



Barratt Homes (RO1944)

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# ST HELENS LOCAL PLAN EXAMINATION

Matters 10 & 11 – Infrastructure and Delivery and  
Monitoring and Implementation





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## **ST HELENS LOCAL PLAN EXAMINATION**

Matters 10 & 11 – Infrastructure and Delivery and Monitoring and Implementation

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# INTRODUCTION



# 1 INTRODUCTION

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- 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 Matters 10 (Infrastructure and Delivery) and 11 (Monitoring and Implementation), specifically in relation to:
- Issue 1 (Definition and Scope of Infrastructure Required) – Question 1, 2, 3 and 4;
  - Issue 2 (Developer Contributions) – Questions 7 and 8;
  - Issue 3 (Viability) – Question 9;
  - Issue 4 (Green Infrastructure (GI)) – Questions 14, 19, 20 and 21;
  - Issue 5 (Parking standards and vehicle charging points) – Questions 23, 24 and 25
- 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 1 – Policy LPA08 is not justified, effective or consistent with national policy;
  - Question 2, 3 and 4 – the impacts from the development of Site 2HA can be cost-effectively mitigated to an acceptable degree, without the need for additional infrastructure (beyond provision of two new site accesses and sustainable transport measures);
  - Questions 7 and 8 – the approach to developer contributions is not positively prepared, justified, effective or consistent with national policy. A more flexible approach is required, taking into account viability and other site-specific characteristics;
  - Question 9 – VIA001 does not make realistic assumptions. Viability should be assessed at the planning application stage;
  - Question 14 – Policy LPA09 is not positively prepared, justified or consistent with national policy;
  - Question 19 – the 40-dwelling threshold for the provision of open space is not positively prepared, justified or consistent with national policy;
  - Question 20 and 21 – the approach to open space provision and outdoor sport as proposed by MM053 and MM054 is not justified or effective;
  - Question 23 – the approach to parking and electric vehicle charging points is not effective or consistent with national policy;
  - Questions 24 and 25 – the requirements for electric vehicle charging should be set out by Building Regulations and not planning policies.
- 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 Tuesday 22 June 2011.

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**QUESTIONS**



## 2 QUESTIONS

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### 2.1 ISSUE 1: DEFINITION AND SCOPE OF INFRASTRUCTURE REQUIRED

#### QUESTION 1

*Q1. In general terms will Policy LPA08, the IDP and other policies of the Plan, including allocation policies, ensure that necessary infrastructure is delivered and in a timely fashion?*

2.1.1. As stated in our Matter 4 statement (in response to Question 28), necessary infrastructure will be delivered at the right time and place to support the delivery of new homes at Site 2HA.

2.1.2. However, in our view, Policy LPA08 as drafted is **not justified, effective or consistent with national policy**.

#### **Policy LPA08: Infrastructure Delivery and Funding**

##### Section 2

2.1.3. Regulation 122(2) of the Community Infrastructure Levy (“CIL”) Regulations 2010 (as amended) sets out that planning obligations must only be sought where they are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

2.1.4. We are concerned that Section 2 of Policy LPA08 requires (emphasis added):

*“Subject to compliance with relevant legislation and national policy, development proposals will be expected to include or contribute to the provision, improvement or replacement of infrastructure that is required to meet needs arising from the development proposal and / or to serve the need of the wider area.”*

2.1.5. Barratt does not disagree that development ought to mitigate its impacts and meet needs arising from its proposals (where viable and practicable). However, it is not the responsibility of developers to address existing deficiencies with existing infrastructure. These responsibilities lie with utilities providers and statutory undertakers etc.

2.1.6. As worded, the Policy is not effective given that in theory, the Council could ask for any form of infrastructure which is not necessary, is not directly related to and is not fairly and reasonably related in scale and in kind to the development. Such provision or contributions will not have been factored into the viability or masterplanning etc of the site.

2.1.7. In addition, the reference to “*the wider area*” within the Policy is vague and not defined.

2.1.8. To seek additional contributions ‘to serve the need of the wider area’ would not be justified and conflicts with the CIL Regulations and paragraph 56 of the National Planning Policy Framework (“NPPF”). Crucially, such requirements may undermine the deliverability of sites.

2.1.9. Therefore, the wording underlined above should be removed from Section 2.

### Section 5

- 2.1.10. Within our representations at previous stages and throughout this Examination, we have consistently requested that the Plan includes greater flexibility (see our Matter 4, 7 and 9 statements). Specifically, we have requested that this flexibility goes beyond the assessment of viability (in Section 5) to take account of site-specific evidence, conditions and factors (such as scale, location, character, density, market aspirations, technical constraints etc), which can limit the ability of sites to include or contribute to infrastructure.
- 2.1.11. Therefore, the Policy needs to be amended to incorporate more flexibility.

### Section 7

- 2.1.12. Whilst it is helpful that Section 7 allows deviation from the intended hierarchy of developer contributions where a specific need to do so has been identified, it would be helpful if the flexibility of the Policy was widened. As stated above, site-specific evidence, conditions and factors (where evidenced) should also be considered alongside viability.
- 2.1.13. Therefore, Section 7 should be amended to incorporate more flexibility.
- 2.1.14. Barratt considers that these amendments could be dealt with through a Main Modification (“MM”).

## **QUESTIONS 2, 3 AND 4**

*Q2. Will the mitigation measures identified be sufficient to address the highway impacts identified?*

*Q3. Is the Council satisfied that the LP proposals would not have an unacceptable impact on highway safety or the residual cumulative impacts on the road network would not be severe (see SHBC001 – PQ65)?*

*Q4. How will the Council work with infrastructure and service providers (including the Liverpool City Region, Merseytravel, Highways England, developers, landowners and neighbouring authorities) to identify and address any impacts of proposed development, including through the use of contributions and through the implementation of highway improvement schemes?*

- 2.1.15. We have provided a response to these questions in terms of Site 2HA within our Matter 4 statement (Questions 24, 28 and 29).
- 2.1.16. In summary, this demonstrates that any impacts from the development of Site 2HA on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree, in accordance with paragraph 108(c) of the NPPF. In particular, there is no direct need for additional infrastructure (beyond provision of two new site accesses and sustainable transport measures) to support the allocation of the site.
- 2.1.17. In addition, any future planning application will be the subject of a planning application which will include a comprehensive Transport Assessment.

## **2.2 ISSUE 2: DEVELOPER CONTRIBUTIONS**

### **QUESTIONS 7 AND 8**

*Q7. How is the strategy in relation to developer contributions to be implemented by the LP (see SHBC001 – PQ69)?*

Q8. *Is the approach set out in Policy LPA08 effective and does it strike the right balance between flexibility and certainty for applicants?*

- 2.2.1. In our view, the approach to developer contributions within the Plan is **not positively prepared, justified, effective or consistent with national policy.**
- 2.2.2. The NPPF sets out a clear approach to developer contributions. Paragraph 34 requires Plans to set out the contributions expected from development and that such policies should not undermine the deliverability of the Plan. Paragraph 57 highlights that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the Plan and the viability evidence underpinning it is up-to-date, and any change in site circumstances since the Plan was brought into force.
- 2.2.3. Paragraph 002 (Reference ID: 10-002-20190509) of the ‘Viability’ section of Planning Practice Guidance (“PPG”) emphasises that it is the responsibility of plan makers in collaboration with the local community, developers and other stakeholders, to create realistic, deliverable policies.
- 2.2.4. As acknowledged by the Council in its response to PQ62 and PQ69 [SHBC001] and evidenced by the Economic Viability Assessment [VIA001], there are viability issues within St.Helens.
- 2.2.5. In our view, the Plan’s approach in seeking different levels of requirements for different types of sites (brownfield / greenfield / strategic housing sites etc) in different locations is inconsistent and is not supported by VIA001.
- 2.2.6. For example, Barratt has raised specific concerns regarding:
- Density – minimum densities for site allocations (Matter 3, Question 2 and Matter 4, Question 27);
  - Housing mix – the 5% requirement for bungalows on larger greenfield sites (Matter 7, Questions 3 and 4);
  - Renewable/low carbon energy generation – the 10% requirement on strategic housing sites (Matter 7, Questions 10 and 11);
  - Affordable housing – the zonal approach, including the 30% requirement on greenfield sites within Zone 2 (Matter 7, Questions 12, 13 and 14); and
  - Open space – the requirement for provision from sites of 40 dwellings or more (Question 19), and for larger residential developments to create visual relief (Question 20).
- 2.2.7. We have also requested (see Question 1) that the Plan should incorporate greater flexibility beyond just the assessment of viability. Site-specific evidence, conditions and factors (such as scale, location, character, density, market aspirations, technical constraints etc) all need to be considered.
- 2.2.8. As stated in our Matter 4 Statement (Question 24), Barratt has undertaken its own technical work and diligence sufficient to support the site’s allocation, which reveals that, based on its current understanding, there are no adverse impacts from developing the site which cannot be mitigated. However, given that the site is currently designated as Green Belt, Barratt has sought to limit its expenditure ‘at risk’. Therefore, updated full technical surveys will be undertaken in support of a planning application, but these more detailed investigations may reveal abnormal and/or significant costs that have not been factored in at this stage, and so more flexibility is required.
- 2.2.9. It is too simplistic to assume that developers of greenfield sites or strategic housing sites will encounter less constraints and therefore costs than their brownfield or non-allocated counterparts. Allocations like Site 2HA are large complex sites which are sensitive to abnormal costs and requirements.

- 2.2.10. In our view, the policies within the Plan should be expressed more as ambitions that sites should aspire to achieve, rather than appear as mandatory requirements
- 2.2.11. Therefore, the overall approach to developer contributions in Policy LPA08 (and as set out within other policies) should be amended to further address the concerns regarding viability and ensure that other site-specific characteristics can be taken into account.
- 2.2.12. Barratt considers that these amendments could be dealt with through a MM.

## 2.3 ISSUE 3: VIABILITY

### QUESTION 9

*Q9. Does the EVA make realistic assumptions about land values, sales values, finance, profit and development costs?*

- 2.3.1. In our view, VIA001 is based on overly generic assumptions which have limited relevance in the assessment of site-specific viability. Notwithstanding this, as identified in response to Questions 7 and 8 (and in our other statements), some of the Plan's requirements have not been tested or justified in viability terms.
- 2.3.2. Given the limitations with VIA001 and its potentially very serious implications on policies and allocations within the Plan, we therefore request that viability be assessed at the planning application stage for flexibility, in accordance with paragraph 57 of the NPPF.

## 2.4 ISSUE 4: GREEN INFRASTRUCTURE (GI)

### QUESTION 14

*Q14. Is this policy justified and consistent with national policy?*

- 2.4.1. In our view, Policy LPA09 is **not positively prepared, justified or consistent with national policy.**
- 2.4.2. Barratt is concerned that Section 4 of the Policy states:  
*“Development that would result in the loss, fragmentation or isolation of green infrastructure assets will be refused.”*
- 2.4.3. This conflicts with paragraph 20 of the NPPF which merely requires strategic policies to make sufficient provision for the conservation and enhancement of green infrastructure and ensure planning measures address mitigation and adaptation. There is no requirement to refuse an application on the basis of loss, fragmentation or isolation of green infrastructure (“GI”).
- 2.4.4. The NPPF only refers to applications being refused in limited cases, i.e. where there is significant harm on retail (paragraph 90), highways (paragraph 109), effective use of land (paragraph 123), design (paragraph 130), National Parks and Areas of Outstanding Natural Beauty (paragraph 172), biodiversity and irreplaceable habitats (paragraph 175) and designated heritage assets (paragraph 195). In other cases, the ‘presumption in favour of sustainable development’ in paragraph 11 applies.
- 2.4.5. In addition, Section 4 of Policy LPA09 conflicts with most sites that are proposed to be released from the Green Belt and allocated or safeguarded for housing and employment, which are typically greenfield in nature and contain, are bounded by, or are within close proximity to GI.

- 2.4.6. 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, fragmentation or isolation of GI assets is justified by wider public benefits and is unavoidable. 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.
- 2.4.7. For example, the agreed access solution for Site 2HA onto Vicarage Road (approximately in the location of 2HA\_B) will regrettably will result in some loss of some existing GI assets (see Appendix C and D of our Matter 4 response [M4.5.17C, M4.5.17D]), but this can appropriately be mitigated and is outweighed by the significant benefits of developing the site.
- 2.4.8. Therefore, we request that the Policy is ‘toned down’ to simply require development to seek to avoid the loss, fragmentation or isolation of GI assets where possible and viable. This will ensure that the Plan is more a flexible and consistent with national policy.
- 2.4.9. Barratt considers that this amendment could be dealt with through a MM.

### QUESTION 19

*Q19. Is the threshold of 40 dwellings for the provision of open space positively prepared, justified and consistent with national policy?*

- 2.4.10. In our view, the 40-dwelling threshold for the provision of open space is **not positively prepared, justified or consistent with national policy**.
- 2.4.11. As we have set out in response to Questions 7 and 8, Barratt is concerned that there is no evidence to support a split approach to site requirements throughout the Plan (which varies depending on location and typology etc).
- 2.4.12. Whilst VIA001 assessed the viability impact of the 40-dwelling threshold (paragraph 5.51), we understand that it did not test a lower (or higher) threshold, which suggests that it is an arbitrary target.
- 2.4.13. Rather than relying on larger developments, in our view, all residential development should make a proportionate contribution towards the provision of open space where there is an evidenced deficiency which would be exacerbated by new development, unless viability or other site-specific circumstances demonstrate this is not practicable or necessary.
- 2.4.14. We therefore request that a more flexible approach is taken within the Policy which enables viability alongside site-specific evidence, conditions and factors to be taken into account in determining the provision of an appropriate amount of open space, including whether it is provided on or off-site. In addition, the 40-dwelling threshold should be removed, subject to the same caveats.
- 2.4.15. Barratt considers that these amendments could be dealt with through a MM.

### QUESTIONS 20 AND 21

*Q20. Is this approach justified and effective?*

*Q21. Is it clear from the policies in the Plan what level of new provision for outdoor sport, strategic housing allocations will be expected to provide?*

- 2.4.16. In our view, the approach to open space provision and outdoor sport is **not justified or effective**.

### Open space requirements for larger residential developments

- 2.4.17. Barratt objects to the proposed new part (c) to Section 1 of Policy LPD03 and paragraph 7.3.11 which require ‘larger residential developments’ to provide certain types of open space to create visual relief as part of an attractive and well-designed development (within MM053) [SHBC010].
- 2.4.18. There is no justification or evidence before this Examination to demonstrate that the impact of this requirement on viability has been assessed. Notwithstanding this, the layout, landscaping, design and appearance of development are matters that will be assessed against other policies of the Plan, and so it is unnecessary duplication to repeat those requirements here.

### Requirements for outdoor sport

- 2.4.19. Barratt objects to the proposed new Section 3 of Policy LDP03 which requires contributions towards outdoor sports facilities, as informed by the latest Playing Pitch Strategy and Action Plan (MM054).
- 2.4.20. As noted by the Inspectors, the existing Playing Pitch Strategy and Action Plan [OPE005] dates from 2016 and is not fit for purpose. Whilst new evidence may have been commissioned by the Council to supersede this document, there is no justification before this Examination to demonstrate that the impact of this requirement has been assessed.
- 2.4.21. The reliance, at this late stage, on emerging, unpublished evidence provides no certainty or clarity to developers or the local community alike. It is unlikely that landowners and developers will have factored in these new requirements into their development appraisals, and so its application could have significant adverse impacts on the viability of sites and allocations if introduced. Equally, Barratt is keen to deliver new homes at Site 2HA and does not wish to see the adoption of the Plan delayed to enable more up-to-date evidence to be prepared. Therefore, if these requirements are not justified, they should not be included within the Plan.
- 2.4.22. In addition, as stated in response to Question 19, the Policy as worded does not incorporate any flexibility which would enable viability alongside site-specific evidence, conditions and factors to be taken into account in determining the provision of outdoor sport.

## 2.5 ISSUE 5: PARKING STANDARDS AND VEHICLE CHARGING POINTS

### QUESTION 23

*Q23. Is the policy effective and clear without the inclusion of the requirements for parking and vehicle charging point (possibly as an Appendix)?*

- 2.5.1. In our view, the approach to parking and electric vehicle charging points in Policy LPA07 is **not effective or consistent with national policy**.
- 2.5.2. In the absence of an updated future Supplementary Planning Document (“SPD”), it is unclear how the Council will approach matters relating to parking and electric vehicle charging points. Section 9 therefore does not provide any clarity for developers or communities alike.
- 2.5.3. Whilst the Council has indicated that a future review of the Ensuring a Choice of Travel SPD is planned, Barratt is concerned that it could result in the introduction of more stringent requirements that have not been assessed in viability terms.
- 2.5.4. This approach conflicts with paragraph 008 (Reference ID: 61-008-20190315) of the ‘Plan-making’ section of Planning Practice Guidance (“PPG”), which 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.”*

- 2.5.5. Barratt strongly resists any attempt to introduce new policies through the ‘back door’ without any evidence and requests that the Policy be amended accordingly.

## **QUESTIONS 24 AND 25**

*Q24. Should the LP be more prescriptive in requiring charging points having regard to Section 9 of the Framework and the evidence base (EVA)?*

*Q25. Could the requirements set out in the existing SPD be referred to if the intention is to keep any future updates broadly similar?*

- 2.5.6. Whilst Barratt supports the shift towards electric vehicles to achieve the Government’s ambitious climate change targets, it is concerned that the costs of providing such infrastructure have been underplayed.
- 2.5.7. We understand that VIA001 tested the viability of electric charging points at a £220 cost per dwelling (paragraph 5.55), *“based on a 15 amp (3.7kw) supply using heavy duty cables from the distribution board and located within the walls of the house. This would be switched with a dual pole ‘garage unit’ in a suitable location. The costs exclude any charging equipment which is assumed to be supplied with the electric vehicle... No allowance is made for any infrastructure costs that may in the future be needed if the chargers are used on a large scale”* (paragraphs 2.49 and 2.50 of the Report of Construction Costs at Appendix 5 of VIA001).
- 2.5.8. Barratt disagrees that *“the cost of electric vehicle charging points is minimal and makes no significant difference to the base construction costs and will have a very limited impact on overall viability”* (paragraph 6.65). In our view, these costs have been greatly underestimated.
- 2.5.9. Depending on the number and type/specification of electric vehicle charging points and supporting infrastructure (or alternatively if providing ducting will suffice), their provision can have a very significant impact on the viability of new development. For example, Barratt typically only allows for providing 3.6kW single-vehicle smart chargers (which are the simplest, most convenient method for charging electric vehicles at home). However, for strategic housing sites like Site 2HA, the costs could be very significant on a large scale. Indeed, should higher standards be sought (e.g. ‘fast’ or ‘rapid’ chargers), this could further undermine the deliverability of the allocations within the Plan.
- 2.5.10. In addition, there may be practical reasons why providing electric vehicle charging (or achieving higher standards) on a large scale is not technically feasible, such as a lack of capacity in the local electricity network. If new connections, reinforcements or upgrades to the grid are required, then this could add significant costs for both the developer and the distribution network operator.
- 2.5.11. Notwithstanding this, a consultation on Electric Vehicle Charging in Residential and Non-Residential Buildings was held in July 2019 which set out the Government’s preferred option to introduce a new functional requirement under Schedule 1 to the Building Regulations 2010
- 2.5.12. As with the approach advocated in relation to housing standards and sustainable design and digital communications (see our Matter 7 and 9 statements), it is Barratt’s view that Building Regulations (and not planning policies) are the correct Government vehicle for meeting such standards.



- 2.5.13. If the Inspectors are minded to agree with the inclusion of this requirement, then we would request that a flexible approach be applied (i.e. subject to viability and site-specific considerations), in line with the approach we have advocated within our hearing statements.



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