

Planning Appeal Relating to Development at Haydock Point, St Helens

Highways Statement of Common Ground Between Peel L & P Investments (North) and St Helens Metropolitan Borough Council – December 2020

LPA Application Ref: P/2017/0254/OUP

Appeal Ref: APP/H4315/W/20/03256871

VN201731

Introduction

1. This Highways Statement of Common Ground (SoCG) between Peel L & P Investments (North) (the Appellant) and St Helens Metropolitan Borough Council (SHBC) relates to the following planning application at Haydock Point, St Helens:

“Outline planning application with all matters other than access reserved for the development of the site for up to 167,225m² of B8/ B2 (up to 20% B2 floor space), ancillary office and associated site facilities floor space, car parking, landscaping, site profiling, transport, drainage and utilities infrastructure”.
2. The appeal to which this Highways SoCG relates has been made on the basis of non-determination of the above planning application. A Public Inquiry is scheduled to commence on 9th February 2021.
3. Vehicle access to the site is proposed to be taken from a new signal-controlled junction with the A580 East Lancashire Road and via a new three-arm priority roundabout junction with the A49 Lodge Lane.
4. The proposed site access junctions will be connected via a new link road with a minimum carriageway width of 7.3m. Where necessary, the carriageway will be widened to 10m to accommodate ghost island right turn facilities for priority access junctions associated with development units across the appeal site. This link road will form part of the public highway.
5. The A49 southbound approach to M6 Junction 23 (M6 J23) will be stopped up with the delivery of the A49/ Proposed Site Access roundabout. This will prevent traffic from entering the M6 J23 circulatory from this link. Instead, this traffic will be diverted through the appeal site via the new link road before joining the A580 from the A580/ Proposed Site Access junction.
6. These proposed arrangements will effectively divert the existing northern A49 arm of M6 J23 away from junction's circulatory and through the appeal site. Whilst northbound exiting traffic from M6 J23 to the A49 is to be retained, this traffic could also be diverted through the appeal site in the future as part of future wider junction improvement works.
7. The scheme which is the subject of the appeal has a relatively long planning history with the planning application first being lodged back in March 2017, accompanied by a Transport Assessment and Framework Travel Plan. Since the original submission, a wide range of technical highways evidence has subsequently been provided to SHBC.

8. The scheme itself has undergone a number of changes since the planning application was first submitted. Many of the changes have been in response to feedback on highway matters. In order to consolidate the various pieces of technical evidence submitted since March 2017, a Transport Assessment Update (TAU) dated May 2020 was prepared and submitted to SHBC. This document brought together all of the assessment work done up to that point and provides a single document dealing with highway and transport matters. The TAU (May 2020) is Core Document 17.29.
9. Since the appeal was submitted, the Haydock Point planning application was considered at a meeting of SHBC's Planning Committee on 24th November 2020, to establish the position that the Council will take in relation to the appeal at the forthcoming public inquiry. The Officer's Report to Committee (ORC) recommended that the Council should adopt the position that, had the planning application not been appealed, it would have granted planning permission, subject to conditions and the completion of a Section 106 Agreement. The Planning Committee did not follow the recommendation provided in the ORC, and resolved that, had the appeal not been made, Members would have refused planning permission on the grounds of impact on landscape and visual amenity. There were no highway or transport matters raised in the reasons for refusal for the application.
10. This SoCG document sets out the areas of agreement between the Appellant and SHBC in respect of highways and transport issues relating to the proposed development.

Highway Network Study Area

11. The highway study considered within the TAU and agreed with SHBC comprises the following:
 - M6 Junction 23
 - A580/ Proposed Site Access
 - A49/ Proposed Site Access
 - A49 Lodge Lane/ A599 Penny Lane
 - A580/ Haydock Lane

Baseline Traffic Flows

12. Baseline traffic flows for the local highway network have been derived from a number of sources which are detailed in the TAU. It is agreed that these traffic surveys provide a suitable basis for the assessment of the appeal site's traffic impact on the local highway network.

Network Peak Hours and Assessment Years

13. The highway impact assessment presented in the TAU has been undertaken using the following peak hours:
 - Weekday AM peak hour: 07:30 - 08:30
 - Weekday PM peak hour: 16:30 – 17:30
14. The above assessment periods were identified through the examination of surveyed traffic flows and are agreed with SHBC.
15. A wide range of committed developments have been considered as part of the traffic impact assessment of the appeal site, which are set out in the TAU. It is agreed that the committed development flows adopted provide a robust basis for assessment of the future baseline for the highway network surrounding the appeal site.
16. In addition to incorporating traffic flows from committed development sites, TEMPro derived growth factors have also been used in the forecasting of future traffic baselines. These growth factors are agreed.
17. The agreed assessment year scenarios are as follows:
 - 2022 Baseline
 - 2024 Opening Year
 - 2027 Future Year

Proposed Development Trip Rates and Traffic Generation

18. The configuration of any B2 element and the split between B2 and B8 floorspace for the proposed development is still to be confirmed. However, for the purpose of the traffic impact assessment it has been assumed that the B2 element will occupy a maximum of 20% of the developable floor area, with all remaining floorspace to be B8 land use. This is considered to represent a reasonable worst case assessment scenario and is agreed.
19. Therefore, development traffic generations have been calculated based upon the following:
 - B8 Floorspace – 133,780 sqm
 - B2 Floorspace – 33,445 sqm.
20. Average trip rates have been adopted in the traffic impact assessment of the proposed development.
21. At the request of SHBC, B8 trip rates which were agreed for the Florida Farm North development have been adopted for the proposed development.
22. Trip rates for the proposed B2 floorspace have been calculated using the industry standard TRICS database.
23. The approach to trip rates and the resultant trip generation forecasts for the appeal site are agreed.

Proposed Development Trip Distribution and Assignment

- 24. The agreed distribution and assignment of employee trips to the development site has been derived using 'Journey to Work' information from the 2011 Census for the St Helens 005 Super Output Area.
- 25. The trip distribution and assignment of heavy vehicles to the site has been derived using turning count data obtained from Highways England (HE) for M6 J23 and has been agreed with SHBC.
- 26. Appendix A provides development traffic flows for the AM and PM peak hours and for a 12 hour period (0700-1900).

Site Accesses

- 27. It is agreed that the A580/ Proposed Site Access three-arm signalised junction will provide sufficient capacity to accommodate forecast development traffic demand associated with the proposed development. The design of the junction is also able to accommodate demand from other roads users which will be generated as a result of the diversion of the A49 through the appeal site.
- 28. Detailed capacity modelling undertaken in respect of the A580/ Proposed Site Access junction demonstrates that queue lengths on the A580 eastbound approach to the junction would have no interaction with M6 J23 to the west. This confirms that the operation of the junction would have no detrimental impacts on the safety and operation of M6 J23.
- 29. It is also agreed that the design of the A49/ Proposed Site access junction is appropriate in capacity terms and will be able to accommodate both development traffic and other road users.
- 30. The site accesses with the A580 and A49 have both been subject to Stage One Road Safety Audits (RSA1). These audits were undertaken by an independent third-party consultant, the outcomes of which have been incorporated into the design of both junctions. It is agreed that the junction designs are reflective of the audits and are appropriate in highway safety terms.
- 31. Access to the various development plots would be taken off a new link road between the A49 and the A580. The link road would also allow the A49 approach to the M6 J23 gyratory system to be removed. The design of the link road will be the subject of a reserved matters application with the planning approval conditions such that the accesses and link road will need to be delivered prior to first occupation of the development. It is agreed that the proposed access arrangements are appropriate and acceptable.

Other Off-Site Junctions

- 32. It is agreed that both the A49 Lodge Lane/ A599 Penny Lane and A580/ Haydock Lane off-site junctions have sufficient reserve capacity to accommodate development traffic from the appeal site. It is agreed that no mitigation at these locations is considered necessary to deliver the development proposals.

M6 Junction 23

33. A package of mitigation works has been agreed for M6 J23 that will be brought forward to support the development proposals at the appeal site. The principal elements of the proposed package of mitigation works are summarised below and shown in Drawing VN60647/P-09 Rev H at the rear of this document:
 - Widening of A580 eastbound and westbound approaches to provide additional ahead lanes for traffic entering the junction;
 - A significant increase in the length of the left turn lanes provided for the A580 westbound approach;
 - Additional road space and stacking capacity for right turning traffic for the area beneath the M6 bridge piers with the additional ahead lanes on the A580 approaches feeding traffic directly into these reservoirs; and
 - Partial closure of the northern A49 arm of the junction to restrict southbound traffic from entering the junction but continuing to permit northbound traffic exiting the junction.
34. The partial closure of the northern A49 arm is achieved by creating the new link road through the appeal site between the A49 and the A580. This removes the signal stop line on the circulatory carriageway, which has a short stacking space, and removes conflicting traffic movements from the A49 (N). The proposals benefit the operation at M6 J23 by removing the A49 (N) phasing from the signal timings of the junction, together with removal of some traffic movements. This allows the reallocation of the green time otherwise associated with the A49 (N) stopline to other areas of the junction better able to accommodate demand. Additionally, the diversion of the A49 (N) through the site will form a key element of wider potential improvements to M6 J23 which is discussed in further detail below.
35. It is agreed that the proposed package of mitigation works at M6 J23, even with the introduction of traffic from the appeal site development, would lead to a superior level of operational performance when compared with a future baseline without the appeal development coming forward. It is therefore agreed that the proposed improvements at M6 J23 will provide operational capacity for the development, some improved operation and safety benefits for other road users as a result.
36. The design of the mitigating works has been subject to an independent RSA1. It is agreed that the design of the junction is reflective of the outcomes of the audit and that there are no known safety issues that would arise from the proposed works at the junction. The removal of the A49 connection with constrained stacking space would also improve highway safety by reducing vehicular conflicts and blocking back through adjacent signals. The removal of the A49 (N) arm would also provide the opportunity for additional benefit for active travel movements through the northern part of M6 J23.

Future M6 Junction 23 Improvements

37. SHBC in partnership with HE and Wigan Metropolitan Borough Council commissioned WSP to undertake a study of options for improvements at M6 J23, which involved the setting up of a Junction 23 Steering Group. This work has culminated in WSP producing a report entitled *M6 Junction 23 Haydock Island Capacity Feasibility Study (June 2019)* which from the outset states that due to existing and forecast congestion issues at the junction that *“it is considered essential that the junction’s capacity is improved to manage the existing traffic flows and to facilitate the projected development growth anticipated in the area”*. This clear necessity to improve capacity at M6 J23 in

the long term is agreed and is a key priority for SHBC in the near future, included as a priority in the Submission Draft of the St Helens Local Plan (Policy LPA07: Transport and Travel).

38. The study commission was to undertake a junction improvement study of M6 J23. An objective of the study was also to advise the preparation of the St Helens Local Plan 2018-2033 (including the Infrastructure Delivery Plan), stating this may ultimately lead to the development of a future major transport scheme with the partner organisations.
39. The Study considered a range of options with four options being taken forward for more detailed assessment. The four options tested as part of the study into improving the capacity and operational performance of M6 J23 are described below:
 - Option A – diversion of A49 arms of J23 to provide two signal junctions with the A580 to the east and west of the junction;
 - Option B – reallocation of straight ahead lanes and realignment of right turn lanes;
 - Option C – combination of Options A&B;
 - Option D – diverging diamond interchange (includes Option A).
40. The modelling conclusions for Option A identify the diversion of the A49 arms as a permanent solution with clear benefits for the junction. The report concludes that in isolation, or in conjunction with other schemes, it is considered fundamental to improving the junction in the medium to long-term. By removing high-volume traffic movements from the junction, further space would be available to accommodate traffic on the gyratory and the performance of the junction would be considerably improved.
41. With respect to Option B, reallocation of straight ahead lanes and realignment of right turn lanes, the initial modelling work identified that this would not give any significant improvements in performance as a stand-alone scheme and would not represent a significant long-term betterment for the junction. A key reason for this is that the conflicting movements and limited stacking space for vehicles where M6 slip roads, A49 Lodge Lane, the circulatory section of the roundabout and the straight-ahead lanes on A580 coverage, would always constrain any attempt to improve the operational performance of the junction. These conflicting vehicle movements would continue to present a safety hazard at the junction for both vehicles, pedestrians and cyclists, which would be difficult to resolve.
42. In this respect, the WSP study states: *“The Steering Group resolved that to achieve any significant level of improvement, and which ever additional option for improvement was taken forward, A49 Lodge Lane should be diverted on both sides of the junction, removing the connections with the existing roundabout. New junctions would have to be constructed with A580 at a likely distance of 400m to 600m from M6 J23.”*
43. The WSP report further concluded that: *“This study has revealed that any significant improvements at the junction hinge on the diversion of Lodge Lane away from the gyratory carriageway, either in isolation or in conjunction with another junction improvement scheme.”* Whilst diversion of the A49 Lodge Lane is considered essential for the improvement of the junction, the report states there are options to keeping the outbound traffic lanes away from the junction as this would not affect traffic signal operation, would reduce the detour from the A49 and could simplify new junctions with the A580.
44. 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.

45. At the present time, there is no formally agreed scheme and no identified funding for the wider improvements to J23, apart from the funding to be provided by Peel in relation to the A49 (N) diversion as an essential element of the wider J23 proposals. As recommended by the J23 Study, further work will be required to develop Option C (ROSAL) and Option D (Diverging Diamond) to go with the essential proposals to divert the A49 arms. The development of the preferred option for the improvement to the Haydock Island Junction will require agreement by SHBC and Highways England to take forward to business case stage and to progress funding bids. To secure entry onto any funding programme a review of the existing optioneering and a revisit of that process would be required. Detailed cost estimates for the chosen preferred option will be required to support the business case.
46. Areas outside of the highway boundary will require planning consent. The A49 (N) diversion will secure planning approval as part of the Haydock Point development approval to allow delivery of this element of the scheme in the short term. Given these processes, it is agreed that the wider J23 scheme is unlikely to be delivered in the short term.
47. The proposed vehicular access arrangements and the link road between the A580 and A49 access junctions have been designed with cognisance of the emerging future scheme at M6 J23, with the Appellant working with both SHBC and HE to develop a scheme that would fit with and form part of a wider package of improvements for the junction. The infrastructure improvements would become adopted highway. It is agreed that the Appellant's proposals would allow the A49 diversion on the north-east quadrant of the junction, forming an essential element of delivering wider capacity and safety benefits at M6 J23.
48. At the request of SHBC, a 10 metre off-set strip is provided along the full length of the site's southern and western boundaries as well as 50m back from the proposed A580 and A49 site access junctions. It has been agreed that this area of land will be safeguarded should this be required to deliver future improvements at the M6 J23.
49. It is also agreed that an area of land within the north-west corner of the appeal site will be safeguarded to facilitate the potential for a future re-alignment of the A49 and replacement of the proposed access roundabout as part of the wider M6 J23 improvement proposals. This strip will be safeguarded and, if required, transferred to the Council by means of a Section 106 obligation.
50. The WSP Junction 23 Study has indicatively costed the diversion of the A49 Lodge Lane in the north-east quadrant of the junction through the Appeal site at £11.8 million. The appeal site development would deliver this diversion, representing a significant contribution to overall highway improvement scheme costs of £34.8m to £37.8m. These figures exclude land costs, with the land for the highway infrastructure to be dedicated by the Appellant. It is therefore agreed that the Appellant's development proposals, including delivery of the accesses and link road infrastructure, and the provision of safeguarded land, will provide a substantial contribution to potential wider improvement proposals at M6 J23.
51. The A49 diversion forms part of the agreed access and mitigation strategy associated with these development proposals. This strategy was amended from the original highway access strategy which was a single access point from the A580 and no A49 diversion and link road. The scheme was amended to the current proposals on being advised by SHBC and Highways England of the outputs from the J23 Study work. The currently proposed highway improvements have allowed the application to proceed with the agreement of SHBC and Highways England, and at present this application would not proceed without this aspect being included.

52. An alternative alignment for the diversion of the northern A49 arm has been considered in the J23 Study. Both alignments require land controlled by Peel. The alternative requires Peel land plus additional third party land and is significantly more expensive excluding land costs than the option to be delivered by the Haydock Point development. The proposed alignment to be delivered by Peel provides the most cost effective and direct option identified to date.
53. Given the potential for wider improvements to come forward at M6 J23 as set out in the WSP study, the S.106 Agreement sets out the ability for SHBC to request that the Appellant makes a financial contribution of £1.85 million towards improvements at M6 J23 rather than implement the mitigation works. It is agreed that this would represent an appropriate contribution to the potential wider improvement proposals at M6 J23.

Walking and Cycling Accessibility

54. In addition to the existing infrastructure around the site, the proposed development will provide measures designed to further encourage journeys on foot and by bicycle.
55. In conjunction with the development a new 3 metre pedestrian/ cycleway will be provided along the northern side of the A580 carriageway. This will connect the existing provision at M6 J23 with the proposed site access junction with the A580.
56. The pedestrian/ cycleway will also connect to a new controlled crossing provision that will be introduced at the A580/ Proposed Site Access junction. This controlled crossing provision will allow pedestrians and cyclists to connect with the existing footway/ cycleway which is provided along the southern side of the A580.
57. While approval for the detail of the internal site layout will be sought at reserved matters stage, it has been agreed that the link road through the proposed development site will provide 4.5 metre segregated foot/ cycleway on both sides of the carriageway. This provision will connect the proposed A49 and A580 site accesses.
58. The internal layout will be designed to ensure the safe movements of vulnerable users through the site, including ensuring the key desire lines to building access points, areas of cycle parking, and any public transport infrastructure should this be provided, suitably connect with the infrastructure provided at the site access junctions.
59. Cycle parking provision will be agreed with SHBC officers at the reserved matters stage, mindful of the SHBC's adopted standards and BREEAM requirements.
60. It is agreed that the development proposals at the appeal site will provide measures that will complement and enhance existing active travel connections and will provide additional opportunities to encourage walking and cycling as modes of transport amongst future site users. It is agreed that the improvements for pedestrians and cyclists are appropriate mitigation measure for the development proposals, assisting with the overall accessibility of the site, thereby providing the option to walk/cycle to the site. Furthermore, it is agreed that the provision may benefit other users not associated with the development site by improving connections and infrastructure available to members of the public.

Public Transport Accessibility

61. The Appellant is committed to providing a robust investment package to improve public transport accessibility to the proposed development. In this regard a fund of £1million is proposed to be included in the S.106 Agreement to establish and maintain a site-specific bus service for the site. The proposed route would include a connection to Newton-le-Willows rail station as requested by Mott MacDonald (SHBC's transport consultants). The route of the proposed service will also aim to provide connections to key population centres in St Helens and to other key transport nodes such as Earlestown rail station and St Helens bus station, to facilitate further opportunities for interchange with existing commercial rail and bus services.
62. The allocated fund will be used to subsidise the establishment of the bus service through close consultation with key stakeholders, including future site occupiers, Merseytravel and SHBC, with the intention that it becomes self-sustaining into the future.
63. Details of the bus service would be dealt with in the Full Travel Plan for the site. The service would be subject to regular monitoring and review as part of the ongoing Travel Plan support for the site to ensure that the operation of the service is optimised, and the financial contribution is being used as effectively as possible. This approach, coupled with the significant £1 million contribution, will ensure that the service responds dynamically to changing circumstances and will support its continued operation into the future.
64. It is agreed that the proposed measures are appropriate and will ensure that the site is accessible by public transport.

Parking

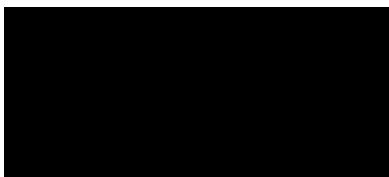
65. It is agreed that the development will provide parking, including for mobility impaired users and motorcycles, which reflects SHBC's adopted car parking standards as well as the parking demand requirements of future operators.
66. Approval for the layout of car parking, as well as the quantum of spaces provided will be sought at Reserved Matters stage.

Planning Obligations

67. It is agreed that the following measures will be secured through planning conditions and/ or a Section 106 Agreement:
- The completion of the proposed improvement works at M6 J23 or at SHBC's discretion and as an alternative, make a £1.85m contribution to SHBC to be used for purposes of other improvements to M6 J23;
 - The diversion of the A49 through the development site between a proposed roundabout junction with the A49 and proposed signal junction with the A580;
 - The transfer of land within the application site to the Council, on request, for the purposes of developing a new link from the new spine road/new A49 to the existing A49 so as to remove the need for the western roundabout (should this be viable in the future);
 - The submission, approval and implementation of a sustainable transport plan including the provision of a sustainable transport fund of £1 million to fund the establishment and operation of a shuttle bus service that will link the site to key population centres and transport interchanges;
 - The submission, approval and implementation and monitoring of a delivery management strategy for each building to deal with site operations, routing of HGV's, signage, parking provision, including avoiding parking on the public highway; establishment of a working group including local community groups and residents; and overall management of the strategy.

Summary

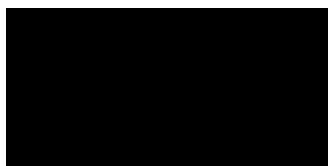
68. It is agreed between the parties that there are no highways or transport reasons for refusal of the proposed development, the subject of this appeal, subject to relevant planning conditions and obligations.
69. It is agreed the proposed development would provide an essential aspect of potential future wider strategic improvements to capacity and safety at M6 J23, a key gateway into St Helens and the North West Strategic Road Network, as identified by the J23 Study (noted earlier in this SoCG). This clear necessity to improve capacity at M6 J23 is included as a priority in the Submission Draft of the St Helens Local Plan (Policy LPA07: Transport and Travel). The access arrangements and associated link road accord with the future improvements and contribute to them at no cost to the public purse. The A49 diversion forms part of the agreed access and mitigation strategy associated with the development proposals, allowing the development to proceed with agreement from SHBC and Highways England.



Signed: Chris Hargreaves

Date: 08.02.2021

Vectos (North) Limited on behalf of Peel L & P Investments (North) Ltd



Signed: Edward Mellor

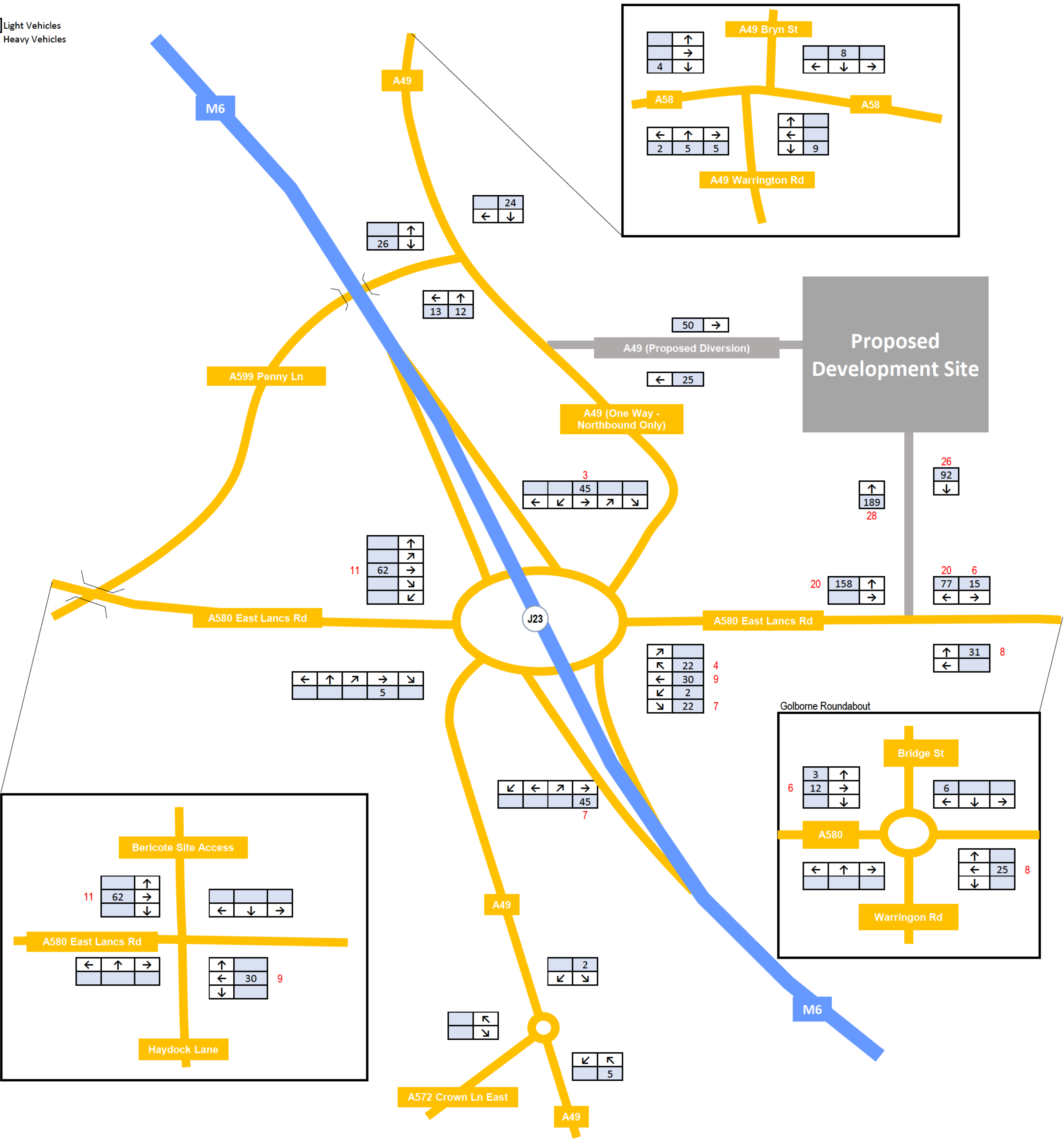
Date: 08.02.2021

Mott MacDonald on behalf of St Helens Metropolitan Borough Council

Appendix A

Development Traffic Flows

Key
Light Vehicles
Heavy Vehicles

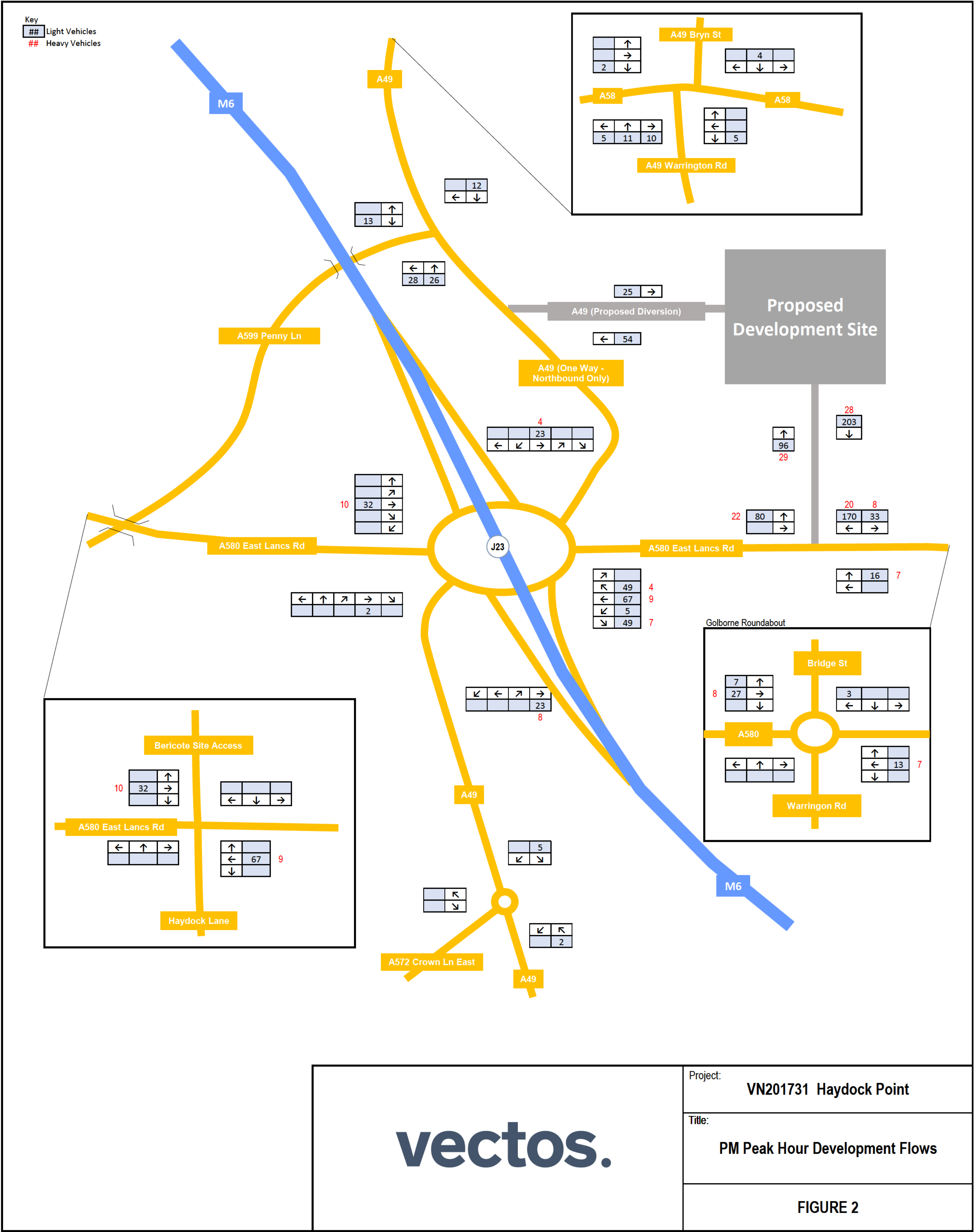


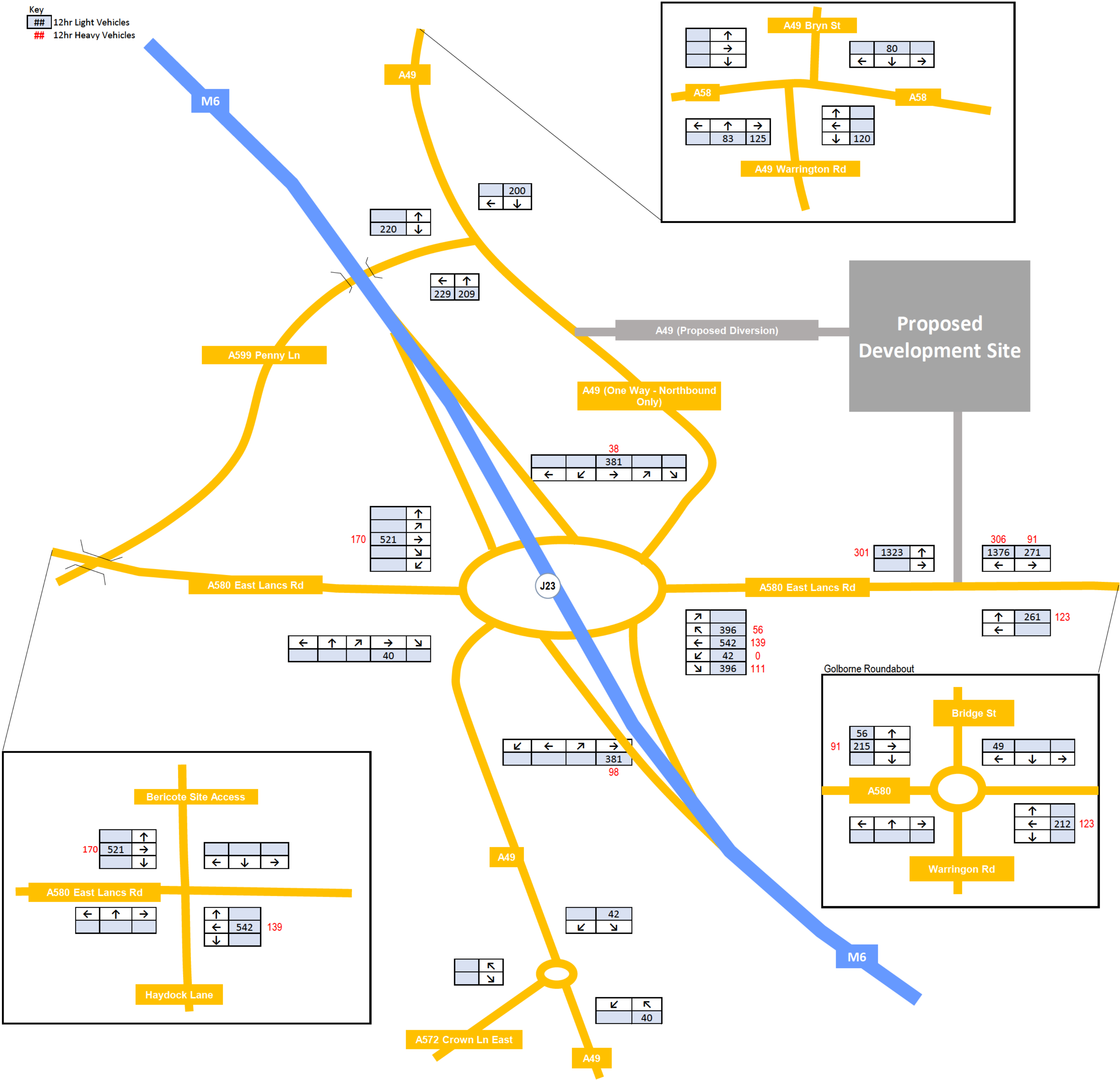
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Project: VN201731 Haydock Point

Title: AM Peak Hour Development Flows

FIGURE 1





Haydock Point Appeal

Employment Land Evidence:

Statement of Common Ground and Agreed Matters

8th February 2021

1. The Relevant Property Market Area (PMA) and Geography for Analysis

Both Rory Brooke (RB) and Anthony Meulman (AM) state and agree that the main property market area (PMA) to review the market demand and supply for this application is the M6 Corridor PMA, which approximates to the local authorities of St Helens, Warrington and Wigan:

- RB proof Section 6
- AM proof para 6.5, pages 41-42 – referred to as the Functional Economic Market Area (FEMA).

The relevant segment of the market is predominately about units over 100k sq.ft, with attention on units over 500k sq.ft:

- RB proof Section 5.3
- AM proof, Chapter 4.0 provided commentary on the property market for large-scale warehousing.

As well as reviewing the market at the M6 Corridor PMA/FEMA level, AM has looked at the St Helens Borough demand and supply for employment land specifically, in order to assess the level of employment land available for St Helens' needs.

In RB's view the PMA and demand cannot and should not be disaggregated below the M6 Corridor PMA as he sees the question as being whether supply in the whole M6 Corridor PMA, whichever local authority the supply is in, can meet the demand in the M6 Corridor PMA.

2. Estimated Future Demand in the PMA

RB and AM agree that there are significant indications that future employment land demand in the market will be higher in coming years than historic average annual growth. RB has estimated this uplift to be 29% higher than the historic average demand (CD 26.21 para 8.6.1). AM has relied on his work from the 2015 ELNS (5.79) and 2019 ELNS Addendum (CD 5.81), which included forecasts for employment land requirements for St Helens. This forecast included a five-year buffer on the baseline forecast (equivalent to 20%) to allow for flexibility and then an additional level of demand to account for the impact of major projects such as Liverpool Port expansion and Parkside. This is equivalent to 37-40% above the baseline in the ELNS Addendum report (CD 5.81, page 12, Table 6).

Therefore, there is consistency to the overall approach to forecasting further demand and uplift for employment land. However RB and AM have different views on the geography for the analysis. For the M6 Corridor PMA (St Helens, Warrington and Wigan), RB has estimated an annual land take up of 28 ha/yr (CD26.21 Table 8.4). AM has estimated an annual land take up of 7.6-9.6 ha/yr for St Helens (CD 5.81 Table 6, annualised figures).

3. Supply in the PMA

It is relevant to review potential alternative sites for employment units of the types proposed for Haydock Point. We have reviewed this in our individual Proofs of Evidence (CD 26.21 Chapter 9) and (CD 26.28 Chapters 5 and 6) through different approaches. AM's approach has looked at land coming forward through the draft Local Plan in St Helens, and the ability to meet identified needs, as well as reviewed allocated sites in Wigan and Warrington. RB's approach is to look at sites that could come forward in the M6 Corridor PMA (to meet demand in the M6 Corridor PMA) and Wider M6 Corridor PMA (to meet demand in the Wider M6 Corridor PMA). These include allocated sites and the five co-joined appeal sites.

AM refers to Table 4.1 (page 31) of the draft St Helen's Local Plan. Below is an updated version of Table 4.1 (i.e just for sites in St Helens) with figures on availability from now and notes on status and suitability.

St Helens Ref	RB Ref	Site	Total future ha	Notes
1EA	SH5	Omega South Western Extension, Land north of Finches Plantation	31.0	PA is for 75 ha, draft allocation for 31 ha
2EA		Land at Florida Farm	0.0	Built out
3EA	SH9	Land North of Penny Lane/Haydock Green	2.9	Largely built out
4EA		Land South of Penny Lane, Haydock	2.2	Too small
5EA	SH7	Land to West of Haydock Industrial Estate	7.8	Refused pp last year. Smaller units.
6EA	SH6	Land at Millfield Lane	20.6	Access issues. Medium or long term
7EA	SH3	Parkside East, Newton-le-Willows	64.6	Long term
8EA	SH1	Parkside West (Appeal site)	47.9	
8EA	SH2	Parkside West (Phase 2 Extension)	31.7	Medium to long term
9EA	SH8	Land to West of Sandwash Close	7.0	Not near mway junction. Poor access
10EA		Land at Lea Green Farm	0.0	Built out
11EA		Land at Gerards Park	0.0	Too small
TOTAL			215.5	

4. Demand and Supply Balance

Notwithstanding the items raised on supply above, AM agrees with the methodology within RB's Proof of Evidence in relation to looking at the balance of supply and demand. It is agreed that further land is required to become available to the market in a short period of time to meet market requirements. Both are agreed that it is appropriate to focus on the supply in the next five years (short term) but also have consideration of the medium (6-10 years) and long term (11-20 years) supply.

5. Contribution to a Strong, Competitive Economy

The contribution to a strong, competitive economy is covered in RB proof, section 11. Graham Russell's Parkside proof on economic impacts, although for Parkside, covers similar ground in terms of the parameters and method of assessment. Both proofs state that the assessments of economic benefits may be under-estimates given the potential for well-located logistics sites to improve the efficiency of the NW economy:

- RB, para 11.3.9, pages 87-88
- GR, para 3.34, pages 15-16.

Signed:

Anthony Meulman



Rory Brooke



8th February 2021

STATEMENT OF COMMON GROUND

PLANNING MATTERS

APPEAL REFERENCE: APP/H4315/W/20/3256871

LPA REFERENCE: P/2017/0254/OUP

DATE OF INQUIRY: 9 February 2021

SITE ADDRESS:

Land to the north east of the A580 East Lancashire Road / A49 Lodge Lane,
Haydock, St Helens.

DESCRIPTION OF DEVELOPMENT:

Outline planning application with all matters other than access reserved for the development of the site for up to 167,225 sq m of B8/B2 (up to 20% B2 floorspace) ancillary office and associated site facilities floorspace, car parking, landscaping, site profiling and transport, drainage and utilities infrastructure.

APPELLANT: Peel L&P Developments Ltd

LOCAL PLANNING AUTHORITY: St Helens Borough Council

1. Description of the Site and Surrounding Area

- 1.1. The Site is irregularly shaped and comprises 42.3ha of mainly agricultural land. It is predominantly open and flat but rises towards the north-western corner. A drainage ditch, an electricity line and water main run east-west through the centre of the Site. The site is within the Green Belt.
- 1.2. The Site contains a limited number of hedges following field boundaries, and a small number of trees, towards the site boundaries. The Site is generally flat and open. The Site is within the private ownership of the Appellant and there are no Public Rights of Way running through it.
- 1.3. Access to the Site is provided from the A49 (Lodge Lane) via a single width hardcore track. The Site has a significant frontage to both the A580 (to the south) and A49 (to the west).
- 1.4. An aerial photograph illustrating the site boundary is at Figure 1 below.



Figure 1: Aerial view of site

Site Location

- 1.5. The Site is located approximately 7.5km to the north east of the town centre of St Helens. It is separated from the settlement of Haydock/Blackbrook by the M6 Motorway. Haydock/Blackbrook arguably extends north east from the main urban area of St Helens. The central point of Haydock/Blackbrook is approximately 3km to the south west. This settlement does not contact a town or district centre. It contains a Local Centre at Clipsley Lane approximately 3.5km to the south west of the Site.

The A580 runs in an east-west direction through the northern part of Haydock and Blackbrook.

- 1.6. The site is separated from the Haydock Industrial Estate by the M6 Motorway. The St Helens Core Strategy (2012) (paragraph 10.7) states: *"Haydock Industrial Estate is the largest industrial estate in the Borough, covering some 126 hectares, and is well located in relation to the M6 motorway. Approximately 4,500 people are employed there."*
- 1.7. Recently completed developments at Florida Farm North and Penny Lane for B8 uses have extended Haydock Industrial Estate to the east and west.
- 1.8. The Site is located approximately 350 m from the southern boundary of the settlement of Ashton in Makerfield located within Wigan and approximately 620m from the western boundary of the settlement of Golborne also within Wigan. The Site is located entirely within the administrative boundary of St Helens Borough Council but is immediately adjacent to that of Wigan Council to the north and east.
- 1.9. The Site is in a highly accessible location on the highway network, occupying the north-eastern quadrant formed by the M6 motorway / A49 (Lodge Lane), both of which run north-south adjacent to the western site boundary, and the A580 (East Lancashire Road) which runs east-west along its southern boundary. The A580 provides a connection to St Helens, Liverpool and the Port of Liverpool to the west and Wigan and other Local Authorities within Greater Manchester to the east. The remaining site boundaries are formed by agricultural land to the north-west, Haydock Park Racecourse to the north and woodland to the east
- 1.10. Junction 23 of the M6 (Haydock Island) is located immediately adjacent to the Site to the south west. This can be described as gateway to St Helens and provides the Site with a direct connection to the strategic road network providing access to rest of the north, and key settlements within it, and the wider UK.
- 1.11. Notable features surrounding the site include the M6 motorway to the west of the Site which crosses the A580 at Junction 23 at an elevated level. This is visible and audible within the site and within the wider area. Other land uses include Haydock Industrial Estate, a mixed employment area located to the west of the M6 (north west quadrant) and which forms part of the Haydock built up area; and two hotels one located at the edge of Haydock to the west of the motorway, the other to the north of the site adjacent to Ashton-in-Makerfield, the racecourse and blocks of woodland.; There are residential areas within the Haydock to the west of the motorway, Golborne to the east and Ashton-in-Makerfield to the north. The nearest concentration of housing is located approximately 350m to the north-west of the Site in Ashton-in-Makerfield. There are no residential uses immediately adjacent to the Site. A specialist care residential facility lies to the south beyond the A580.

- 1.12. The Site is located wholly within the designated Merseyside Green Belt between Haydock, Golborne, Newton-le-Willows and Ashton-in-Makerfield.

Accessibility

- 1.13. The A49, Lodge Lane, adjoining the Site to the west is a bus route. Services on this route are the No.320 (Wigan to St Helens). Connecting bus services are available in Ashton town centre approximately 1.2km to the north of the site. Services from Ashton run to Newton-le-Willows, Garswood and Earlestown. Further details are provided within the Highways Statement of Common Ground.
- 1.14. Lodge Lane has a footway on both sides on the route between the Site and Ashton-in-Makerfield to the north. This is in a good condition and appropriately lit. The A599 (Penny Lane), which runs westwards from Lodge Lane towards Haydock, via the A580 and through the south eastern part of Haydock Industrial Estate has a footway and street lighting on both sides. This provides the Site with pedestrian accessibility to key locations surrounding the Site, including Ashton-in-Makerfield, Haydock Industrial Estate and the A580.
- 1.15. On the southern boundary of the Site the A580, East Lancashire Road has a footway and cycleway adjacent to the southern carriageway. There is no footway adjacent to the northern carriageway on the southern boundary to the Site. There is a pedestrian crossing point at Junction 23. Sandy Lane to the east of the site is a public right of way.
- 1.16. The nearest train stations to the site are located approximately 2.8km to the north at Bryn and 2.2km to the south at Newton-le-Willows.

2. Planning History of Site and Other Relevant Decisions

- 2.1. The following is a summary of the planning history of the Appeal Site:
- August 2000: Planning application for the drilling of a gas well and 6-month testing period on land to the east of Lodge Lane – approved (LPA Ref. P/OO/0349);
 - November 2001: Methane gas extraction and the generation of electricity on land to the east of Lodge Lane – refused but allowed on appeal in 2002 (LPA Ref. 01/0597). This permission has not been implemented;
 - February 2009 - a 54km buried pipeline connecting Prescott Reservoir in Knowsley to Woodgate Hill Reservoir in Bury – approved (LPA Ref. 2008/0872). This pipeline runs through the centre of the site and along its western boundary.
 - November 2015: Standby electricity generation plant with individual soundproof containers, hardstanding, storage containers, kiosk, control and

switch rooms and transformers – refused on grounds of conflict with Green Belt policy (LPA Ref. 2015/0701/FUL)

- 2.2. The parties agree that this planning history is of limited relevance to the determination of the appeal.
- 2.3. The north eastern quadrant of the junction of the motorway and the A580 is known to be the Site of a proposal for a regional shopping centre in the 1960's called the Haydock Park Centre. An appeal was dismissed by the Minister of Housing and Local Government in July 1965. This decision is prior to the land being designated Green Belt. Limited details of the proposal are available. It has limited relevance to the determination of this appeal.

Other Relevant Planning Decisions

- 2.4. The following planning permissions for logistics development have been approved by the Council on land designated Green Belt:
- September 2016 – Land at Penny Lane, A hybrid application by Morley Estates on land to the north west of the site, to the north of Penny Lane and the west of the M6, for the erection of a 11,689 square metres B8 warehouse (full) and a 35,653 square metres B8 warehouse (outline) along with associated works (LPA Ref. 2015/0571); and
 - April 2017 - Land west of Haydock Industrial Estate (Florida Farm North), a hybrid application by Bericote Properties Ltd for the erection of up to 135,000 square metres of B2/ B8 development (LPA Ref. 2016/0608).
- 2.5. In both cases, having regard to the development plan and other material considerations, the Council considered there were Very Special Circumstances to justify granting planning permission for development within Green Belt. The determinations involved a site-specific consideration of (amongst other things) the impact on the openness of the Green Belt, the impact on the purposes of the Green Belt, and the landscape and visual impact of the proposals of those sites and immediate area and weighed against relevant 'other considerations' which were also specific to the proposals in question.
- 2.6. In December 2019 the Council resolved to grant planning permission for an outline planning application by Parkside Regeneration Ltd on land at the former Parkside Colliery for the erection of up to 92,900 sqm of B8/B1(a) floorspace (LPA Ref. P/2018/0048/OUP). Parkside is located within Green Belt. The application has been "called-in" by the Secretary of State on 20 May 2020 (PINS Ref. APP/H4315/V/20/3253194). In this case, having regard to the development plan and other material considerations, the Council considered there were Very Special Circumstances to justify granting planning permission for development within Green Belt.
- 2.7. The Council and the Appellant do not agree as to the extent to which the Council's decision was based on the Development Plan aspiration to secure the delivery of a

Strategy Rail Freight Interchange (SFRI) at this site as set out in the Core Strategy. The fact that the site is a former colliery, the impact on the openness of the Green Belt, the impact on the purposes of the Green Belt, and the landscape and visual impact of the proposal on the immediate area were considered by the Council in their determination of this application.

- 2.8. In October 2019 the Council resolved to grant permission for a hybrid planning application by Omega St Helens Ltd/T J Morris on land to the west of Omega South and south of the M62, Bold for the erection of up to 205,500 sqm of B8 floorspace (LPA Ref. P/2020/0061/HYBR). This site is located in the Green Belt. Following its referral to the Secretary of State, this application has now been called-in as of 16th December 2020 and will be subject to a public inquiry, the dates for which are to be confirmed.
- 2.9. In this case, having regard to the development plan and other material considerations, the Council considered there were very special circumstances to justify granting planning permission for development within Green Belt. The Council's determination of this scheme involved a site-specific consideration of (amongst other things) the impact on the openness of the Green Belt, the impact on the purposes of the green belt, and the landscape and visual impact of the proposal on immediate area weighed against 'other considerations' which were also specific to the scheme in question.
- 2.10. In all of the above cases, the Council's decision that Very Special Circumstances exist to justify granting planning permission took account of the need for the development of large scale B8 buildings having regard to prevailing employment land and market evidence and the absence of a viable supply of land non-Green Belt land which could meet this need. The economic and employment benefits which these developments would deliver were central considerations in the Council's determination of these applications and conclusion that Very Special Circumstances existed. However, whilst there are issues which are common to each of these schemes, particularly in respect of the need for the developments, each proposal was considered on its own merits especially regarding the particular impacts on the Green Belt including openness, the purposes of including land with then Green Belt and other harm as well as 'other considerations' which are weighed in the planning balance.
- 2.11. It is an agreed position between the Council and Appellant that the prevailing need for large scale B8 development in the Borough remains unmet. The proposed development at Haydock Point was not refused by the Council on the grounds of an absence of need for the development.
- 2.12. Applications for logistics development on Green Belt sites in Wigan and Bolton were "called-in" by the Secretary of State on 20 May 2020:
 - The Symmetry Park scheme close to M6 Junction 25, is a hybrid application by DB Symmetry Limited for a total of 133,966 square metres B8 with ancillary B1(a) floorspace. Wigan Council resolved to grant planning permission on 14 January 2020 (Wigan Council Ref.

A/18/85947/MAJES); and

- At Wingates Industrial Estate within Bolton, the application proposes 100,000 square metres of B1(c)/B2; B8; B1(b) (ancillary B1(a)); D1 and ancillary A3/A4/A5 floorspace. Bolton resolved to grant permission on 16 January 2020 (Bolton Council Ref. 04766/18).

Haydock Racecourse

2.13. Various planning permissions for development at Haydock Racecourse have been approved. A brief summary of which is provided below:

- **P/2000/0587** - Demolition of lavatory block and existing owners & trainers pavilion and erection of two storey building to accommodate jockey weighing-in & changing facilities & hospital with owners & trainers dining facility above.
- **P/2001/1152** - Side extension (orangery) to the Tommy Whittle stand.
- **P/2001/0758** - Replacement Lattice Tower 22.5m high.
- **P/2001/0514** - Prior notification under part 24 of the Town & Country Planning (General Permitted Development) Order 1995 for the installation of a replacement 22.5m mast, equipment cabin and extension to existing compound.
- **P/2002/0006** - Replacement 22.5m high lattice tower.
- **P/2005/0780** - Two storey extension and alterations to the steps and associated external works to the centenary stand.
- **P/2005/1019** - Realignment of bend in the track involving engineering / earthworks / drainage and landscaping.
- **P/2006/0863** - Realignment of east bend of racetrack and widening of sprint track including: clearance of trees, shrubs and vehicular entrance: engineering, earth works, drainage and landscaping. New vehicular entrance including walls. Pier and Gates; road widening and surface/edge improvements including tree removal.
- **P/2007/0118** - Realignment/widening of the existing race track to create 2 flat courses and a chase/hurdle course on the inside, including realignment of canter down and access track, engineering works to the east bend, earthworks, drainage and landscaping.
- **P/2011/0050** - The erection of a single storey extension to form a corporate entertainment facility.
- **P/2011/0284** - The erection of a single storey extension to form a corporate entertainment facility.

3. The Appeal Application

- 3.1. Pre application engagement with Officers of the Council regarding the Proposed Development commenced in November 2016.
- 3.2. The proposal falls within the scope of the Environmental Impact Assessment Regulations 2011 (as was). An EIA Scoping Report was submitted to the Council on 25 November 2016. The Council provided its response to the Scoping Report in January 2017.
- 3.3. The application was submitted to the Council on 13 March 2017 and was registered on 21 March 2017. The Application comprised those documents provided at Core Documents 15.1 to 15.104.
- 3.4. The Environmental Statement was completed in accordance with the Scoping Opinion issued by the Council in January 2017.
- 3.5. The description of the development is as follows:

Outline planning application with all matters other than access reserved for the development of the site for up to 167,225 sqm of B8/B2 (up to 20% B2 floorspace) ancillary office and associated site facilities floorspace, car parking, landscaping, site profiling and transport, drainage and utilities infrastructure.

- 3.6. The application seeks outline planning permission for the form of development described above. The form of development for which planning permission is sought is reflected in the submitted Parameter Plan and Green Infrastructure Mitigation Plan with which future applications for the approval of reserved matters will need to comply. This will be controlled through conditions attached to the planning permission. The Parameter Plan and Green Infrastructure Mitigation Plan define, *inter alia*, the principal points of access to the Site, the development areas (including separate 'No Vertical Build Zones'), areas of structural landscaping, including woodland planting and areas of bunding, an ecological protection zone, the maximum height of individual buildings and the maximum total floorspace
- 3.7. The Proposed Development comprises the following elements:
 - Up to 1.8 m sqft (c167,225 sqm) of employment floorspace comprised B8 and B2 uses alongside ancillary uses including office accommodation and welfare facilities
 - The diversion of the northern arm of the A49 (Lodge Lane) through the development site
 - HGV, car, cycle and motorcycle parking
 - Internal road and traffic circulation areas

- Site re-profiling (i.e. changes to ground levels in some areas) including the development of bunding to visually screen the proposed development
- Provision for inclusion of acoustic fencing
- Creation of Sustainable Urban Drainage Systems and habitat areas
- Hard and soft landscaping, including areas of woodland planting
- Off-site highway works including works to junction 23 of the M6 and to the A580

January 2018 amendments

3.8. The application was amended in response to comments by statutory consultees and third parties, including the owners of Haydock Park Racecourse in January 2018. The revisions were submitted to the Council on 14 January 2018. The amendments to the scheme were:

- An increase in the depth of the 'No Vertical Build Zone' within the south western part of the Site to create a greater level of separation between the A580 and the area permitted to accommodate B2/B8 floorspace
- An increase in the depth of the 'No Vertical Build Zone' within the northern part of the Site to create a greater level of separation between the northern boundary of the Site and the area permitted to accommodate B2/B8 floorspace
- The inclusion of a defined easement zone along the route of the water main that crosses the Site to confirm that no development parcel will cross into that zone.
- The inclusion of an acoustic fence along the northern boundary of the Site
- The amendments to the application entailed the submission of additional and amended documents which are provided at CD 16.1 to CD 16.35.

May 2020 amendments

3.9. Further revisions to the application were submitted to the Council on 29th May 2020 following extensive discussions with the Council, the Local Highway Authority and Highways England during 2019 and 2020. These amendments comprised changes to the Site access strategy to accommodate the diversion of the A49 through the Site as an alternative to the previously proposed arrangement. This meant the Site would be served by two points of vehicular access off the existing A49 and the A580, with the link between the two becoming the diverted A49. A revised suite of offsite highway works to the A580 and Junction 23 of the M6 were also submitted arising from this change to the scheme. Design parameters for the diverted A49 were added to the Parameter Plan.

- 3.10. This amendment necessitated the submission of additional and amended documents, with the resubmission material provided at CD 17.1 to 17.29.
- 3.11. An appeal against the failure of the Council to determine the application was lodged on 24 July 2020. However, at the time the Local Planning Authority were still within the consultation period on the revised EIA submission of May 2020.
- 3.12. On 24th November 2020 the Council determined that it would have refused the planning application had it remained the determining authority. This determination was made against Officer recommendation that the Council should support the application although the merits of the proposal were noted by Officers as being finely balanced (CD21.1). Such recommendations are agreed not to be binding on the Local Planning Authority.
- 3.13. The following reason was given by the Council's Planning Committee:

'There would be landscape and visual harm caused to the character and appearance of the area that outweighs the economic benefits including jobs and investment in the planning balance. Very special circumstances do not exist to outweigh harm to the Green Belt. The development would be contrary to saved Policy GB1 of the St Helens Unitary Development Plan and paragraphs 143 and 144 of the National Planning Policy Framework which states that when considering any planning application, local planning authorities should ensure substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations'

December 2020 amendments

- 3.14. The Appellant held discussions with the Council on 10th December 2020 regarding potential changes to the scheme in response to the issues presented in the reasons for refusal. The Appellant wrote to the Planning Inspector on 15th December 2020 outlining a series of minor amendments it proposed to make focusing principally on strengthening and widening woodland belts around the Site and the introduction of bunding with a request that the proposed amendments be permitted to be made and that the appeal be determined on the basis of revised plans which reflected these changes. The Inspector issued a direction dated 16th December 2020 confirming that the appeal could be determined on the basis of the amendments, having regard to the Wheatcroft principle, and that a four week consultation on the amended plans should commence around 18th December 2020.
- 3.15. The amended Parameter Plan and Green Infrastructure Mitigation Plan were submitted to the Planning Inspectorate and the Council on 23rd December 2020 and a four week consultation on these commenced on 24th December 2020. The plans were accompanied by a briefing note outlining the changes and providing commentary on the implications of these for the Environmental Statement (and its associated Addenda) previously submitted and confirming that the conclusions of this are unaffected by the changes to the Proposed Development.

- 3.16. The Appellant has notified statutory consultees of the changes and advertised these by way of site notices, a notice in the St Helen Star on 24th December 2020 and notifying residential and business premises local to the site through a postal letter. The Appellant has maintained a website where the amended plans and associated materials can be viewed and provided appropriate means of submitting comments by post or email.
- 3.17. The consultation undertaken by the Appellant meets the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as they relate to the Appeal.
- 3.18. In summary, the Proposed Development which will be considered through the appeal process varies compared to the Proposed Development which was considered by the Council at its Planning Committee meeting of 24th November 2020 in respect of the following:
- Landscape zone increased, particularly to the south by approx. 15m and southwest by approx. 15m
 - Development parcel reduced/ vertical no build zone increased to northern boundary of Unit 1 by approx. 32m
 - Development parcel reduced/ vertical no build zone increased to southern boundary of Units 2 & 3 by approx. 35m
 - Development parcel reduced to north of Unit 3 to enable additional structural landscape by approx. 22m
 - Increased greening alongside A49 route
 - Overall internal floor area remains unchanged through greater use of mezzanines
 - Access points remain unchanged
 - Structural woodland planting increased along each boundary with the addition of bunding at a maximum height of 5m where appropriate to assist with screening of the units.
 - Additional structural planting alongside the diverted A49 to provide a green corridor.
 - Swale in south-western corner moved to achieve increased structural woodland planting on the south-west corner of the site.
- 3.19. Those plans provided at CD 28.1 comprise the plans for which planning permission is sought and which are before the Secretary of State. The Core Documents List also identifies documents previously submitted to the Council as part of the application but which are now superseded.

4. The Development Plan and Other Relevant Policy

The Development Plan

4.1. The development plan relevant to the appeal site comprises:

- The “saved” policies of the St Helens Unitary Development Plan (1998) (“the UDP”);
- The St Helens Core Strategy Local Plan (2012) (“the Core Strategy”); and
- The Joint Merseyside and Halton Waste Local Plan (2017) (“the Waste Local Plan”)

4.2. The appeal site is on land designated Green Belt by the UDP and the Core Strategy. Within the Core Strategy the site is located within Rural St Helens as defined by Policy CAS 5 and Figure 11.1 of the Core Strategy.

4.3. The UDP “saved” policies of relevance are as follows:

- S1: Green Belt
- GEN12: Lighting and Security Apparatus
- GB1: General Criteria for Development Control in the Green Belt
- GB2: General Criteria for Development Control in the Green Belt
- ENV4: Statutory Site Protection
- ENV5: Sites of Community Wildlife Interest and Local Nature Reserves
- ENV12A: Development Affecting Trees
- ENV13: New Tree Planting on Development Sites
- ENV21: Environmental Improvements Within Transport Corridors
- ENV23: Archaeology
- ENV26: Contaminated Land
- ENV30: Drainage
- REC6: Key Recreation Areas

4.4. The parts of the Core Strategy and policies of the Core Strategy of relevance are as follows:

- Spatial Vision
- Strategic Objectives: SO1.1, SO2.1, SO2.2, SO2.3, SO 3.1, SO5.1
- CSS1: Overall Spatial Strategy
- CIN1: Meeting St. Helens' Infrastructure Needs
- CSD1: National Planning Policy Framework - Presumption in Favour of Sustainable Development
- CAS3.1: Newton le Willows and Earlstown Strategy
- CAS3.2: Development of a strategic Rail Freight Interchange (SRFI) at the former Parkside Colliery
- CAS4: Haydock and Blackbrook Strategy
- CAS5: Rural St Helens
- CP1: Ensuring Quality Development in St. Helens

- CP2: Creating an Accessible St. Helens
- CE1: A Strong and Sustainable Economy
- CQL2: Trees and Woodlands
- CQL3: Biodiversity and Geological Conservation
- CQL4: Heritage and Landscape
- CR2: Waste

4.5. The Waste Local Plan policies of relevance are as follows:

- WM8: Waste Prevention and Resource Management
- WM9: Sustainable Waste Management Design and Layout of New Development

The Emerging Local Plan

- 4.6. The St Helens Borough Local Plan 2020-2035 ("the emerging local plan"), was submitted to the Secretary of State for examination on 29 October 2020. The version of the submission Local Plan submitted for examination is dated January 2019. A Schedule of Changes is dated October 2020. The hearing sessions forming part of the examination process are provisionally arranged to commence on 25 May 2021.
- 4.7. The emerging Local Plan proposes removal of the majority of the appeal site and some adjoining land from the Green Belt and to safeguard it for employment purposes for development beyond the plan period. The plan period is 2020 to 2035.
- 4.8. The Site was proposed to be released from the Green Belt and allocated for development during the plan period within the Preferred Options Local Plan (2017). The Council's Employment Land Need and Supply Background Paper (October 2020) (CD 22.19) explains the decision to subject the Site to a safeguarded designation, having previously been proposed as a plan period allocation as follows:

'The timing, form and extent of any development that may be acceptable in the future on these (safeguarded) sites is likely to be influenced by the need to ensure a phased approach to meeting overall employment needs and the extent to which current constraints affecting these sites have been overcome....In the case of site 2ES (the Appeal Site), the form and extent of any development that may be acceptable in the future is likely to be influenced by its interrelationship with Junction 23 of the M6 where a need for substantial improvements to enhance junction capacity within the Plan period has been identified (See Policy LPA07)'¹

'This reduction in the proposed employment land requirement included a key change compared to the Preferred Options consultation proposals relating to land to the north east of Junction 23 of the M6 (Site 2ES) (the Appeal Site). Whereas the Preferred

¹ Employment Land Need and Supply Background Paper (October 2020) (CD 22.19) Paragraph 3.40) page 24-25

Options document proposed that this site be allocated for employment development before 2033, the Local Plan Submission Draft proposed that it be removed from the Green Belt but safeguarded to meeting potential employment needs after 2035. It was considered that this change of approach will have the benefit of avoiding narrowing down the options for the development of a scheme to improve Junction 23 of the M6. The significant improvement of this junction is identified as a key infrastructure priority within the Plan, which would bring substantial benefits to the Borough and wider transport network. The need for this new approach is also evidenced by the St Helens Council Transport Impact Assessment 2018. This confirms that Junction 23 currently experiences queues and delays during peak periods and that this situation is likely to substantially worsen as the Plan period progresses without effective mitigation being undertaken. It is also not considered essential for the land north east of Junction 23 to be developed before 2035 to meet evidenced needs for employment development within that period.’²

- 4.9. Draft Policy LPA06: Safeguarded Land relates to land proposed to be removed from the Green Belt in order to meet longer term development needs. It states that planning permission for development on such sites will only be granted following a future local plan review. The emerging Local Plan does not indicate the type of employment development that may be appropriate, the amount of floorspace, the scale of development, or the arrangement of development on the site.
- 4.10. Junction 23 is identified as a “pressure point” and a Study was commissioned by the Council, Wigan Council and Highways England to explore options for the future enhancement of the junction to address pre-existing congestion at the junction and to ensure it is able to accommodate the growth requirements of the emerging Local Plan (as identified by the prevailing evidence base) as a key part of the road network in the Borough. Improvements to Junction 23 and the A580 corridor are needed in order to deliver the level and type of development proposed through the Local Plan as confirmed within the Council’s Infrastructure Delivery Plan (2018) (CD 22.21). The Infrastructure Development Plan is part of the published evidence base for the new Local Plan.
- 4.11. The Appellant was provided with the Junction 23 Study in September 2020. In November 2020, Council Officers made a recommendation to the Council Planning Committee that it should support the Proposed Development for the reasons set out in the Committee Report (CD 21.1).
- 4.12. Representations have been made to the draft Local Plan, including those objecting to the employment land requirement and the proposed designation in which the appeal site partly falls. The emerging Local Plan is not at a stage where material weight can be attached to it in the determination of this appeal
- 4.13. The evidence base for the emerging local plan is a material consideration in the

^{2 2} Employment Land Need and Supply Background Paper (October 2020) (CD 22.19)
Paragraph 3.11 page 27)

determination of this appeal. This includes but is not limited to:

- Infrastructure Delivery Plan (2018)
- Green Belt Review (2018)
- Employment Land Need Assessment – addendum report (2019)
- Employment Land Need and Supply Background Paper (2020)
- M6 Junction 23 Haydock Island Capacity Feasibility Study (2019)

The evidence base indicates that Part 1 of Core Strategy Policy CE1: A Strong and Sustainable Economy is out of date considering the quantum of economic development required over the Core Strategy plan period (2012 to 2027).

5. Material Considerations

National Policy

- 5.1. The National Planning Policy Framework (2019), (“the NPPF”), and the Planning Practice Guidance (“the PPG”), are material considerations. Substantial weight should be given to the NPPF in the determination of the appeal.

Other Approved Policy

- 5.2. The following Supplementary Planning Documents (“SPDs”) are relevant to the appeal:

- Ensuring a Choice of Travel (June 2010)
- Biodiversity (June 2011)
- Local Economy (November 2013)
- Design and Crime SPD (2009)
- Trees and Development SPD (2008)

Other evidence based documents

- 5.3. The following are also relevant to the determination of the appeal:

- The UK Industrial Strategy (2017)
- The Northern Powerhouse Strategy (2016)
- Transport for the North Strategic Transport Plan (2019)
- Northern Freight and Logistics Report (2016) (Transport for the North)
- The Liverpool City Region Growth Strategy (2016)
- Draft Local Industrial Strategy (Liverpool City Region Combined Authority)
- St Helens Growth Strategy (2015)
- St Helens City Growth Plan (2008)

6. Main Planning Issues

6.1. The main planning issues in the determination of this appeal are:

- a. The effect of the proposal on the openness of the Green Belt
- b. The effect of the proposal on the purposes of the Green Belt
- c. The weight to be applied to any landscape and visual harm arising from the proposal
- d. Whether there is any other harm resulting from the proposal
- e. The need for employment land in St Helens and the wider logistics market area within which the site is located and the supply of suitable available sites taking account of cross-boundary issues
- f. The environmental effects of the proposal including ecology, trees and net biodiversity gain and air quality
- g. The socio-economic effects of the proposal
- h. The traffic and transport effects of the proposal
- i. Whether the harm to the Green Belt by reason of inappropriateness (to which substantial weight is given by NPPF paragraph 144), together with other harm resulting from the proposal is clearly outweighed by other considerations.

7. Other Matters Agreed

- 7.1. There is a significant need for new employment land in St Helens, of which the need for large scale logistics is a major component. It is agreed that the proposed development is well placed to meet this need having regard to the form of development proposed and the locational qualities of the site, including its strategic location in relation to the highway network. Significant weight should be applied to this in the context of the NPPF (including paragraphs 8, 11 and 80) and the development plan
- 7.2. The market for employment land has changed significantly since the adoption of the Core Strategy in 2012 to the extent that Part 1 of Policy CE1 is out of date, insofar as it refers to a requirement for employment land which is not reflective of the objectively assessed need for development of this type. Part 1 of Policy CE1 should accordingly be afforded no material weight.
- 7.3. To meet the requirement for new employment development, and in particular the need to accommodate large scale logistics development, land will need to be released from the Green Belt. There are no suitable and viable alternative sites located outside

of the Green Belt which can accommodate the proposal. There are also no suitable and viable sites within the urban area which can accommodate the proposal in a disaggregated form based on the smallest single unit proposed.

- 7.4. The Site will be attractive to its target market having regard to its size and location in relation to the M6 and A580 and the proposed developments deliverability. There is no reliance on residential road network in order to access the Site which will also be attractive to the market.
- 7.5. The Appellant considers that the Proposed Development is the only one out of the four proposals at Inquiry which can deliver a single unit of 92,900 square metres and therefore which is capable of meeting the demand for units of this scale. The Council acknowledges that if planning permission for the Proposed Development is granted then a unit of 92,900 sqm can be provided on site. An occupier for the proposed development has not been identified.
- 7.6. The proposal is inappropriate development within the Green Belt. Substantial weight should be given to the harm by reason of this inappropriateness.
- 7.7. The proposal would have an adverse impact on /cause harm to the openness of the Green Belt. The Council considers this impact to be significant, the Appellant considers this impact to be moderate-significant.
- 7.8. The proposal will cause harm to/conflict with the following Green Belt purposes:
 - checking the sprawl of a large built-up area; (the Appellant assesses this to be moderate-significant; the Council considers it to be significant)
 - preventing neighbouring towns from merging into one another; (the Appellant assesses this to be moderate-significant the Council considers it to be significant)
 - and safeguarding the countryside from encroachment (the Appellant assesses this to be moderate; the Council considers it to be significant)
- 7.9. The proposal will cause no harm to the Green Belt purpose relating to historic towns.
- 7.10. The Appellant considers there to be no conflict with the purpose relating to assisting in urban regeneration. The Council considers there to be a modest benefit.
- 7.11. Substantial weight is attached to the harm to the Green Belt by reason of inappropriateness and substantial harm to openness and substantial harm to the purposes as identified in accordance with NPPF paragraph 144.

7.12. The proposal will result in other harms within the meaning of paragraph 144 of the NPPF:

- An adverse impact effect on the immediate surrounding landscape, and on certain views. The Council considers the proposal will have a significant adverse landscape and visual impact. The Appellant considers there will be no significant adverse effects on the wider landscape or on views.
- Limited harm caused by the loss of approximately 23 ha of Grade 3a agricultural land.

7.13. The Council considers there to be other harms, as dealt with in the following section.

7.14. Development on the site would support economic growth and productivity and (subject to the final form of development approved at reserved matters), has the potential to create significant levels of employment and investment in the local economy that would be of significant benefit, both during the construction and operational phases, particularly having regard to prevailing, and increasing, levels of multiple deprivation in the Borough. There is a synergy between the types of jobs which the development will provide and the skill set of those in need of employment. Significant weight should be placed on these benefits in accordance with NPPF paragraphs 8a and 80 and in the context of the Core Strategy Spatial Vision, Parts 2ii and 2iv of Policy CSS1 of the Core Strategy, Part 5ii of Policy CAS4 of the Core Strategy and Part 4 of Policy CE1 of the Core Strategy.

7.15. The proposed Employment Strategy forms an appropriate means of optimising the local employment benefits of the Proposed Development, and its implementation can be secured through a planning obligation. The accessibility of the site and the further enhancements proposed by the Appellant (to be secured by planning obligation) will also enhance the benefit of the Proposed Development by connecting job opportunities with those who need them most.

7.16. The Site can be made to be highly accessible by public transport, walking and cycling and this can be achieved by the proposed bus service to be funded by the development and secured through the Section 106 Agreement and through improvements to the local cycle path network along the A580

7.17. In overall terms, the proposed development complies with the following Development Plan policies (subject to the imposition of conditions and the approval of reserved matters):

7.18. Saved UDP:

- GEN12: Lighting and Security Apparatus
- ENV4: Statutory Site Protection
- ENV5: Sites of Community Wildlife Interest and Local Nature Reserves
- ENV12A: Development Affecting Trees
- ENV13: New Tree Planting on Development Sites
- ENV23: Archaeology

- ENV26: Contaminated Land
- ENV30: Drainage
- REC6: Key Recreation Areas

7.19. Core Strategy:

- Strategic Objectives: SO1.1, , SO2.2, SO2.3, SO3.1, SO5.1
- CE1: A Strong and Sustainable Economy
- CQL2: Trees and Woodlands
- CQL3: Biodiversity and Geological Conservation
- CR2: Waste

7.20. The Council considers there is conflict with Part vii of Policy CSS1 on account of the Site being in the Green Belt. Green Belt boundaries should be accorded full weight but the absence of alternative sites for employment development may amount to Very Special Circumstances to justify development within the Green Belt. The appellant considers that there will be no conflict with Policy CSS 1 on account of the outcome of the Very Special Circumstances assessment and as Policy CSS 1 (Part 1ix) is permissive of development in the Green Belt where Very Special Circumstances are proven.

7.21. The parties agree that the proposals comply with and make a positive contribution to those parts of Policy CSS1 which support the regeneration of the Borough including Parts 2ii, iii and iv.

7.22. The parties agree that the proposals do not conflict with those parts of CE1: A Strong and Sustainable Economy to which weight can be applied. The parties agree that no weight should be given to Part 1 of CE1 given that in respect of the stated employment land needs, it is out of date.

7.23. The parties agree that the proposals will make a positive contribution to achieving Strategic Objectives SO 1.1, SO 3.1 and SO 5.1 of the Core Strategy. The parties agree that the proposed development complies with significant parts of other development plan policies, including those dealing with multiple topics (such as Core Strategy CP1). Non-compliance with such policies is limited to matters of landscape and visual harm.

7.24. To this end, the parties agree that the proposals will result in some conflict with Strategic Objective SO 6.2 and Policies CP1, CAS 5 and CQL4 of the Core Strategy but are not in agreement as to the extent of conflict. If Very Special Circumstances are not demonstrated the proposals are in conflict with UDP policies GB1 and GB2.

8. Matters that are not agreed

8.1. The landscape and visual impact of the proposal is not agreed. See the Landscape SoCG and Supplementary Landscape SoCG for details.

- 8.2. The Council considers the following harms should be weighed in the balance in determining whether very special circumstances exist, and in determining the appeal:
- Limited harm to ecology caused by the loss of habitat, to be afforded limited weight given that the Council considers the proposal to be in accordance with Policy CQL3.
 - Harm caused to air quality in certain locations, to be given very limited weight given there would be no conflict with the relevant part of Policy CP1 of the Core Strategy or paragraph 181 of the NPPF because impacts have been minimised and would be mitigated.
 - Some harm caused by additional noise, but to be given limited weight as the proposals would not have a significant effect on the amenity of residents, subject to identified mitigation, and the relevant part of Core Strategy Policy CP1 is satisfied.
- 8.3. The Appellant disagrees that these are harms that should weigh against the proposals, even to the limited degree suggested by the Council, given the agreed accordance with the relevant Policies of the Development Plan in each instance. The Appellant considers that rather than causing harm to ecology, there is a beneficial impact which is to be afforded some weight. Reference should be made to the separate SOCGs dealing with Noise, Air Quality and Ecology.
- 8.4. The parties disagree on the degree of harm that the proposal will cause to the landscape and visually, and the weight this carries in the determination of the appeal. The parties also disagree on the extent of conflict with relevant parts of Strategic Objective 6.2 and Policies CP1 and CQL4 which result from the degree of harm to the landscape and visually.
- 8.5. The appellant considers that the Proposed Development does not conflict with the following policies / part policies of the development plan whilst the Council considers that some level of conflict with these policies will result from the development:
- UDP Policy ENV 21
 - Core Strategy Policies:
 - CIN 1
 - CP 2
 - SO 2.1
 - CSS Parts 1v, 1vi and 1ix
- 8.6. The Appellant considers that Policy CAS 4 (Haydock and Blackbrook) is relevant to the Proposed Development. The Council considers this policy not to be relevant on account of the Site being located outside of the defined settlement boundary.
- 8.7. The Appellant asserts that the proposal accords with the principal Green Belt policy in the Development Plan (Policy GB1 of the UDP) as Very Special Circumstances are

proven and that compliance with Policy GB2 is also achieved as a result. As the Council does not consider that the benefits of the proposals clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harm, the council considers that the proposal is in conflict with Policy GB1 and Policy GB2 and so does not comply with the development plan.

- 8.8. On account that the Appellant considers that Very Special Circumstances exists, it considers that overall compliance with the development plan is achieved, notwithstanding some limited areas of conflict. The Council accepts that if the benefits arising from the proposal clearly outweigh the identified harms such that very special circumstances are demonstrated, the claimed conflict with Policies GB1 and GB2 falls away and overall compliance with the development plan would be achieved.
- 8.9. The Appellant considers that the presumption in favour of sustainable development as expressed in paragraph 11 of the NPPF applies to the proposal on account of overall compliance with the Development Plan and the absence of material considerations to indicate a decision contrary to the Development Plan. The Council disagrees because it considers there is conflict with the Development Plan (in the application of the Green Belt policy) and Green Belt policy in the NPPF, which means that footnote 6 is engaged.

9. Declaration

This Statement has been certified as a Statement of Common Ground and is agreed by the main Parties to the Appeal as follows:

Signed on behalf of the Appellant by:



Name: Andrew Bickerdike
Position: Director
Date: 5 February 2021

Signed on behalf of St Helens Metropolitan Borough Council

ALYN NICHOLLS

Alyn Nicholls, Chartered Town Planner
On Behalf of St Helens Borough Council
5 February 2021

STATEMENT OF COMMON GROUND – Flood Risk

APPEAL REFERENCE APP/H4315/W/20/3256871

DATE OF HEARING/INQUIRY 9 February 2021

SITE ADDRESS AND DESCRIPTION OF THE DEVELOPMENT

Land to the north east of the A580 East Lancashire Road / A49 Lodge Lane, Haydock, St Helens.

Description of development: Outline planning application with all matters other than access (limited to the physical points of access into the site only) reserved for the development of the site for up to 167,225 sq m of B8/B2 (up to 20% B2 floorspace) ancillary office and associated site facilities floorspace, car parking, landscaping, site profiling and transport, drainage and utilities infrastructure.

APPELLANT Peel L&P Developments Ltd

LOCAL PLANNING AUTHORITY St Helens Borough Council (application reference: P/2017/0254/OUP)

- 1.1. This document is a statement of common ground relating to flood risk and sets out the matters of agreement between the appellant and the Council.
- 1.2. This document summarises and is informed by the conclusions of the FRA ref C1241-20170013 Rev C and the supplemental documents prepared in:
 - Preliminary Surface Water Drainage Statement – C1241-20170013 September 2017
 - Drainage Discharge Strategy – C1241/EAJ/jt/20160175 December 2016
 - EIA Flood Risk Scoping Study – C1241 November 2016
- 1.3. The site is 42.3 hectares in site of previously undeveloped Greenfield land.
- 1.4. The site is wholly within in Flood Zone 1.
- 1.5. The site in its current state is regularly cultivated and cropped on a seasonal basis. Evidence of the use of heavy agricultural vehicles exist throughout the site and all existing natural features are constrained heavily by the ongoing farming activities.
- 1.6. Following the submission of a detailed Hydrological Assessment of the central water feature, it was agreed between the Council and the Appellant that, subject to the removal of the temporary culvert, the site would be designated wholly within Flood Zone 1 and flooding was not a development constraint. The culvert is therefore scheduled for removal and the temporary crossing of the Watercourse, which has been created by the Farmer will be removed.
- 1.7. It has been agreed between the Council and the Appellant that an 8m buffer zone be created along the length of the central water course. This is shown on the Parameters Plan (reference; 30926-FE-008A2).

- 1.8. Evidence of water voles led to the need to create the buffer zone which the Council and the Appellant agree will ensure that their natural habitat will be further protected and enhanced. This requirement has been described further in the Ecology Statement of Case.
- 1.9. It has been agreed between the Council and the Appellant that a construction Risk Assessment /Method Statement should be submitted and agreed. This method statement would seek to identify any Flood Risk/ pollution risk created by the construction process and put in place a detailed mitigation strategy to ensure the risks can be adequately managed.
- 1.10. It has been agreed that the following mitigation measures should be implemented:
- Foul and surface water should be drained on a separate system.
 - A surface water drainage scheme based on the hierarchy of drainage options shall be submitted and agreed. The basis of the hierarchy will be in accordance with CIRA SuDS manual 2015 paragraph 3.2.3.
 - Infiltration
 - discharge to surface water
 - Discharge to surface water sewer
 - discharge to combined sewer
 - Any sustainable drainage system should be accompanied by an appropriate management system. The management system will clearly identify all SuDS features constructed onsite and give instructions on the level of maintenance and frequency of maintenance required. The Management system will detail stakeholders responsible for the maintenance and will provide a framework against which the maintenance can be funded.

Consultation Responses Received

- 1.11. Consultation responses were received from United Utilities, Environment Agency and St Helens Lead Local Flood Authority and no objections from any of these bodies remain to the development

Proposed Conditions

Environment Agency

Protection of Watercourse

- 1.12. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. It was therefore agreed between the Appellant and the Council that the following condition is imposed.

No development shall take place until a scheme for the provision and management of an 8 metre wide buffer zone alongside the watercourse shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes should include:

- plans showing the extent and layout of the buffer zone.
- details of any proposed planting scheme (for example, native species).
- details demonstrating how the buffer zone will be protected

during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.

- details of any proposed footpaths, fencing, lighting.

- 1.13. It is agreed between the Council and the Appellant that the measures to be implemented under this condition would provide appropriate protection to the watercourse.

United Utilities

- 1.14. Following consultation with United Utilities no objections were raised to the development of the site. United Utilities requested the inclusion of three standard conditions and the Appellant and the Council agreed that the conditions noted below should be appended to the Planning Permission.

Construction Risk Assessment

Condition 1

No development shall take place until a Construction Risk Assessment Method Statement (RAMS) for construction of the proposed development, is submitted to and approved by the Local Planning Authority. The statement shall outline the potential impacts from all construction activities, including vibration on water infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to this infrastructure both during and after construction. The development shall be undertaken in accordance with the approved RAMS.

Reason: To ensure a satisfactory form of development and to afford appropriate protection of significant strategic water infrastructure and wastewater that crosses the site.

Foul Water

Condition 2

Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

Surface Water

Condition 3

Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of

policies within the NPPF and NPPG.

- 1.15. It is agreed that the implementation of measures required to discharge these

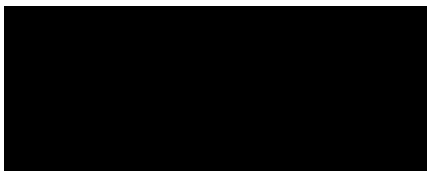
Conclusion

- 1.16. The Appellant and the Council agree that flood risk and future SuDS have been adequately addressed in the submission and subject to the compliance of the suggested conditions, water environment is not a reason for refusal of the planning application.

2. Declaration

This Statement has been certified as a Statement of Common Ground and is agreed by the main Parties to the Appeal as follows:

Signed on behalf of the Appellant by:



Name: Emyr Jones

Position: Managing Director at Shepherd Gilmour

Date: 8th February 2021

Signed on behalf of St Helens Metropolitan Borough Council

ALYN NICHOLLS

Alyn Nicholls, Chartered Town Planner

9 February 2021

STATEMENT OF COMMON GROUND – Ecology

APPEAL REFERENCE APP/H4315/W/20/3256871

DATE OF HEARING/INQUIRY 9 February 2021
where known

SITE ADDRESS AND DESCRIPTION OF THE DEVELOPMENT

Land to the north east of the A580 East Lancashire Road / A49 Lodge Lane,
Haydock, St Helens.

Description of development: Outline planning application with all matters other than access (limited to the physical points of access into the site only) reserved for the development of the site for up to 167,225 sq m of B8/B2 (up to 20% B2 floorspace) ancillary office and associated site facilities floorspace, car parking, landscaping, site profiling and transport, drainage and utilities infrastructure.

APPELLANT Peel L&P Developments Ltd

LOCAL PLANNING AUTHORITY St Helens Borough Council (application reference: P/2017/0254/OUP)

1. Introduction

- 1.1. The Statement sets out matters agreed and those in dispute relating to ecology and biodiversity.

2. Methods and Assessment

- 2.1. To inform the Environmental Statement (ES) (CD 15.27) and subsequent Addenda (ESA and ESA2) (CD 16.9 and CD 17.28), a range of ecological surveys were undertaken. The following surveys were undertaken in accordance with best practice and industry standards:
 - Desk based assessment
 - Extended Phase 1 habitat survey^{1,2}
 - Great Crested Newt Habitat Suitability Index (HSI) Assessment Survey³
 - Great Crested Newt eDNA Survey⁴
 - Ground level Bat Roost Assessment of Trees⁵
 - Bat Activity Survey⁵

¹ JNCC 2010. Handbook for Phase 1 Habitat Survey: A technique for environmental audit

² CIEEM 2019. Guidelines for Preliminary Ecological Appraisal

³ ARG UK Advice Note 5 (May 2010) Great Crested Newt Habitat Suitability Index

⁴ Biggs et al 2014. Analytical and methodological development for improved surveillance of the Great Crested Newt. Defra Project WC1067. Freshwater Habitats Trust: Oxford

⁵ The Bat Conservation Trust (2016) Bat Surveys for Professional Ecologists: Good Practise Guidelines (3rd edn).

- Water vole survey⁶
 - Winter Bird Survey⁷
- 2.2. The surveys were undertaken within suitable weather conditions and recognised survey windows.
- 2.3. TEP's ecologists have surveyed the site and the proposed off-site winter bird mitigation area during summer and autumn 2020 and have confirmed that the habitats and farming patterns on the sites remain substantially to those which pertained in the period 2017 to 2019. The above surveys and the Ecological Impact Assessment are therefore considered to remain valid for the purpose of the inquiry.
- 2.4. The Council raise no issue regarding the method and assessment undertaken.

3. Impact on ecological features

- 3.1. The impacts on ecological features have been considered in detail within the ES March 2017, Chapter 8 Ecology, and subsequent addenda: ESA1 (December 2017) and ESA2 (May 2020). Specifically an Ecological Impact Assessment (EcIA) of the proposals upon identified ecological features was undertaken with reference to the Ecological Impact Assessment Guidance published by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2018, as amended).
- 3.2. There are no national or international designated sites within 2km of the Site. The Site lies within the Impact Risk Zone for Abram Flashes SSSI and Highfield Moss SSSI. The Proposed Development is not listed within the land use types of risk for these SSSIs.
- 3.3. The nearest international designated site is the Manchester Mosses Special Area for Conservation (SAC) which lies c. 9.5km to the east. Mersey Estuary Special Protection Area (SPA) and Ramsar site lies around 16km to the south.
- 3.4. The March 2017 ES concluded there was no requirement for Habitats Regulations Assessment of the project in relation to international designated sites. During the consultation period, MEAS requested that more information be provided on lapwing and golden plover use of the Site and that the potential for impact on the Mersey Estuary be investigated. The additional winter bird survey and desktop research provided the information required by MEAS and confirmed there is no likelihood of significant effect on the Mersey Estuary SPA/Ramsar site. The Proposed Development is not considered to be hydrologically linked to the Manchester Mosses SAC and does not provide any supporting function to the SAC or its qualifying features.
- 3.5. Seven Local Wildlife Sites (LWS) were identified within 1km of the Site. The nearest of these is Haydock Park Woodlands LWS, which wraps around the north and eastern boundaries of the Site. Ellams Brook LWS lies approximately 395m south at the closest point but forms part of the same catchment as the central ditch which flows through the application Site. Lady Hill Plantation, immediately east of the Site, is a potential Local Wildlife Site.
- 3.6. These sites would be fully protected through application of the parameters,

⁶ Dean et al, 2016. Water Vole Conservation Handbook Dean et al, 2016

⁷ Gilbert et al. 1998. Bird Monitoring Methods: a manual of techniques for key UK species

notably the avoidance of any disturbance to root protection zones, the provision of a 15m unlit woodland planting buffer and site perimeter fencing, retaining and buffering the ditch and employing statutory pollution prevention measures, and the fact that the scheme would not generate recreational disturbance.

3.7. The following ecological features were identified as requiring impact assessment:

- Grassland
- Woodland, and Trees
- Arable field margins
- Native Hedgerows
- Ditch
- Common Toad
- Bats
- Birds of Conservation Concern
- Water vole

3.8. The approach to ecological assessment and scheme design has followed the mitigation hierarchy advocated in NPPF para. 175a (NP1). The majority of potential negative effects during construction and operation of the site have been eliminated through scheme design or through additional mitigation. These design interventions have been incorporated in the Parameters Plan (30926-FE-008A6) and Green Infrastructure Mitigation Plan (30926-FE-027U) and indicate the location and design of proposed green infrastructure within the development. The Common Toad Mitigation Strategy, Water Vole Mitigation Strategy (ESA1 Vol. 3 Appendix A8.6 Core Document 16.14) and Landscape and Habitat Management Plan V1 (ES Vol. 4 Appendix 8.7 Core Document 15.81) confirms that the retained habitats and the newly-created habitats, corridors and green spaces will be managed for the lifetime of the development according to ecological principles.

3.9. To compensate for losses of grassland and arable field margins, large areas of species-rich grassland will be created in the new vegetated surface water attenuation system west and east of the northern development parcel to include use of native grassland and reed bed mixes, and in the new meadow and woodland mix planting west of the southern development parcel. Naturalistic meadow and inundation grassland planting will also be implemented within the 25m buffer along the eastern perimeter of the Site and along the A580. These areas will be managed to increase species diversity and value for wildlife. There will be a long term (effective 15 years+) beneficial residual impact in respect of the local resource of species-rich grassland.

3.10. There will be short term impacts on scattered trees as some will be lost as a result of the development; however the wildlife value of these features is limited due to the small areas represented and the low botanical diversity (dominated by non-native sycamore). These losses will be compensated by replacement planting and coupled with management under the Landscape and Habitat Management Plan (LHMP) to ensure establishment and longevity.

3.11. Loss of approximately 40m of the ditch and adjacent hedgerow to facilitate access routes will be compensated through creation of a vegetated surface water attenuation system provided west of Unit 1, to include use of native grassland and reed bed mixes, and a commitment to providing a reed bed and at least 300 linear metres of normally-wet ditch, east of the existing ditch corridor.

3.12. No bat roosts have been identified on site and therefore there is no need for a mitigation licence from Natural England. Short term effects on bats due to loss of foraging and commuting habitat will be mitigated in the medium term

due to the establishment of new habitats, with management secured through the LHMP.

- 3.13. Due to the potential for common toad to be present on site, various mitigation and enhancement measures are proposed in the Common Toad Mitigation Strategy (Core Document 18.4), including creation of new wetland features and installation of temporary amphibian fencing.
- 3.14. Loss of farmland bird habitat will either be in the form of provision of an area of land that would be placed into a beneficial management plan for wintering lapwing (as detailed in the Haydock Point Wintering Bird Habitat Compensation Proposals document (TEP Reference 5843.017), or through providing a contribution to St Helens Council specifically to allow them (or an appropriate body) to manage habitats elsewhere to benefit lapwing. The land management/contribution to St Helens Council would be secured through a S. 106 agreement.
- 3.15. The embedded mitigation measures will create new woodland, scrub and ditchbank habitats which will benefit many BoCC passerine species. The development will therefore have an overall positive effect on bird species in the long term.
- 3.16. Impacts on water voles will be mitigated through measures set out in the Water Vole Mitigation Strategy. These will include various habitat creation and enhancement measures, pre-commencement checks, maintaining a buffer of native vegetation along the ditchbanks and utilising oversized box culverts to ensure habitat continuity is maintained.

4. Conclusion

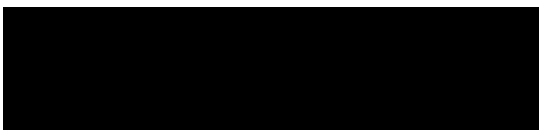
- 4.1. The scheme will be of benefit to, or have no effect on, most ecological features. The scheme will benefit the following features:
 - Grassland
 - Woodland and Trees
 - Native Hedgerows
 - Ditch habitats
 - Bats
 - Birds of Conservation Concern (other than farmland birds)
 - Water vole
- 4.2. The scheme will have a negative effect on farmland birds on the site itself, but an offsite compensation package has been agreed which will take the form of either management of a dedicated area of land for wintering lapwing (which will also benefit other farmland bird species), or through providing a contribution to St Helens Council specifically to allow them (or an appropriate body) to manage habitats elsewhere to benefit lapwing.
- 4.3. Neither Natural England nor St Helens Council's ecological advisers MEAS in their consultation responses have raised any objections to the proposals. A walkover of the site undertaken on 21st August 2020 has confirmed that the conditions have not materially changed since 2019, and the conclusions of the Environmental Statements and Addendums remain valid.
- 4.4. During the consultation period for the 2017 ES, MEAS advised that more information be provided on lapwing and golden plover use of the site and that the potential for impact on the Mersey Estuary be investigated.

- 4.5. The additional winter bird survey and desktop research provided the information required by MEAS and confirmed there is no likelihood of significant effect on the Mersey Estuary SPA/Ramsar site.
- 4.6. The scheme has been thoroughly assessed and its design has been informed by the ecological mitigation hierarchy, where avoidance of adverse effect is preferred to the need for mitigation or compensatory measures.
- 4.7. The proposal is compliant with all relevant biodiversity legislation, policy and guidance.
- 4.8. No Natural England licence would be required in respect of bats, as no roosts would be disturbed. No evidence of badgers are found on the site.
- 4.9. The proposed conditions and obligations that MEAS recommended in their consultation response letter of 24th July 2020 are suitable for the site.
- 4.10. At the time of making the Environmental Impact Assessment there was no requirement to assess the scheme using a metric such as the DEFRA Biodiversity Metric 2.0. There remains no statutory or locally-adopted policy requirement to use such a metric.
- 4.11. An assessment of biodiversity net gain was made by reference to the net effects of the scheme on features of ecological importance assessed through EIA, and as described in paragraphs 4.1- 4.2 above, the number and importance of features that would benefit is greater than those that would be adversely affected.
- 4.12. MEAS advised in their consultation response letter of 24th July 2020 that there is no requirement to use the DEFRA Biodiversity Metric 2.0 as the application site comprises predominantly arable land of negligible ecological value, and use of the metric on this occasion would be unlikely to significantly alter the proposed ecological mitigation and compensation measures.

5. Declaration

This Statement has been certified as a Statement of Common Ground and is agreed by the main Parties to the Appeal as follows:

Signed on behalf of the Appellant by:

A black rectangular box redacting the signature of the appellant.

Name: Lynsey Crellin MSc MCIEEM

Position: Principal Ecologist at The Environment Partnership (TEP)

Date: 4th February 2021

Signed on behalf of St Helens Metropolitan Borough Council

ALYN NICHOLLS

Alyn Nicholls, Chartered Town Planner
On behalf of St Helens Borough council
5 February 2021

STATEMENT OF COMMON GROUND – Noise and Vibration

APPEAL REFERENCE APP/H4315/W/20/3256871

DATE OF HEARING/INQUIRY 9 February 2021

SITE ADDRESS AND DESCRIPTION OF THE DEVELOPMENT

Land to the north east of the A580 East Lancashire Road / A49 Lodge Lane, Haydock, St Helens.

APPELLANT Peel L&P Developments Ltd

LOCAL PLANNING AUTHORITY St Helens Borough Council (application reference: P/2017/0254/OUP)

1. Introduction

- 1.1. The Appellant describes the Site and its surroundings in are contained in the main SOCG.
- 1.2. This Statement of Common Ground has been prepared jointly by Resound Acoustics Ltd (acting on behalf of Peel L&P Developments Ltd (the 'Appellant')) and the Local Planning Authority, St Helens Borough Council (the 'Council').
- 1.3. This Statement of Common Ground relates to appeal referenced APP/H4315/W/20/3256871 against the non-determination of planning application P/2017/0254/OUP for outline planning permission with all matters other than access (limited to the physical points of access into the site only) reserved for the development of the site for up to 167,225 sq m of B8/B2 (up to 20% B2 floorspace) ancillary office and associated site facilities floorspace, car parking, landscaping, site profiling and transport, drainage and utilities infrastructure at land to the north east of the A580 East Lancashire Road / A49 Lodge Lane, Haydock, St Helens.
- 1.4. This Statement of Common Ground sets out the agreed matters of fact and positions between the Appellant and the Council in relation to matters concerning noise and vibration. It covers:
 - The impacts of noise and vibration arising during construction works;
 - The impacts of noise and vibration arising from the Site when the Proposed Development is operational; and
 - The impacts of changes in off-site road traffic noise on the local road network as a result of the Proposed Development.

2. Areas of Agreement

2.1. The Appellant and the LPA are agreed on the following key principles, as regards noise and vibration :

1. Appropriate legislation, policy and guidance has been considered within the noise and vibration assessment submitted with the application;
2. The methodology used in the noise and vibration assessment undertaken by the Appellant is appropriate;
3. The baseline noise data used within the noise and vibration assessment is appropriate;
4. The receptor locations selected within the noise and vibration assessment are appropriate;
5. The significance of the effect of the Proposed Development has been judged properly and appropriately, and in accordance with the relevant legislation, policy and guidance;
6. The noise and vibration effects associated with the construction of the Proposed Development will not be significant;
7. Providing appropriate mitigation is incorporated into the final design of the Proposed Development (to be subject to reserved matters applications) significant effects due to operational noise are unlikely. The mitigation is likely to take the form of acoustic barriers, selection of suitable cladding materials and operational controls, the detail of which will depend on the final site layout designs.
8. Appropriate mitigation can be secured through an appropriate planning condition, the agreed text of which is found below;
9. Changes in off-site road traffic noise on the local road network as a result of the Proposed Development will not result in significant effects.

2.2. For clarity, the 'noise and vibration assessment' is that detailed in Chapter 12 of Volume 2 of ES (March 2017), Chapter A12 of Volume 2 of ES Addendum 1 (January 2018) and Chapter 12 of Volume 2 of ES Addendum 2 (May 2020).

2.3. The noise and vibration assessment demonstrates that construction noise levels will meet the adopted 65dB criterion at all assessed residential receptors and no significant effects will occur.

2.4. Construction noise levels are expected to exceed the adopted criterion at the racetrack at Haydock Park Racecourse, however, there are no numerical criteria that relate to the potential impact of noise on horses when they are racing. Significant adverse effects are not expected. It is an agreed position that the owner and operator of Haydock Park Racecourse (Jockey Club Racecourses) is suitably qualified to determine whether there will be unacceptable impacts on horses whilst racing. It is noted that Jockey Club Racecourses have confirmed in writing that they do not object to the scheme, including on the grounds of noise, subject to the imposition of conditions, including the development and implementation of a Construction Environmental Management Plan. As such, it is agreed between the appellant and Local Authority that the development will not have an unacceptable impact on Haydock Park Racecourse from a noise and vibration point of view.

2.5. Vibration from construction work will be imperceptible at the closest residential properties due to their separation from the site; this will result in no significant effect.

2.6. Perceptible levels of vibration may be possible at the racetrack at Haydock Park Racecourse, however, there are no numerical criteria that relate to the potential

impact of vibration on horses when they are racing. Significant adverse effects are not expected (see 2.4 above).

- 2.7. Noise from the operation of the site will result in no more than a minor adverse effect at the receptors closest to the site, which is not significant, providing appropriate mitigation measures are implemented. The design of those mitigation measures should be submitted at Reserved Matters stage, so that the site layout is known and can inform them. Examples of the types of measures that may be appropriate are set out in paragraph 12.82 of Chapter 12 of Volume 2 of ES Addendum 2 (May 2020).
- 2.8. Noise from off-site road traffic will give rise to an adverse effect that is no more than minor, and is not significant.
- 2.9. The parties agree the relevant planning policies relating to noise and vibration are satisfied in full (see Planning Matters Statement of Common Ground).
- 2.10. In summary, we are agreed that there are no noise and vibration reasons why the Proposed Development should be refused planning permission. Planning conditions can be used to deliver an appropriate level of mitigation at Reserved Matters stage.
- 2.11. St Helens Borough Council proposed eight draft conditions, of which, the following five conditions are agreed:

40. Construction works shall not take place outside of the following hours:

- *Monday to Friday 08:00 – 18:00 hrs;*
- *Saturday 08:00 – 13:00 hrs; and*
- *Not at all on Sundays or Public/Bank Holidays*

41. No temporary power plant shall be used outside the permitted hours of construction unless the details have been submitted to an approved in writing by the Council as local planning authority, prior to its use on site. Any such plant shall only be operated in accordance with the approved details.

43. No additional external plant or equipment or any additional openings be formed in the elevations or roof of the buildings hereby permitted which directly ventilate the building or which discharge from any internal plant or equipment.

44. No part of the development shall be occupied until full details of the acoustic barriers/bunds identified on 30926-FE-008A1Parameters Plan have been submitted and approved in writing with the Council as the local planning authority.

Any timber/acoustic fencing used in the boundary treatment shall be treated to give a minimum design service life of 15 years in accordance with the requirements for fencing timber in BS5589.

47. Within three months of the occupation of each phase, a verification assessment report which demonstrates that sound levels from fixed plant at the development comply with the requirements of condition 42 shall be submitted to the Council as local planning authority. Should the report reveal sound levels in excess of the requirements of condition 42, a scheme of additional mitigation, including a timetable for implementation shall be submitted to and agreed with the Council as local planning authority. Any additional mitigation shall be installed in accordance with the timetable for implementation.

3. Areas of Disagreement

3.1. There are only two areas of disagreement on matters of principle:

- The Council consider there to be adverse effects, which whilst minor and notwithstanding policy compliance, amount to a form of harm which weigh against the development in the planning balance;
- The appellant considers that, for the purposes of planning policy, no harm will arise from the noise impacts of the development and that the noise impacts of the development do not weigh in favour of or against the proposal

3.2. The specific wording of the following three draft planning conditions is yet to be settled between the parties. St Helens Borough Council proposed the draft conditions below which are shown in italics, with the Appellant's proposed amendments shown in upright bold text, with proposed deletion shown struck through.

~~42. — Reserved matters applications for the design and layout of any building or phase shall be accompanied by an updated noise assessment which specifies mitigation measures to control noise emanating from the site. The mitigation scheme shall be based on the results of the noise assessment and build on the findings of earlier assessment which suitably characterises the noise climate at the residential dwellings, both prior to and following the operation of the development permitted, namely;~~

- ~~Haydock Point — Environmental Statement — Chapter 12 Noise and Vibration March 2017 and~~
- ~~Haydock Point — Environmental Statement Addendum 2: Volume 2 Main Report Haydock Point, St Helens Prepared by Turley on behalf of Peel L & P Investments (North) Ltd, May 2020;~~

~~The following noise levels shall be met after implementation of the scheme; For fixed plant, the rating level of noise emitted from the site, measured at the closest boundary of the nearest residential dwellings shall be at least 5dB (A) below the existing background level. For other operations on site the rating level of noise shall not exceed the existing background level at the positions assessed. Measurement and assessment shall be made according to British Standard BS 4142:2014 + A1:2019.~~

~~Any assessment to ensure the external levels are being achieved shall be carried out by a suitably qualified acoustic consultant/engineer and can be done so by calculation or measurement.~~

~~All works which form part of the scheme shall be implemented in full in accordance with the scheme as agreed.~~

42. As part of any reserved matters application an updated noise assessment shall be submitted to and approved in writing by the local planning authority which specifies the provisions to be made for the control of noise emanating from fixed and non-fixed plant and activities at the site.

The following noise levels shall be met after implementation of the scheme:

For fixed plant, the rating level of noise emitted from the site, measured at the closest boundary of the nearest residential dwellings shall be no higher than the existing background sound level. Measurement and assessment shall be made according to British Standard BS 4142:2014 + A1:2019.

The assessment shall be carried out by a suitably qualified acoustic consultant/engineer and can be done so by calculation or measurement.

All works comprised in the approved scheme shall be implemented in full in accordance with the scheme as approved ."

45.—Reserved matters applications for scale and layout shall be accompanied by an operational noise management strategy. The approved strategy shall be implemented and retained as such thereafter.

46.—Reserved matters applications shall include full details of a vibration monitoring strategy for the construction phase of the development. The agreed strategy shall be implemented and retained through the duration of the works.

3.3. Proposed draft conditions 45 and 46 are not considered necessary.

4. Relevant Background Documents

1. Resound Acoustics Ltd's Chapter 12 of Volume 2 of Environmental Statement Addendum 2 (ESA 2) and supporting documents in Volume 3 of ESA 2.
2. Resound Acoustics Ltd's Chapter 12 of Volume 2 of Environmental Statement Addendum 1 (ESA 1) and supporting documents in Volume 3 of ESA 1
3. Resound Acoustics Ltd's Chapter 12 of Volume 2 of Environmental Statement (the ES) and supporting documents in Volume 3 of ES.
4. Department for Communities and Local Government (2019). National Planning Policy Framework.
5. Department for Environment, Food and Rural Affairs (2010). Noise Policy Statement for England.
6. Department for Communities and Local Government (2019). Planning Practice Guidance *Noise*
7. SI 1988 No. 2019 The Noise Insulation Regulations 1975 (as amended 1988), HMSO
8. BSi (2014). British Standard 5228: 2009+A1: 2014 Code of practice for noise and vibration control on construction and open sites, BSi
9. BSi (2019). British Standard 4142: 2014+A1: 2019 Methods for rating and assessing industrial and commercial sound, BSi
10. Highways England, Transport Scotland, The Welsh Government, The Department for Infrastructure (Northern Ireland) (2020). Design Manual for Roads and Bridges (DMRB), Volume 11 Environmental Assessment, Section 3 Environmental Assessment Techniques, Part 7 LA111 Noise and Vibration
11. ISO (1996). ISO9613 Acoustics – Attenuation of sound during propagation outdoors – Part 2 General method of calculation
12. Berglund, B., Lindvall, T., Schwela, D.H., (1999). Guidelines for Community Noise, World Health Organisation
13. Department of Transport, Welsh Office (1988) Calculation of Road Traffic Noise, HMSO

5. Declaration

This Statement has been certified as a Statement of Common Ground and is agreed by the main Parties to the Appeal as follows:

Signed on behalf of the Appellant by:

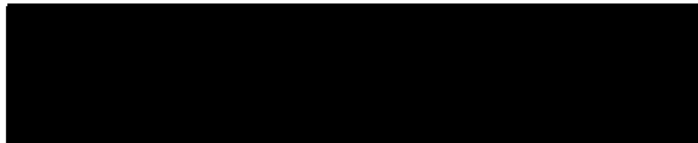


Name: Mike Brownstone

Position: Director – Resound Acoustics Ltd

Date: 4th February 2021

Signed on behalf of St Helens Metropolitan Borough Council



Name: on behalf of St Helens Borough Council.
Position:
Date: 5 February 2021.

STATEMENT OF COMMON GROUND – AIR QUALITY

APPEAL REFERENCE APP/H4315/W/20/3256871

DATE OF HEARING/INQUIRY 9 February 2021

SITE ADDRESS AND DESCRIPTION OF THE DEVELOPMENT

Land to the north east of the A580 East Lancashire Road / A49 Lodge Lane, Haydock, St Helens.

Description of development: Outline planning application with all matters other than access (limited to the physical points of access into the site only) reserved for the development of the site for up to 167,225 sq m of B8/B2 (up to 20% B2 floorspace) ancillary office and associated site facilities floorspace, car parking, landscaping, site profiling and transport, drainage and utilities infrastructure.

APPELLANT Peel L&P Developments Ltd

LOCAL PLANNING AUTHORITY St Helens Borough Council (application reference: P/2017/0254/OUP)

1. Introduction

1.1. This Statement of Common Ground sets out the agreed matters of fact and positions between the Appellant and the Council in relation to matters concerning air quality. It covers:

- The impacts of dust arising during construction works; and
- The potential for changes in traffic flows on the local road network to affect human exposure.

2. Areas of Agreement

2.1. The Appellant and the LPA are agreed that;

1. The majority of the Council's administrative area has good air quality and meets national air quality objectives which have been derived by Government based on medical and scientific evidence of how each pollutant affects human health;
2. There are locations within the Council's area where the annual mean objective for nitrogen dioxide (NO₂) is not met but these areas are close to major roads;
3. There are no identified areas within the Council's area where short - term (i.e. daily, hourly, or 15-min means) air quality objectives are exceeded;
4. The general overall trend in local air quality within the Council's area is decreasing levels of NO₂ and particulate matter over the last five years. Three of the four Air Quality Management Areas in the Council's area now have levels of NO₂ below the annual mean air quality objective at the nearest sensitive receptors.

5. Appropriate legislation, policy and guidance has been considered within the air quality assessment detailed in Chapter 11 of Volume 2 of ES Addendum 2;
6. The methodology used in undertaking the air quality assessment detailed in Chapter 11 of Volume 2 of ES Addendum 2 and the air quality appendices within Volume 3 of Addendum 2 is appropriate;
7. The baseline air quality data used within the assessment in Chapter 11 of Volume 2 of ES Addendum 2 and detailed in Volume 3 of Addendum 2 are appropriate;
8. The air quality dispersion model, including the inputs, its verification and calibration, described in Chapter 11 of Volume 2 of ES Addendum 2 and Volume 3 of Addendum 2, the results of which have been used within the assessment, is appropriate;
9. The receptor locations selected within the air quality assessment, detailed in Chapter 11 of Volume 2 of ES Addendum 2 and Volume 3 of Addendum 2, are appropriate;
10. The significance of the impacts of the development on local air quality as set out in Chapter 11 of Volume 2 of ES Addendum 2 has been judged properly and in accordance with guidance issued by the Institute of Air Quality Management;
11. The impact of the development on local air quality will not be significant, although the proposed development would result in an increase NO₂ and PM₁₀ in some locations but there would be no exceedance of levels set out in DEFRA guidance during the operational phase of the proposed development, nor would there be a significant impact overall; and
12. Dust impacts from construction works can be mitigated by appropriate controls within an agreed Construction Environmental Management Plan.
13. The operational phase of the proposed development would have some adverse effects on air quality in certain locations. However, the proposed development would not cause any exceedances of standards set out in DEFRA guidance or have a significant effect overall. There would be no conflict with Policy CP1 of the St Helens Core Strategy or paragraph 181 of the NPPF because impacts have been minimised and mitigated.

2.2. In summary, we are agreed that there are no air quality reasons why the development should be refused planning permission. Furthermore, the proposed development is not expected to cause a significant impact during construction or operational phases.

3. Areas of Disagreement

3.1. There is one area of disagreement relating to the extent to which the identified air quality impacts amount to a form of harm in the context of paragraph 144 of the NPPF:

- The Council considers that the identified harm should weigh against the proposal in the planning balance;
- The appellant considers that whilst there will be some adverse effects on air quality, these do not amount to a form of material harm to which weight can be applied in the context of paragraph 144 of the NPPF, and therefore any such effects do not weigh in favour of or against the proposal

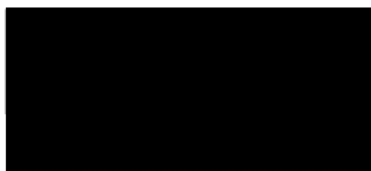
4. Relevant Background Documents

1. Miller Goodall Ltd.'s Chapter 11 of Volume 2 of Environmental Statement Addendum 2 (the ES) and supporting documents in Volume 3 of Addendum 2.
2. HMSO, (2010) Air Quality Standards Regulations 2010
3. Ministry of Housing, Communities and Local Government (MHCLG), (February 2019) National Planning Policy Framework
4. DCLG, (Updated 1 November 2019) Planning Practice Guidance – Air Quality see: <https://www.gov.uk/guidance/air-quality--3http://planningguidance.communities.gov.uk/blog/guidance/air-quality/>
5. St Helens Borough Council (March 2013) Air Quality Action Plan for St Helens Council
6. Defra, (2018) Local Air Quality Management Technical Guidance TG(16)
7. Defra (2020) online support tool Background pollution concentrations see: <http://laqm.defra.gov.uk/review-and-assessment/tools/background-maps.html>
8. Defra online tool Air Quality Management Areas interactive map see: <https://uk-air.defra.gov.uk/aqma/maps>
9. Defra NO_x to NO₂ Calculator <https://laqm.defra.gov.uk/review-and-assessment/tools/background-maps.html#NOxNO2calc>
10. IAQM, (2014) Assessment of Dust from Demolition and Construction
11. IAQM, (January 2017) Land Use Planning and Development Control: Planning for Air Quality
12. St Helens Borough Council (July 2020) 2020 Air Quality Annual Status Report

5. Declaration

This Statement has been certified as a Statement of Common Ground and is agreed by the main Parties to the Appeal as follows:

Signed on behalf of the Appellant by:



Name: Melody Horan

Position: Senior Air Quality Consultant - Miller Goodall Ltd

Date: 5th February 2021

Signed on behalf of St Helens Metropolitan Borough Council

ALYN NICHOLLS

Alyn Nicholls, Chartered Town Planner

8 February 2021

STATEMENT OF COMMON GROUND

LANDSCAPE AND VISUAL MATTERS

APPEAL REFERENCE: APP/H4315/W/20/3256871

LPA REFERENCE: P/2017/0254/OUP

DATE OF INQUIRY: 9 February 2021

SITE ADDRESS:

Land to the north east of the A580 East Lancashire Road / A49 Lodge Lane,
Haydock, St Helens.

APPELLANT: Peel L&P Developments Ltd

LOCAL PLANNING AUTHORITY: St Helens Borough Council

1. Introduction

- 1.1. This Statement of Common Ground (SOCG) has been prepared by LUC on behalf of Peel L&P Developments Ltd (Appellant), in collaboration with Xanthe Quayle Landscape Architects for St Helens Borough Council.

2. Baseline landscape

- 2.1. The Site is located within the Haydock Park landscape character area (reference 5 WFE2) as set out in the St Helen's Landscape Character Assessment (LCA) 2006.
- 2.2. Haydock Park is a non-designated heritage asset which has been assessed in the Archaeology Chapter of the ES (the Archaeology Chapter of the ES notes that the asset of 'Haydock Park' has low heritage significance). The bounds of the former park now contains Haydock Park racecourse and associated buildings in the north, housing on the edge of Ashton in Makerfield in the north-west, and is crossed by the M6 and A580. Haydock Lodge (formerly in the location of the Holiday Inn) no longer exists.
- 2.3. Landscape character area 1A – East Lancashire Road Corridor Lowton Heath to Lately Common of the Wigan Landscape Character Assessment (2009) lies to the east of Sandy Lane and Landscape Character Area 1C Edge Green to Land Gate lies to the north of Haydock Racecourse.
- 2.4. The Merseyside Historic Characterisation Project classifies the area in which the Site lies as Broad Type 'Field System': Sub-Type 'Regular / Large' in the north and Broad Type 'Field System': Sub-Type 'Regular / Medium' in the south.
- 2.5. The site is not in or near a nationally or locally designated landscape (such as a National Park, Area of Outstanding Natural Beauty, Area of Great Landscape Value or Special Landscape Area).
- 2.6. A core study area of 1km offset from the site boundary is appropriate for the consideration of landscape and visual effects which are likely to be of particular interest or concern.

3. Visual receptors

- 3.1. Relevant visual receptors are shown on the Visual Receptor Figure 10.6 in ES Volume 3A of the original ES.
- 3.2. Key visual receptors for the project are agreed to be:
 - Motorists travelling on the elevated M6 (LVIA receptor reference 7);
 - Motorists, cyclists and pedestrians on the A580 (LVIA receptor reference 8 for motorists and 9 for pedestrians and cyclists);
 - Motorists, cyclists and pedestrians on the A49 Lodge Lane (LVIA receptor

reference 10);

- Residents of Haydock Park Farm and Haydock Park Farm Cottages (LVIA receptor reference A);
- Visitors to the Holiday Inn (LVIA receptor reference G);
- People visiting Haydock Racecourse, including the 4th floor of the Tommy Whittle Stand (LVIA receptor reference L).

Representative viewpoints

- 3.3. It is agreed that the viewpoints assessed in the LVIA are a fair and reasonable selection to represent views from visual receptors (and were agreed with the St Helens Council as part of the ES process). These are set out on Figure 10.5 in the original ES Volume 3A.

4. Designed in mitigation

- 4.1. It is agreed that the landscape zone has increased and the development parcels have reduced since the versions of the plans that were provided to the Planning Committee on 24th November 2020.
- 4.2. It is agreed that the revised Green Infrastructure Mitigation Plan provides more room for mitigation, and more effective mitigation, compared to the version that was put in front of the Planning Committee on 24th November 2020. It also provides for increased greening alongside the diverted A49 route.
- 4.3. It is agreed that the revised Green Infrastructure Mitigation Plan and the Illustrative Landscape Strategy Plan provide over 7ha woodland/ woodland edge planting.
- 4.4. It is agreed that reasonable assumptions for planting heights are:
- 0.6-4m height on planting (whips, feathered and standard trees);
 - 10-13m high after 15 years;
 - Up to 18-22m on maturity for the canopy layer trees (acknowledging that smaller trees and understorey will be lower).

5. Landscape and visual effects

- 5.1. The methodology adopted by TEP in the LVIA and Addenda is in general accordance with the framework set out in the Guidelines for Landscape and Visual Impact Assessment (GLVIA), Third Edition (Landscape Institute and Institute of Environmental Management and Assessment, 2013).
- 5.2. It is agreed that there will be loss of 0.37ha tree belts/ groups (as shown on Tree Removal Plan, D8365.003 – all category C i.e. trees of low value) and 205m of

hedgerow to site facilitate the road infrastructure.

- 5.3. It is agreed that the focus of evidence should be on the operational effects of the Proposed Development.
- 5.4. The LVIA sets out the following significant effects on visual amenity:
 - Users of the A580 on completion/ early years of operation;
 - Users of Lodge Lane on completion/ early years of operation;
 - Residents of Haydock Park Farm and Cottages on completion/ early years of operation;
 - Visitors to Haydock Racecourse on completion/ early years of operation.
- 5.5. In addition, it is agreed that there will be a significant effect on landscape character in the early years of operation.
- 5.6. It is agreed that:
 - The two proposed development parcels would occupy 3.72% of WFE2;
 - The two proposed development parcels and the no vertical build zones would occupy 5.62% of WFE2; and
 - The whole area within the red line boundary, including landscape enhancement areas, would occupy 8.86%.
- 5.7. It is agreed that the key issues for landscape and visual evidence are:
 - Effect on landscape – including loss of landscape features and attributes and effect on landscape character area WFE2;
 - Effect on visual amenity – including users on the A580, Lodge Lane, Haydock Park Farm and Cottages and Haydock Park Racecourse;
 - Effectiveness of mitigation.

6. Relevant planning policy

- 6.1. It is agreed that Section 15: Conserving and enhancing the natural environment of the NPPF (Paragraph 170) is relevant to the landscape and visual evidence.
- 6.2. It is agreed that Paragraph 171 of the NPPF is not relevant because it relates to plan making.
- 6.3. It is agreed that Local Plan Policy CQL4 (landscape) and Policy CP1 (visual) are relevant to the landscape and visual evidence.

7. Matters that are not agreed

- 7.1. The key areas not agreed are
 - Levels of value and the way in which value is articulated in the assessment;
 - Levels of sensitivity;

- Extent of impact on landscape character (both in area and magnitude);
- Significance of effect on views.

8. Declaration

This Statement has been certified as a Statement of Common Ground and is agreed by the main Parties to the Appeal as follows:

Signed on behalf of the Appellant by:



Name: Rebecca Knight
Position: Director
Date: 25/01/2021

Signed on behalf of St Helens Metropolitan Borough Council



Name: Xanthe Quayle
Position: Director
Date: 26/01/2021

SUPPLEMENTARY STATEMENT OF COMMON GROUND

LANDSCAPE AND VISUAL MATTERS

APPEAL REFERENCE: APP/H4315/W/20/3256871

LPA REFERENCE: P/2017/0254/OUP

DATE OF INQUIRY: 9 February 2021

SITE ADDRESS:

Land to the north east of the A580 East Lancashire Road / A49 Lodge Lane,
Haydock, St Helens.

APPELLANT: Peel L&P Developments Ltd

LOCAL PLANNING AUTHORITY: St Helens Borough Council

1. Introduction

- 1.1. This supplementary Statement of Common Ground (SOCG) has been prepared by LUC on behalf of Peel L&P Developments Ltd (Appellant), in collaboration with Xanthe Quayle Landscape Architects for St Helens Borough Council.

2. Comparison of Effects

- 2.1. The table below sets out a comparison of effects identified by Xanthe Quayle Landscape Architects (XQLA) and Land Use Consultants (LUC) for all relevant receptors (all effects are assumed to be adverse).

	Value	Susceptibility	Sensitivity	Magnitude (Year 1)	Magnitude (Year 15)	Effect (Year 1)	Effect (Year 15)
Landscape character (The Site)							
XQLA	Low - Medium	Medium - high	Medium	High	High - medium	Major	Major-moderate
LUC	Not assessed by LUC (LUC does not consider it useful to consider the site in isolation as it forms part of a wider landscape)						
Landscape character (Core Study Area)							
XQLA	Medium - high	Medium-high	Medium-high	High	High - medium	Major	Major-moderate
LUC	LUC has assessed effect on landscape character once – the same judgement would apply to the core study area as applies to Haydock Park LCA below						
Landscape character (Haydock Park LCA ref. 5WFE 2)							
XQLA	Medium-high	Medium-high	Medium-high	Medium-high	Medium-high	Major-moderate	Major-moderate
LUC	Local	Medium	Medium	Moderate	Moderate-low	Moderate	Moderate-minor
Landscape character (Lancashire Coal Measures NCA 56)							
XQLA	Medium	Medium	Medium	Medium-high	Medium-high	Moderate – Minor	Moderate – Minor
LUC	Not assessed by LUC (national scale character area considered too large a scale to be informative in relation to this proposal)						
Motorists on the M6 Motorway							
XQLA	Medium	Medium-low	Medium-low	Moderate	Moderate	Moderate	Moderate-minor
LUC	Community	Medium-low	Medium-low	Moderate-low	Low	Moderate-minor	Minor
Car users on the A580 East Lancashire Road							
XQLA	Medium	Medium-low	Medium	High	High-moderate	Major-moderate	Moderate-minor
LUC	Community	Medium-low	Medium-low	Moderate	Moderate-low	Moderate-minor	Minor

	Value	Susceptibility	Sensitivity	Magnitude (Year 1)	Magnitude (Year 15)	Effect (Year 1)	Effect (Year 15)
Pedestrians and cyclists on the A580 East Lancashire Road							
XQLA	High	Medium	High-medium	High	High-moderate	Major	Major-moderate
LUC	Community	Medium	Medium-low	Moderate	Moderate-low	Moderate	Moderate-minor
Car users on the A49 Lodge Lane							
XQLA	Medium	Medium	Medium	High	Moderate	Moderate	Moderate-minor
LUC	Community	Medium-low	Medium-low	Moderate	Moderate-low	Moderate-minor	Minor
Pedestrians and cyclists on the A49 Lodge Lane							
XQLA	Medium	Medium	Medium	High	Moderate	Major-moderate	Moderate
LUC	Community	Medium	Medium-low	Moderate	Moderate-low	Moderate	Moderate-minor
Haydock Park Farm and Haydock Park Farm Cottages							
XQLA	Medium-low	High-medium	Medium	High	Medium	Major	Moderate-minor
LUC	Community	High	Medium	Moderate	Moderate-low	Moderate	Moderate-minor
Holiday Inn Hotel							
XQLA	Medium	Medium	Medium	Moderate-low	Moderate - Low	Moderate	Moderate-minor
LUC	Community	Medium	Medium-low	Moderate	Moderate-low	Moderate-minor	Minor
Haydock Park Racecourse							
XQLA	Medium	Medium	Medium	Moderate	Moderate to low	Moderate	Moderate-minor
LUC	Regional /local	Medium	Medium	Moderate	Moderate-low	Moderate	Moderate-minor

N.B. all effects reported in the table above encompass both day-time and night-time effects.

3. Measurements between the existing settlement edges and the proposed development

- 3.1. As there are some conflicting measurements in the Proofs, a plan appended to this Statement provides some agreed measurements between the existing settlement edges and the proposed development.

4. Parameter parcel dimensions

- 4.1. The dimensions of the development parcel parameter, and approximate parameter volumes are:
- Development parcel North – $240 \times 480 \times 21.50 = 2,476,800\text{m}^3$
 - Development parcel South (eastern portion) – $140 \times 245 \times 21.50 = 737,450\text{m}^3$
 - Development parcel South (western portion) – $122 \times 234 \times 21.5 = 613,782\text{m}^3$
- 4.2. Maximum floorspace is agreed to be 167,225 sqm, as set out on the Parameter Plan.
- 4.3. Whilst not for determination the following are working assumptions regarding finished floor levels (FFL) and maximum heights for buildings (Roofline) within the development parcels:
- Development parcel North – FFL 38.650 AOD, Roofline 60.150 AOD
 - Development parcel South – FFL 37.400 AOD, Roofline 58.90 AOD

5. Visualisations

- 5.1. The methodology for the production of visualisations is provided at Appendix C to Rebecca Knight's Proof [CD 26.8]. It is agreed that the Visualisations were produced in accordance with Landscape Institute Technical Guidance Note 06/19 Visual Representation of Development Proposals.
- 5.2. The visualisations are therefore agreed as verified, representing scale and extent of development.
- 5.3. It is agreed the level of 'Accurate Visual Representation' (AVR) for the visualisations from LVIA viewpoints in Appendix C to Rebecca Knight's Proof [CD 26.8] is AVR 1 which means they show the massing of the proposal within a 3D context represented by the photograph, that is what can and cannot be seen in terms of architecture. It does not show form and shading of the development within its context or include highway works that would feature in viewpoints 1 and 6, and they do not utilise photo-realistic techniques. As such elements are a block render and do not represent accurate representation of planting texture or opaqueness.
- 5.4. It is confirmed that the Photomontages from Haydock Racecourse in Appendix D to Rebecca Knight's Proof [CD 26.9] are AVR 3. This is a fully rendered photomontage, using photo-realistic with texture, shading and reflections as appropriate.

6. Planting Clarification

- 6.2 With reference to Paragraph 4.4 of the Statement of Common Ground it is agreed that 'up to 18-22m' means typically up to 18m but with some trees potentially reaching 22m as a maximum.

- 6.3 Notwithstanding paragraph 4.4 of the Landscape Statement of Common Ground it is agreed that growth rates can vary depending on species, soil type, climate, management etc. The Council's witness considers the assumption about planting height after 15 years (at Paragraph 4.4 of the Statement of Common Ground) is too high and should more accurately be indicated at a maximum height of up to 7m at year 15. The Appellant's view is that the planting heights are difficult to predict accurately, and those shown on the visualisations are a maximum at year 15 and maturity.

7. Key areas of difference

- 7.1. In light of having reviewed each party's evidence, the key areas of difference can be summarised as:

- The extent to which detracting features have an influence on baseline landscape character;
- The value of the landscape in which the site lies, and in particular whether the area has sufficient landscape qualities to elevate it to a 'valued landscape' with reference to paragraph 170 (a) of the NPPF;
- Susceptibility and sensitivity of the landscape;
- Levels of effect in relation to landscape effects;
- Levels of effect in relation to visual effects;
- The threshold of significance in relation to landscape and visual effects;
- The appropriateness of mitigation proposals;
- The extent to which Ashton-in-Makerfield will merge with Haydock; and
- The extent to which Golborne will merge with Haydock.

8. Declaration

This Statement has been certified as a Statement of Common Ground and is agreed by the main Parties to the Appeal as follows:

Signed on behalf of the Appellant by:



Name: Rebecca Knight

Position: Director

Date: 8/2/21

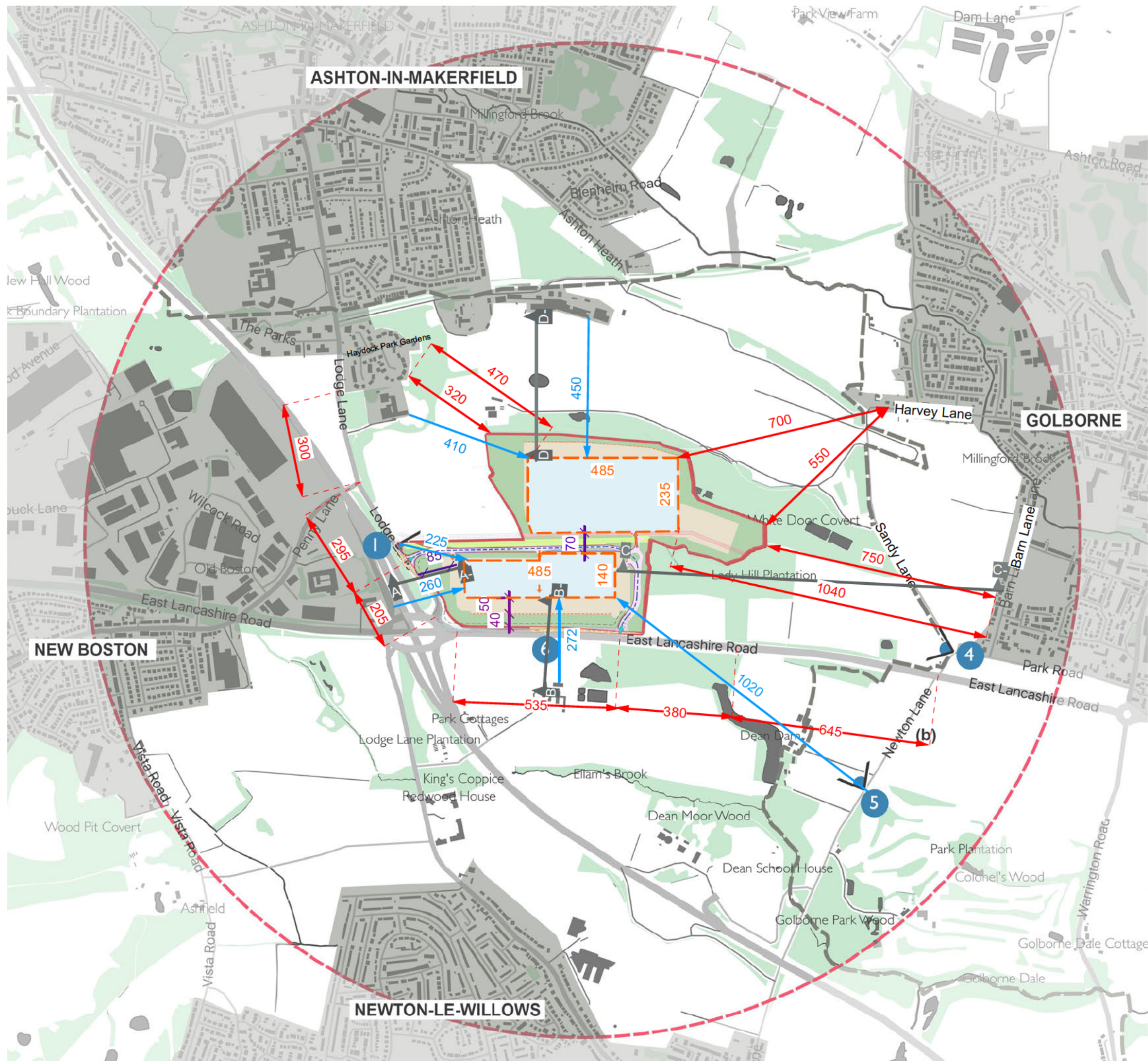
Signed on behalf of St Helens Metropolitan Borough Council

A black rectangular box redacting the signature of Xanthe Quayle.

Name: Xanthe Quayle

Position: Director

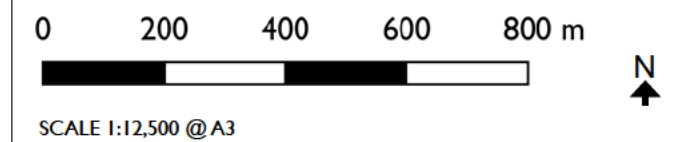
Date: 8/2/21



KEY:

- Appeal Site
- Visual Receptor Distance
- Other Distance
- Development Parcel Dimensions
- Mitigation Distance
- Indicative Landscape Sections (CD26.10)

NB: All figures in metres
All figures agreed in SSoCG



b	210205	2nd Draft	BF	XQ
A	210204	First Draft	BF	XQ
REV	DATE	DESCRIPTION	DRAWN BY	APPRVD BY

PUBLIC INQUIRY

APPLICATION NO: P/2017/0254/OUP
APPEAL REF: APP/H4315/W/20/03256871

PROJECT
HAYDOCK POINT, ST HELENS COUNCIL
DRAWING TITLE

Agreed Measurements

CLIENT	DATE	REVISION
SHBC	Feb 2021	B
DRAWING NUMBER	DESIGN	CHECKED
784_503	BF	XQ
	APPROVED	XQ

XQ Xanthe Quayle
Landscape Architects

STATEMENT OF COMMON GROUND – Ground Conditions

APPEAL REFERENCE APP/H4315/W/20/3256871

DATE OF HEARING/INQUIRY
where known

SITE ADDRESS AND DESCRIPTION OF THE DEVELOPMENT

Land to the north east of the A580 East Lancashire Road / A49 Lodge Lane, Haydock, St Helens.

Description of development: Outline planning application with all matters other than access (limited to the physical points of access into the site only) reserved for the development of the site for up to 167,225 sq m of B8/B2 (up to 20% B2 floorspace) ancillary office and associated site facilities floorspace, car parking, landscaping, site profiling and transport, drainage and utilities infrastructure.

APPELLANT Peel L&P Developments Ltd

LOCAL PLANNING AUTHORITY St Helens Borough Council (application reference: P/2017/0254/OUP)

- 1.1. This statement of common ground sets out the matters that have been agreed between the Appellant and the Council in relation to matters of ground conditions, contamination and stability with respect to the proposed development site:
- 1.2. The geological strata beneath the Proposed Development Site (PDS) comprises Glacial Till drift through the centre of the site overlying solid strata of the Chester Pebble Beds. There are no drift strata mapped in the north and southwest of the subject site.
- 1.3. The Glacial Till is classified by the Environment Agency as an Unproductive Aquifer and the Chester Pebble Beds as a Principal Aquifer. Environment Agency Groundwater Sensitivity Data as presented within the Landmark Report (indicates that the PDS is located within a Zone 3 Groundwater Source Protection Zone associated within a potable groundwater abstraction located approximately 1.2km to the southeast. The classification of aquifers and definition of groundwater source protection zones is presented in the Environment Agency Groundwater Protection: Policy and Practice (GP3) 2008.
- 1.4. The PDS is indicated as being located within a Coal Mine Reporting Area.
- 1.5. A west to east flowing stream broadly bisects the PDS. The stream is shown to originate from the Old Boston Trading Estate to the west and eventually flows into Dean Dam approximately 570m to the south, beyond the A580. The dam discharges into Ellam's Brook further to the south. The stream does not appear to have a name but historical Ordnance Survey maps indicate that Dean Brook

previously crossed the site from north to south across the southern site sector while a further channel flowed east in approximately the position of the current stream. The southern channel ceases to be mapped from 1938 indicating that it has been infilled.

- 1.6. A review of historical Ordnance Survey maps dating from 1849 shows that the PDS has not been subject to significant development. A filter bed is recorded at the north-western site boundary from 1938 until 1975 and a gravel pit is recorded 90m to the south from 1849 to 1894. A further gravel pit is recorded 30m to the north of the subject from 1849 and is subsequently recorded as a pond up to 2016 map edition.
- 1.7. There are no landfills or hazardous industrial facilities (COMAH sites) recorded within influencing distance of the site.
- 1.8. The site is in a lower probability area for radon.
- 1.9. Based on the fact that no potentially contaminative historical or current land uses have been identified it is agreed between the Council and the Appellant that there is unlikely to be a plausible source of contamination at the subject site. It is further agreed that in the absence of any plausible source of contamination, no viable pollutant linkages are likely to be present, particularly in respect of the proposed low sensitivity commercial end use.
- 1.10. The Appellant and the Council agree that contaminated land and stability are not a constraint to development and can be adequately dealt with by the imposition of a standard form of condition. This would take the following form:
- 1.11. The St Helens Borough Council Interim Statement of Case concludes the following with respect to the contaminated land and stability:

Contaminated Land & Stability

Contaminated Land Officer - No objection subject to conditions to secure a phase 2 site investigation, development and implementation of an agreed remediation strategy if required, and submission of a site completion/validation report.

Coal Authority – no objection.

2. Declaration

This Statement has been certified as a Statement of Common Ground and is agreed by the main Parties to the Appeal as follows:

Signed on behalf of the Appellant by:

Name: Andrew Edgar
Position: Managing Director at e3p
Date:

Signed on behalf of St Helens Metropolitan Borough Council

Name:
Position:
Date:

DRAFT