10 sound?*

Yes, the creation of Class E creates greater flexibility for Town Centre Uses. However certain uses such as Hot Food Takeaways are now classed as Sui Generis and therefore still require an application for Planning permission. The modifications proposed to the policy are considered sound to meet the requirements of the new Use Class and increased flexibility that this gives.

### **Issue 3: Environment and Resources Policies**

5. *Having regard to the proposed modifications, are Policies LPC06, LPC07, LPC08, LPC09, LPC10, LPC11, LPC12 and LPC13 positively prepared, clear to the decision maker and consistent with national policy?*

Yes, the main modifications in relation to these policies in SHBC010 have been suggested to ensure the Policies are positively prepared, consistent with national policy and clear. It is considered they achieved this.

6. *Whilst the achievement of net gains for biodiversity and enhancement of the natural environment is desirable, will a simple 2 for 1 replacement of any trees lost within Section 6 of Policy LPC10 be necessarily the most appropriate way of achieving gains and is it justified by any evidence (see Council's response to preliminary questions)?*

In the response to question 10 in SHBC002 the Council has outlined its approach in relation to a 2 for 1 tree placement ratio and its associated impact on biodiversity net gain achievements.

In summary, the Council considers that a 2 for 1 tree replacement ratio, is one specific method that will work in-conjunction with a variety of other methods to enable the achievement of biodiversity net gains. Importantly, it should be recognised that the inclusion of a tree replacement ratio is not solely a means of ensuring biodiversity net gains. Increasing tree coverage is of national, regional and local importance. At a local level, an increase in tree coverage throughout the Borough will facilitate other environmental and social objectives included with the NPPF to be achieved such as mitigating and adapting to climate change and improving and supporting the health and wellbeing of communities.

Therefore, the 2 for 1 tree replacement ratio is aligned with the requirement in the NPPF to contribute to and enhance the natural and local environment and therefore Policy LPC10, section 6 is a robust and sound approach.

#### **Issue 4: Development Management Policies**

7. *Having regard to the proposed modifications, are Policies LPD01, LPD02, LPD04, LPD05, LPD06, LPD07, LPD08 and LPD09 positively prepared, clear to the decision maker and consistent with national policy?*

Yes, the main modifications in relation to these policies in SHBC010 have been suggested to ensure the Policies are positively prepared, consistent with national policy and clear. It is considered they achieved this.

8. *Are the requirements for developments to make provision for digital communication networks and make contributions to off-site broadband infrastructure within Policy LPD07 justified and consistent with national policy having regard to paragraph 112 of the Framework and the scope of the Building Regulations?*

As set out in the reasoned justification to the Policy, one of the main priorities of the Liverpool City Region Combined Authority is to improve digital infrastructure within the Liverpool City Region, in acknowledgement of the many benefits this brings.

Policy LPD07 seeks to reflect paragraph 112 of the NPPF as it seeks to support the expansion of electronic communication networks. Notwithstanding this, it is acknowledged that Building Regulations require in-building physical infrastructure capable of delivering broadband speeds greater than 30Mbps to be installed. In this sense, the Policy need not repeat this requirement.

With respect to contributions being sought towards the cost of providing necessary off-site fast broadband infrastructure, the Council is willing to review this part of the Policy.