



Barratt Homes (RO1944)

ST HELENS LOCAL PLAN EXAMINATION

Matter 9 – Generic Policies





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INTRODUCTION



1 INTRODUCTION

- 1.1.1. This Hearing Statement is submitted on behalf of Barratt Homes (“Barratt”) (Respondent ID: RO1944) in respect of the St.Helens Borough Local Plan 2020-2035 (“the Plan”) Examination.
- 1.1.2. It has been prepared by WSP in relation to Matter 9 (Generic Policies), specifically in relation to:
- Issue 2 (Health and Wellbeing) – Question 3;
 - Issue 3 (Environment and Resources Policies) – Questions 5 and 6; and
 - Issue 4 (Development Management Policies) – Questions 7 and 8.
- 1.1.3. As you will be aware, Barratt controls the site at Florida Farm South in Haydock, which is proposed to be allocated for residential development by Policy LPA05 (ref: 2HA)

SUMMARY

- 1.1.4. In summary, our answers to the Inspectors’ Matters, Issues and Questions (“MIQs”) conclude that:
- Question 3 – Section 1 of Policy LPA11 (‘affordable warmth’) is not positively prepared, justified or consistent with national policy;
 - Question 5 – the proposed modifications to Policy LPC12 are effective, but the modifications to Policies LPC06, LPC10 and LPC13 are not positively prepared, clear to the decision maker or consistent with national policy;
 - Question 6 – Section 6 of Policy LPC10 is not justified;
 - Question 7 – the proposed modifications to Policies LPD01, LPD02 and LPD07 are not positively prepared, clear to the decision maker or consistent with national policy;
 - Question 8 – Policy LPD07’s requirements to make contributions to off-site broadband infrastructure are not justified or consistent with national policy.
- 1.1.5. To aid the Inspectors, we have cross-referenced our answers to the ‘tests of soundness’ and have suggested modifications to make the Plan ‘sound’.
- 1.1.6. We look forward to elaborating further on our Statement and representations with the Inspectors at the hearing session on Friday 18 June 2021.

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QUESTIONS



2 QUESTIONS

2.1 ISSUE 2: HEALTH AND WELLBEING

QUESTION 3

Q3. Are Policies LPA11 and LPD10 positively prepared, justified and consistent with national policy?

- 2.1.1. In our view, whilst Policy LPA11 is **positively prepared**, it is **not justified, effective or consistent with national policy**.
- 2.1.2. In the most part, Barratt is supportive of the Policy's aspirations to encourage healthy and active lifestyles and reduce health inequalities, which broadly accords with paragraphs 91 and 92 of the National Planning Policy Framework ("NPPF"). Barratt acknowledges the need for its own developments to make a positive impact in this regard, but does have concerns regarding the requirement for developer contributions towards infrastructure 'to serve the needs of the wider area' in Policy LPA08 (see our Matter 10 statement).
- 2.1.3. We support Section 1, although we have requested that the Plan's housing requirement and supply is increased to help better achieve improved access to a choice of homes and jobs that meet the needs of the area (see our Matter 2 and 5 statements).
- 2.1.4. Our concern relates to Section 6, which "*encourage measures to achieve affordable warmth*".
- 2.1.5. There is no explanation within the Plan or its evidence base to define what is meant by 'affordable warm' or how developers might achieve it. Equally there is no justification that its impact upon the viability of new development has been assessed and found not to undermine deliverability of the Plan, in accordance with paragraph 34 of the NPPF.
- 2.1.6. In addition, as raised by the Inspectors, it is also unclear what is meant by 'planning processes' in context of the overall application of the Policy in practice. The Council's response [SHBC002] is insufficient in this regard. The Local Plan is a planning document to guide new development and should not be used as a vision statement of the Council's wider corporate strategies.
- 2.1.7. Barratt therefore requests that reference to 'processes' is removed from the Policy and that Section 6 is deleted. Barratt considers that these amendments could be dealt with through a Main Modification ("MM").
- 2.1.8. Barratt confirms that it has no comments regarding Policy LPD10.

2.2 ISSUE 3: ENVIRONMENT AND RESOURCES POLICIES

QUESTION 5

Q5. 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?

- 2.2.1. Whilst we support the proposed modification to LPC12, in our view, Policies LPC06, LPC10 and LPC13 are **not positively prepared, effective or consistent with national policy**.

Policy LPC06: Biodiversity and Geological Conservation

- 2.2.2. Barratt is concerned that MM001 [SHBC010] proposes to introduce a further criterion (Section 7) which explains that implementation of the Policy will be set out in the proposed Nature Conservation Supplementary Planning Document (“SPD”), which is currently in draft form [SD019].
- 2.2.3. To our knowledge, this Draft SPD has not been subject to any public consultation and Barratt has not had the opportunity to make comments on the SPD or its supporting evidence base. Its inclusion as a submission document [SD019] should not be mistaken for an endorsement of its justification or soundness.
- 2.2.4. Paragraph 4.25 of the SPD requires applicants to “achieve at least 10% biodiversity net gain as part of their development proposals”.
- 2.2.5. However, the emerging Environment Bill is still progressing through parliament and has not gained Royal Assent or been enacted. It will also require secondary legislation before coming into effect. At this stage, it is not a legal requirement and therefore the obligation falls onto St.Helens Council to fully justify its proposed inclusion as a local policy (which it has not done). There is no evidence before this Examination which justifies a 10% biodiversity net gain requirement.
- 2.2.6. Paragraph 008 (Reference ID: 61-008-20190315) of the ‘Plan-making’ section of Planning Practice Guidance (“PPG”) reminds us that:
- “As [SPDs] do not form part of the development plan, they cannot introduce new planning policies into the development plan... They should not add unnecessarily to the financial burdens on development.”*
- 2.2.7. Therefore, Barratt strongly resists any attempt to introduce new policies through the ‘back door’ without any evidence and requests that MM001 be rejected.

Policy LPC10: Trees and Woodland

- 2.2.8. Please see our response to Question 6.
- 2.2.9. In summary, MM042 does not address Barratt’s concern regarding the requirement to replace the loss of existing trees on ‘2 for 1’ ratio.

Policy LPC12: Flood Risk and Water Management

- 2.2.10. Barratt is supportive of MM044 [SHBC010], which proposes to signpost the NPPF (rather than repeat national policy and guidance). Given that Government policy evolves and changes frequently, this change will help ensure that the Plan is effective over its lifespan.

Policy LPC13: Renewable and Low Carbon Energy Development

- 2.2.11. Please refer to our Matter 7 statement (in response to Questions 10 and 11).
- 2.2.12. In summary, MM045 does not address Barratt’s concern regarding the requirement for strategic housing sites to provide at least 10% of their energy needs from renewable/low carbon sources.

QUESTION 6

Q6. 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)?

- 2.2.13. In our view, Section 6 of Policy LPC10 is **not justified**.
- 2.2.14. Whilst Barratt does not disagree that new tree planting can have positive effects on biodiversity, there is no evidence to demonstrate that the requirement to replace the loss of existing trees on a simple '2 for 1' ratio is appropriate.
- 2.2.15. The Council itself acknowledges that *"the achievement of biodiversity net gains encompasses a variety of methods"* [SHBC002]. However, it has neither produced any evidence to demonstrate that replacing existing trees on a '2 for 1' ratio is the most appropriate course of action, nor has it assessed the impacts on the viability of development, as per paragraph 34 of the NPPF.
- 2.2.16. In addition, we are concerned that the phrase *"normally be required"* does not explicitly recognise that there may be other circumstances where '2 for 1' replacement tree planting is not appropriate, such as for viability reasons or taking account of site-specific and locational factors etc.
- 2.2.17. Therefore, we request that MM042 be extended to remove the '2 for 1' ratio from the Policy.

2.3 ISSUE 4: DEVELOPMENT MANAGEMENT POLICIES

QUESTION 7

Q7. 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?

- 2.3.1. In our view, the proposed modifications to Policies LPD01, LPD02, and LPD07 are **not positively prepared, effective or consistent with national policy**.

Policy LPD01: Ensuring Quality Development

- 2.3.2. Whilst Barratt generally supports this Policy and strives to build high-quality homes across all its sites, it is concerned that there are still onerous restrictions that have not been addressed by MM046.

Section 1 part (h)

- 2.3.3. Barratt supports the proposed amendment (MM046) to Section 1 part (h) to 'encourage', rather than 'Include or contribute' to, public art, particularly given that the Council has acknowledged [SHBC010] that its effect on viability has not been assessed [VIA001].

Section 3 part (c)

- 2.3.4. Barratt opposes Section 3 part (c) which repeats the requirements of Policy LPC13, in terms of energy efficiency and low carbon and renewable energy. This is unnecessary and should be removed.

- 2.3.5. In any event, and as we set out in our Matter 7 statement (in response to Questions 10 and 11), we object to the approach of Policy LPC13 and have requested that the Council rely upon Building Regulations to achieve this aspiration instead.

Section 3 part (d)

- 2.3.6. Barratt opposes Section 3 part (d) which seeks to *"Avoid loss of or damage to high quality agricultural land and/or soils (except where clearly justified by wider public benefits) and minimise*

such loss or damage where this is shown to be unavoidable". This is in conflict with other parts of the Plan.

- 2.3.7. For example, most sites that are proposed to be released from the Green Belt and allocated or safeguarded for housing and employment are currently in agricultural use. In concluding that these sites should be allocated or safeguarded, the Council has already made an assessment through its Green Belt Reviews [GRE001, SD020, SD021] and Sustainability Appraisals [LPI012, SD005] that the loss or damage is justified by wider public benefits and is unavoidable.
- 2.3.8. Therefore, to request this assessment to be undertaken again at the planning application stage is unnecessary and further increases the burden on developers of allocated sites (such as Site 2HA).
- 2.3.9. Barratt therefore requests that MM046 is amended accordingly.

Policy LPD02: Design and Layout of New Housing

- 2.3.10. Again, whilst Barratt strives to build high-quality homes across all its sites, it is concerned that despite the proposed amendments (MM047), there is still duplication with other policies of the Plan.
- 2.3.11. We are principally concerned with the duplication with Policy LPD01. However, the Policy also repeats Policies LPA07, LPA09, LPC01 and LPC11, and as proposed by MM047, additionally Policies LPC06, LPC08, LPC09 and LCP10.
- 2.3.12. Given that the Plan should be read as a whole, this duplication is unnecessary.
- 2.3.13. In our view, it would be more effective to apply generic development criteria within a single policy for all new development for clarity. If any elaboration to such a policy is required (noting our caveats in response to Question 5), it could be contained within an update to the existing New Residential Development SPD within the Plan period.

Policy LPD07: Digital Communications

- 2.3.14. Please see our response to Question 8.
- 2.3.15. In summary, Barratt is concerned that MM055 only proposes to amend the Monitoring Framework and not the Policy itself.

QUESTION 8

Q8. 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?

- 2.3.16. In our view, Policy LPD07's requirements for developments to make contributions to off-site broadband infrastructure are **not justified, effective or consistent with national policy**.
- 2.3.17. Barratt agrees that it is important to provide high quality digital infrastructure. As paragraph 112 of the NPPF recognises, it is essential for economic growth and social well-being, as emphasised through the pandemic.
- 2.3.18. Barratt already facilitates the expansion of on-site digital infrastructure as part of the process of developing sites. This is borne within the costs of development and is secured through existing Building Regulations (Part R).

- 2.3.19. However, Barratt is alarmed with the statement in Policy LPD07 that *“contributions may also be sought from developers towards the cost of providing necessary off-site fast broadband infrastructure to serve the area”*.
- 2.3.20. In our view, it is not justified to seek additional local technical standards over and above the requirements of Building Regulations. The introduction of this Policy could create serious viability issues, which have not been assessed and could undermine the deliverability of sites.
- 2.3.21. Paragraph 5.41 of the Economic Viability Assessment (December 2018) [VIA001] explains that it only allowed for *“provision for suitable ducting for cable and broadband in accordance with the requirements of policy LPD07 Digital Communications”* in the construction costs adopted for both the generic and site-specific viability assessments.
- 2.3.22. Notably, VIA001 has only allowed for the provision of ducting to facilitate the provision of digital infrastructure, rather than providing the actual infrastructure itself. Nowhere within VIA001 has an assessment of the costs of providing off-site broadband infrastructure been considered. The Policy is therefore not justified.
- 2.3.23. In addition, the reference to *“the area”* within the Policy is vague and not defined. It is not clear who will be consulted, how the requirement for off-site contributions will be determined, how the costs will be calculated, or how they will be prioritised against other requirements and weighed against other considerations in the ‘planning balance’. Unlike other policies within the Plan, we note that Policy LPD07 does not include a ‘subject to viability’ or ‘practicability’ etc type clause. The Policy is therefore not effective.
- 2.3.24. We also find the reference to Policy LPA08 (Infrastructure and Funding) to be a ‘red herring’. Unless it is required to serve a specific development, the delivery of off-site digital infrastructure is not within the direct control of developers, and the responsibility squarely falls within the remit of digital communications providers. Instead, the Council should be proactively working with those providers to extend provision in the area (as is their responsibility) rather than rely on developers to address existing deficiencies.
- 2.3.25. Barratt therefore requests that the Policy is amended accordingly and considers that this could be dealt with through a MM.



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