

**St Helens Borough Local Plan Examination**  
Matter 4 Session 5 Hearing Statement on  
behalf of Peel L&P (Participant ID RO1959)

May 2021

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# 1. Session 5: Allocations, safeguarded land and Green Belt boundaries Rainford, Billinge, Garswood and Haydock

## **Issue 2: Land to the south of Billinge Road, Garswood (1HA) and land to the south of Leyland Green, Garswood**

1.1 See Matter 5.

## **Issue 3: Florida Farm (2EA), land north of Penny Lane (3EA), land south of Penny Lane (4EA), land to the west of Haydock Industrial Estate (5EA), land west of Millfield Lane (6EA), land at Florida Farm (2HA) and land north east of Junction 23 (M6) (2ES)**

### **Q20. Do Green Belt assessments support the allocation of Sites 4EA, 5EA and 6EA and 2HA and the safeguarding of Site 2ES and demonstrate exceptional circumstances for the removal of land from the Green Belt**

1.2 See Matter 1 and 3 regarding the approach to assessing sites through the GBR and the limitations of this.

1.3 Notwithstanding these comments, Peel supports that, in respect of the assessment of potential employment sites, the GBR recognises the limitations of a solely Green Belt-led approach to selection. It identifies that meeting the need for employment development (particularly logistics development) can only be achieved through sites which have certain attributes in terms of their size and location and that this will mean allocating some land which might be deemed to be sensitive in Green Belt terms.

1.4 Accordingly, two candidate employment sites (including Site 2ES) which, based on the narrow methodology employed, would ordinarily be discounted at Stage 1, are advanced to Stage 2 (and fuller assessment) due to their positive non-Green Belt attributes in meeting the need for strategic scale logistics development.

1.5 Through Stage 2b, the GBR balances Green Belt harm (the output of Stage 1) alongside other considerations (market appeal, non-Green Belt impacts and constraints) to identify which sites, in overall terms, are most suited for release in the context of the quantitative and qualitative need. Green Belt harm informs this assessment but is not the sole determinant. This is an appropriate approach to assessing sites and should be applied more broadly (i.e. to both housing and employment sites). That is has not is a critical flaw in the GBR (see below and Matter 3).

1.6 Peel considers that the site should be allocated for development during the plan period, and would highlight that the assessment of the site in the GBR has been informed by out-of-date information (see Q22 below). Nevertheless the GBR provides a robust justification for the release of this site from the Green Belt, balancing Green Belt harm alongside other considerations in the spirit of paragraph 138 of the Framework.

**Q21. If exceptional circumstances have been demonstrated have these been clearly articulated in the Plan?**

1.7 See Matter 1 and 3.

**Q22. Should site 2ES be allocated rather than safeguarded so that it can contribute to meeting needs in the plan period?**

1.8 Yes.

***A) To meet an increased employment requirement***

1.9 See Matter 2. In the context of an increased need, and the qualitative characteristics of this, and on account of its proven sustainability and suitability for employment uses (as concluded by the Council), Site 2ES should be allocated for development during the plan period rather than safeguarded.

***B) As an unconstrained site***

1.10 The planning history context, including the recent Public Inquiry, to this site is summarised in Peel's Matter 3 Statement. The indicative masterplan considered through the Inquiry is provided at Appendix 2.

1.11 In addition to responding to an increased need, through the Public Inquiry it has been proven that there are no air quality, noise, ecological or highway constraints to the development and that any impacts in these areas will be within acceptable limits, in the context of planning policy. This is an agreed position with the Council. The Council has objected to the development in the short term on landscape grounds only, albeit consider that, on balance, the site should still be released for future development.

1.12 Statements of Common Ground between Peel and the Council reflecting this position are provided at Appendix 1. These Statements supersede the conclusions drawn in the Council's GBR regarding the air quality, ecological and highway impacts of the development which have formed the basis of the Council's decision to designate the site as safeguarded land rather than a plan period allocation (see Matter 3 Statement).

1.13 In respect of Site 2ES, Stage 3 of the GBR concludes that *'The Council can meet its needs for employment development up to 2035 elsewhere within the Borough without this parcel being allocated. Due to the need to address the severe capacity issues at J23, and the need to avoid constraining the ability to design an appropriate junction layout, the parcel is only suitable for safeguarding to meet potential employment development needs after 2035 (as opposed to allocation for development before 2035).'*<sup>1</sup>

1.14 One can infer from this that without the Junction 23 and highway constraints, which were assumed to exist at the time of the GBR, the site would otherwise be suitable for allocation for development during the plan period in the Council's view. Peel agrees and would reiterate that these constraints are now known not to exist. Moreover it is

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<sup>1</sup> Examination Document SD020 page 48

now known, and accepted by the Council, that the development of this site would deliver highway benefits (see below).

- 1.15 The pre-existing justification for the site not being allocated (and others being selected in favour) is clearly out-of-date and no longer of any material relevance. It does not provide an adequate justification for the treatment of this site in the DSLP.

***C) To provide critical infrastructure to deliver the Local Plan***

- 1.16 Site 2ES will deliver significant highway benefits. This justifies its allocation irrespective of the increased need position and, if necessary, ahead of the allocation of other sites.
- 1.17 Site 2ES will accommodate the diversion of the northern arm of the A49 through the development, taking this out of Junction 23. This will be achieved at no cost to the public sector representing an investment of £11m. This is committed through the current planning application and will be delivered before any development is occupied (controlled by condition as agreed with the Council).
- 1.18 This diversion is needed to deliver a strategic upgrade to Junction 23 as a stated objective of the DSLP (See Policy LPA07). The IDP identifies improvements to Junction 23 in its infrastructure delivery schedule, as necessary to deliver the Local Plan, and that such an improvement is of 'region-wide strategic significance'<sup>2</sup>.
- 1.19 The need for the A49 diversion, and that the ability to improve the junction 'hinges' on this diversion, is detailed within the Junction 23 Study<sup>3</sup>. The Council has agreed with this position as noted in the Highways Statement of Common Ground provided at Appendix 1<sup>4</sup>. The diversion will also deliver operational benefits to Junction 23 in its own right also and irrespective of a wider improvement to Junction 23, which the Council also agrees with.
- 1.20 There is no other viable means of achieving this diversion. That Site 2ES can deliver this, and the weight to be given to this in the planning balance, must be viewed in the context of the strategic importance of an upgrade to Junction 23 to the Borough and its necessity in order to deliver the Local Plan<sup>5</sup> The Council agrees with Peel as to the positive contribution made by Site 2ES in this regard<sup>6</sup>.
- 1.21 This position has moved on substantially since the DSLP was consulted upon in 2019 when this benefit was not apparent and so given no consideration in the Council's assessment of site 2ES. At that point, it was unclear how and whether Site 2ES could be delivered in a manner compatible with an improvement to Junction 23. As noted, this resulted in this site being selected to be safeguarded (rather than allocated) in favour

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<sup>2</sup> Examination Document SD013 page 64

<sup>3</sup> Examination Document TRA007 page 40

<sup>4</sup> Paragraph 44 states: "It is agreed with SHBC that, based on the outcomes of this study the wider capacity and safety improvements to M6 J23, whichever option is selected will necessitate the diversion of the A49 arms away from the junction."

<sup>5</sup> Examination Documents TRA007, TRA003, SD013

<sup>6</sup> See Highways Statement of Common Ground at Appendix 1 - Paragraph 66 states that "It is agreed the proposed development would provide an essential aspect of potential future wider strategic improvements to capacity and safety at M6 J23".

of other sites (see Matter 3 and above). The Council has not sought to update its assessment of Site 2ES to reflect the change in circumstances since 2019.

- 1.22 The evidence base which underpins the 2ES safeguarded proposal is now out-of-date. It is now known, and agreed, that its development will not prejudice a future improvement to Junction 23 and indeed will make a positive contribution towards it. This is a significant change in the circumstances. That the site has been assessed and selected not to be allocated based on out-of-date information regarding Junction 23 is a significant procedural deficiency in the selection of allocations.
- 1.23 On account of the benefit this site will deliver, and even in the context of development needs remaining at the level proposed by the Council, Site 2ES should be favoured over other sites for allocation.

**Q23. Is the configuration and scale of allocations and safeguarded land justified taking into account development needs and Green Belt assessments?**

- 1.24 See responses to Questions 20 to 22.

**Q24. Would the adverse impacts of developing sites 4EA, 5EA and 6EA and Site 2HA outweigh the benefits?**

- 1.25 The development of these sites gives rise to the need to improve Junction 23 of the M6 as confirmed in the IDP<sup>7</sup>. Without Junction 23 improvements, their development would have a detrimental impact on highway safety. This mitigation can only be achieved through the allocation of Site 2ES and the associated allocation of land to the south west of Junction 23 (Haydock Green) for development during the plan period (see below). Without these allocations, and their mitigating effect, the residual adverse impacts of the above sites would be at an unacceptable level (See Question 20 to 22 and Question 30 responses).

**Q27. 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?**

- 1.26 See Matter 5 and 6.

**Q28. Will infrastructure to support the allocations, including improvements to Junction 23 of the M6 be delivered at the right time and in the right place?**

- 1.27 Not on the basis of the DSLP as presented. See response to Questions 20 to 22 and Question 30.
- 1.28 The diversions of the A49 away from Junction 23 (as needed to improve the junction and deliver the Plan) can only be achieved through the development proposals put forward by Peel. This will be achieved at no cost to the public sector. The diversions will be delivered as part of the first phase of the respective developments to the north east and south west of Junction 23 and, subject to planning, both diversions can be operational by 2024.

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<sup>7</sup> Examination Document SD013

**Q29. Are there any barriers to Site 2HA coming forward as anticipated by the housing trajectory?**

1.29 See Matter 5.

**Q30. Are the Green Belt boundaries elsewhere in Rainford, Garswood, Billinge and Haydock justified?**

1.30 No. Numerically, there is a need for more land to be released from the Green Belt for development, specifically in Blackbrook / Haydock. Irrespective, due to procedural deficiencies in the Council's appraisal of candidate sites (particularly for housing), the sites selected for release from the Green Belt are not the most sustainable and suitable when considered in the round (See Matter 1, 2 and 3). The extent and location of amendments to the Green Belt boundaries are not justified. It is not this context that Peel has promoted the allocation of land at Haydock Green for housing development.

***Haydock Green (SW of Junction 23) (corresponding with Green Belt Parcel GB\_053A)***

Providing critical infrastructure to deliver the Local Plan

- 1.31 The allocation of this site, working alongside Site 2ES, would provide a unique highway benefit in delivering the diversion of both arms of the A49. As noted, this is a first critical stage in delivering a wider improvement to Junction 23 (as a key objective of plan)<sup>8</sup>. The need for this improvement is unequivocally supported by the Local Plan's evidence base<sup>9</sup> and the Local Plan cannot be delivered without it.
- 1.32 The roles played by the north east quadrant (Haydock Point) and south west quadrant (Haydock Green) in delivering the improvement to Junction 23 are of equal importance. The masterplan at Appendix 3 and associated Transport Statement at Appendix 4 illustrates and explains this diversion in more detail. Notwithstanding this, delivered independently, the diversions would deliver operational benefits to Junction 23 in themselves (see Appendix 1 and 4).
- 1.33 That these benefits have not been considered by the Council is a clear procedural flaw in developing the Local Plan. As noted in relation to Site 2ES, this stems from the age of the evidence base (particularly the GBR and SA) which are, in the context of evidence now published in relation to Junction 23, out-of-date and inadequate as a vehicle for identifying which sites are, on balance, the more sustainable.
- 1.34 No other site can deliver these benefits and so the development of this site is critical to the implementation of the Local Plan. This should establish Haydock Green as a priority site for release from the Green Belt to meet the Borough's (and more specifically Haydock and Blackbrook's) housing needs.

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<sup>8</sup> See Transport Statement at Appendix 4

<sup>9</sup> See Examination Documents SD013, TRA007 and TRA003

### A sustainable and deliverable residential development site

- 1.35 Peel's Regulation 19 submission provides a review of this site and its suitability for allocation<sup>10</sup>. It notes that this would comprise a modest extension to Haydock, occupying a highly accessible location integrated with the existing road network, close to public transport services and to existing employment areas (including Haydock Industrial Estate) and proposed employment allocations in Haydock and Newton-le-Willows. The site is in the ownership of Peel and is deliverable during plan period.
- 1.36 A number of deficiencies in the Council's approach to the assessment of this site are evident. Peel does not agree with the findings of the SA in respect of this site as outlined in its Regulation 19 submission<sup>11</sup>. Peel's Matter 3 Statement also highlights that the GBR overstates the Green Belt value of the site at present and procedurally has erred in not subjecting this site to a full assessment through the remainder of the GBR (Stage 2 onwards).
- 1.37 Peel's Regulation 19 submission demonstrates that the site is not affected by any insurmountable constraints across a number of disciplines including flood risk, highways, air quality, noise and ecology and that the development would not give rise to unacceptable impacts in any of these areas. The proposed development can be accommodated in a policy compliant manner subject to its release from the Green Belt.
- 1.38 Peel has since undertaken further masterplanning work on the site, informed by an updated assessment of constraints and opportunities, and has taken the opportunity to improve the scheme to respond more positively to its landscape and built context and include additional forms of development which are needed locally. This includes the provision of a Low Carbon Mobility and Community Hub with road side facilities adjacent to the diverted A49.
- 1.39 The updated masterplan and associated constraints plans at Appendix 3 show a concept design for the provision of 525 two, three and four bed residential units within a green and landscaped setting. The layout works around the constraints of the site (both natural and utilities). The masterplan incorporates the relevant stand off and easements to underground utilities which are illustrated on material at Appendix 3.
- 1.40 Residential development is concentrated to the west of the site to create a relationship with the existing residential areas of Haydock, with open land provided to the east adjacent to Junction 23 to provide a buffer to the junction.
- 1.41 The masterplan is supported by an updated assessment of the scheme by Peel's consultant team in respect of the above areas which reiterate the previous conclusions that the site is developable in the manner proposed. This material is provided at Appendix 4.

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<sup>10</sup> See Paper 1 of Examination Document SD008.22 section 10

<sup>11</sup> See Paper 1 of Examination Document SD008.22 paragraphs 10.18 to 10.24 and Appendix 6

- 1.42 The proposed development has been subject to initial viability testing with a report on this provided at Appendix 6 showing that the proposed development, including the proposed A49 diversion, can be viability delivered.

***Haydock Point South (South East of Junction 23)***

- 1.43 There is a need for the Local Plan to plan for a higher level of employment development during both the plan period and as safeguarded land (See Matter 2). Peel has promoted the development of land to the south east of Junction 23 (Haydock Point South) for release from the Green Belt in this context.
- 1.44 Peel's Regulation 19 submission provides a detailed review of this site and its suitability for such a designation, particularly given its locational attributes being adjacent to Junction 23 of the M6 as the optimum location in the Borough for strategic logistics development<sup>12</sup>.
- 1.45 This submission also included a detailed development prospectus for the proposal and an overview of technical and survey work undertaken by Peel's consultant team and which has informed the masterplanning work. This demonstrates that the site is not affected by any insurmountable constraints across a number of disciplines including flood risk, highways, air quality, noise and ecology and that the development would not give rise to unacceptable impacts in any of these areas. The proposed development can be accommodated in a policy compliant manner subject to its release from the Green Belt.
- 1.46 Since the Regulation 19 submission, Peel's consultant team has undertaken further work to consider the constraints and opportunities. The previously submitted masterplan is supported by an updated assessment of the scheme by Peel's consultant team. This reiterates the previous conclusions that the site is developable.
- 1.47 This material is provided at Appendix 5.

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<sup>12</sup> See Paper 1 of Examination Document SD008.22 section 5

**Appendix 1: Statements of common ground in  
relation to appeal  
APP/H4315/W/20/03256871  
(Haydock Point)**

**Appendix 2: Haydock Point – indicative  
masterplan presented to the Public  
Inquiry**

## **Appendix 3: Haydock Green updated masterplan and constraints plans**

**Appendix 4: Haydock Green – updated technical information on constraints and deliverability**

**Appendix 5: Haydock Point South – updated technical information on constraints and deliverability**

## **Appendix 6: Haydock Green – financial viability statement**

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