

ST HELENS BOROUGH LOCAL PLAN 2020-2035 EXAMINATION

INSPECTORS' PRELIMINARY VIEWS ON MATTERS AND ISSUES FOR THE EXAMINATION INCLUDING SOME INITIAL QUESTIONS AND COMMENTS

Introduction

1. The purpose of this note is to:
 - set out our views on potential matters and issues for the examination and;
 - seek clarification from the Council on a number of points relating to those matters and issues.
2. These views and questions arise from our initial reading of the St Helens Borough Local Plan (Plan or LP), the summary of representations on the Submission Draft of the LP in the Consultation Statement SD004, and some of the other key Submission Documents.
3. The answers will help us to draw up Matters, Issues and Questions (MIQs) for the examination hearings. We may have further questions during the preparation period which are not covered in this note, particularly relating to allocations and generic policies. Our questions and comments are without prejudice to consideration of the soundness of the Plan's policies during the remainder of the Examination, including at the hearings. Some of the answers to the points that we raise may be contained within the evidence base.
If that is the case, please could our attention be drawn to where we can find the information?
4. Not all matters raised go to soundness but may assist with the clarity of the LP. Where a point could potentially be addressed by a Main Modification (MM) or Additional Modification (AM) to the LP, we will make this clear by including **MM** or **AM** in the text.
5. All references to paragraphs and policies relate to the Submission Draft version of the LP of January 2019 (SD001).

Preliminary Points

6. The Submission Draft version of the LP was subject to consultation between January and May 2019. This is the version of the LP which is the starting point for the examination. The proposed changes made

after the consultation that are included in the October 2020 Schedule of Changes (SD003) may also be considered during the examination. The Council is of the view that the changes do not go to 'soundness' and would therefore form the basis of AMs suggested by the Council during the examination. From our initial perusal of the schedule most of the suggested changes relate to drafting errors or clarity of wording, so we would agree that the majority appear to be AMs. There are a few exceptions which we have highlighted in this advice. If, after further scrutiny, any of the other changes made go to 'soundness' they would also be included in the Schedule of MMs (see below). We will advise you in due course if we think that this is the case.

7. The AMs would be distinct from any further changes to the submitted LP which arise during the examination and are required to make the LP 'sound' which will comprise MMs. Assuming that any are necessary a Schedule of MMs should be produced during the examination which should be a living document to be updated and included on the website. After the hearing sessions it will be necessary to consult on any MMs and consider any implications for the Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA). To ensure that the number of MMs does not become unwieldy all proposed changes to a particular policy and consequential changes to its explanation should be encompassed within a single MM.
8. Hearing sessions forming part of the examination are likely to take place over a period of around 3-4 weeks but with sitting normally on Tuesday - Thursday only. Friday could be available as a reserve. The weeks commencing 24 May, 7 June, 14 June and 21 June 2021 appear to be the most suitable for the hearings. Such a programme would avoid Bank Holiday weeks and Spring half-term. Six weeks' notice is required for the hearings i.e. by 12 April 2021.
9. Depending on what, if any, Covid 19 restrictions are in place in May/June 2021, the hearings are likely to comprise a mixture of virtual and blended hearings. Blended hearings (a combination of a physical and virtual event) are more suitable for hearings where a larger number of participants wish to attend. Virtual events would be suitable for the hearings with a limited number of participants anticipated.

10. We would envisage that strategic matters such as the duty to cooperate, statutory compliance, housing and economic development needs and the overall strategy would be dealt with during the first week. The gap of a week would allow us to take stock, the Council to carry out any further work and for us to consider whether we need to issue any preliminary findings. Assuming that there are no fundamental issues of soundness at a strategic level, then the allocations would be considered in the 2nd week with the 3rd and 4th weeks accommodating discussions on housing and employment land supply, generic policies, infrastructure and implementation and monitoring. The last hearing would be a review session which would take place in the 4th week.
11. We set out an indicative programme for the hearings in **Appendix 1** based on the potential Matters and Issues and representations. Feedback on this programme would be welcome, particularly whether too much or too little time has been allocated to various matters, having regard to the level and nature of representations. The programme would involve 3 no 1 ½ hours hearing session, each day. Experience tells us that 3 sessions of this length per day is a comfortable limit for virtual or blended events.
12. We will undertake a familiarisation visit to the Borough early in 2020. In order to ensure that we see the key sites and locations it would be helpful if the Council could provide a logical route/itinerary for such a visit, including postcodes. **Please could this itinerary be provided by 15 January**. Further site visits will be undertaken later in 2020 around the time of the hearings.

Evidence Base

13. The Submission Draft version of the Plan is dated January 2019. Therefore, almost 2 years has elapsed since the preparation of the Plan. Much of the supporting evidence base is of a similar vintage. *Is the Council satisfied that the policies and proposals are up-to-date and are underpinned by relevant and up-to-date evidence?*
Is it intended that any of the evidence documents are updated, noting that the submission letter dated 29 October refers to some more recent documents?
In terms of documents that have recently been finalised, are the changes in the latest iterations of the documents significant?

Matter 1 – Legal Compliance, Procedural Requirements and the Duty to Cooperate (DTC)

14. Issues that are likely to be discussed at the hearing sessions are:
- The extent and type of consultation and community engagement;
 - The SA and HRA; and,
 - The DTC and in particular addressing development needs in the Housing Market Area and dealing with infrastructure constraints, particularly transport.

Sustainability Appraisal

15. The most recent iteration of the SA is an update dated September 2020. This is an Addendum to the SA Report of January 2019. It assesses the Additional Modifications proposed by the Council, corrects typographical errors in the 2019 report and responds to comments raised during the consultation of the submission draft of the Plan (2019).
16. The SA Report of January 2019 sets out the different stages that have been followed during the SA process. A Scoping Report was also prepared and published for consultation in January 2016. In terms of the consideration of alternatives, the SA describes a number that were considered. We are interested in understanding if the SA tests the Plan against all reasonable alternatives. In this regard, the SA describes a number of alternatives that were dismissed from consideration as they were deemed to be unreasonable.
17. Increasing employment and housing development on brownfield land was rejected as a reasonable alternative as it was considered that there would be insufficient brownfield land available in the Borough to meet the identified need.
Was the alternative of not meeting housing and employment needs considered as a reasonable alternative so as to concentrate a greater proportion of development on brownfield land and if not, why not?
18. Not releasing Green Belt land was also rejected as a reasonable alternative as it was considered that the Borough would be unable to meet housing and employment needs.
Given the great importance that national policy attaches to the Green Belt was the alternative of not meeting housing and employment needs considered as a reasonable alternative and if not, why not?

Did the reasonable alternatives consider allocating land in locations that would seek to avoid the loss of Best and Most Versatile Agricultural Land and if not, why not?

What implications, if any, does this have for the Plan?

19. The SA identifies a number of potential impacts arising from the Plan. We are particularly interested in understanding how the following have been taken account in the Plan and whether there are any relevant policies or evidence base documents that address the issue or provide greater detail. The issues include:

The need to ensure necessary infrastructure is in place before development is progressed, for example improvements at Junction 22 of the M6 Motorway in relation to the Parkside employment site.

The Air Quality Management Area close to Parkside allocation and M6 J22 (Newton-le-Willows) and the recommendation of the LP for a phased approach to development.

Potential negative effects on landscape in relation to housing and employment allocations in the Green Belt.

The potential impacts with regards to growth in locations that are likely to attract high levels of car usage and the suggestion that monitoring of impacts will be important.

Potential impacts in relation to the proposed employment allocation site 6EA and the proximity of the Listed Building 'Le Chateau'.

What is the justification for concluding that despite the planned growth, the Plan provides measures to secure the protection and enhancement of biodiversity across the Borough, with a significant positive effect predicted in the long term, especially when concerning greenfield sites?

Habitat Regulations Assessment

20. The most recent iteration of the HRA is dated September 2020. This is an update to the HRA report undertaken in December 2018. The reports refer to the Court of Justice of the European Union (CJEU) People Over Wind & Sweetman v. Coillte Teoranta judgement. The implication of the CJEU judgment is that competent authorities cannot take account of any integrated or additional avoidance or reduction measures when considering at the HRA screening stage whether the

plan or project is likely to have an adverse effect on a European Site.
Is the Council satisfied that the HRA is legally compliant in the light of the ruling?

Has legal advice been taken to inform this view?

21. The HRA identifies potential impact pathways, both alone and in combination, regarding some policies and site allocations in the Plan, and lists several mitigation measures many of which will require an agreed approach with neighbouring authorities.

Have these matters been agreed with Natural England and neighbouring authorities and will the mitigation proposed be realistic and effective?

22. The report identifies potential impact pathways in relation to functionally linked land for non-breeding Special Protection Area (SPA) birds (most likely Pink Footed Goose) particularly regarding several employment and housing allocations in the Plan. Recreational pressure, atmospheric pollution and water quality are also identified as potential in combination impact pathways.

What specific measures does the Plan include to ensure that its policies are not likely to give rise to adverse effects, either alone or in-combination with other plans and projects?

23. The HRA refers to Policy LPC06 and its role in seeking to address the issue of potential impact pathways in relation to functionally linked land. The AMs put forward by the Council suggest some further changes to this policy. Specifically, AM056 proposes to add an additional criteria 7 which states that further details concerning the implementation of the policy will be set out in the Council's proposed Nature Conservation Supplementary Planning Document (SPD).

Is this AM in response to the issue highlighted in the HRA and by Natural England regarding potential impact pathways in relation to functionally linked land for bird populations using the nearby SPA? If so how has the HRA assessed this impact at Plan level and what specific mitigation or alternative provision has been considered? What level of certainty is there that the proposed measures could be secured at application stage and would the SPD adequately address this issue?

24. AM058 also proposes additional text that refers to a Liverpool City Region Mitigation Strategy which has not yet been completed.

When is this document expected to be completed?

Is this the Recreation Mitigation Strategy that was referred to in the HRA and was expected to be completed in 2019?

Once this strategy is completed are there likely to be any implications arising for the Plan or the HRA?

AMs 056-058 taken cumulatively relate to the effectiveness of the Plan and should be combined into a **MM**.

25. AM067 refers to the Manchester Mosses Special Area of Conservation (SAC) and the identified risk of potential harm to it arising from increased air pollution arising from traffic levels. The AM clarifies that Policy LPC06 will apply to the in-combination effects on the SAC of 'smaller development proposals'. Consideration should be given to defining this requirement more precisely so that applicants will have greater certainty how 'smaller developments' are defined for the purposes of the policy. AM068 also introduces further requirements to Policy LPD09 by giving examples of effective measures. For conciseness we suggest that this is combined with the changes proposed in AM067. As both AMs relate to soundness they should be an **MM**.

26. Regarding water quality, the HRA refers to supporting text for Policy LPA08 which says that 'The Mid Mersey Water Cycle Study 2011' identified that further investigation is required to determine headroom capacity within the St Helens wastewater treatment plant.

Is this the 2011 Study the most up to date evidence base document and has this further investigation work taken place?

What ongoing liaison, if any, has taken place with United Utilities regarding this issue?

Duty to Cooperate

27. The DtC Statement of October 2020 (SD009) sets out the Council's position in terms of compliance with the DtC. St Helens forms part of the Liverpool City Region (LCR). The LCR Combined Authority is in the early stages of developing a Spatial Development Strategy (SDS). A Spatial Planning Statement of Common Ground (SOCG) dated October 2019 has been prepared by the authorities within the LCR together with West Lancashire Borough Council.

Based on work on the SDS to date is there likely to be alignment

between the Plan and the SDS?

28. Warrington lies outside the LCR but has close links with it, particularly, St Helens and Halton, which together form the mid-Mersey Housing Market Area (HMA). It is noted that a Draft SOCG was prepared with Warrington but, according to the DtC Statement (para 3.9) has not been finalised.

Will the Draft SOCG with Warrington be finalised, and if so, when?

29. Paragraph 27 of the National Planning Policy Framework (the Framework) indicates that strategic policy-making authorities should prepare and maintain SOCG on cross-boundary matters. The DtC does not refer to any other SOCG.

Have any other SOCG been prepared or are in the course of preparation, for example, with Wigan, Halton, Knowsley or West Lancashire as adjoining authorities?

Are any further SOCG or updates anticipated?

Matter 2 - Housing and Employment Objectively Assessed Needs (OAN) and Requirements

30. Issues that are likely to be discussed at the hearing session are:
- The timeframe of the LP and its relationship to the evidence base;
 - Whether the evidence base supports the housing requirement of at least 9,234 new homes or 486 dwellings per annum (dpa) taking into account an assessment based on the standard method and any exceptional circumstances;
 - The need for 220 ha of employment land;
 - The requirement for large scale units for the logistics and warehousing sectors in St Helens, taking into account sub-regional need and the location of St Helens relative to the strategic transport network;
 - The provision of 31 ha of employment land to meet some of Warrington's needs; and,
 - The relationship between housing and employment land provision.

31. The Framework requires that strategic policies should look ahead over a minimum period from adoption. The Plan period and housing and employment provision is up to 2035. Adoption is not likely until 2021 at the earliest, probably towards the end of 2021 and so a 15-year period from adoption would not be achieved.

Has consideration been given to extending the Plan period beyond

2035 to say 2036 or 2037?

What would be the implications of extending the period in such a way, particularly for the housing and employment land requirement?

32. The Plan includes within its title 2020-2035 (front cover), Policy LPA02 has a Plan period of 1 April 2020 to 31 March 2035 and the Glossary refers to the same period. However, the base dates for the employment land and housing requirements are different. Policy LPA04 (employment) refers to a base date of 1 April 2018, whereas Policy LPA05 (housing) refers to a base date of 1 April 2016.

What is the base date of the Plan and its period?

Is there justification for the different base dates for employment and housing requirements?

In our view the base date of the Plan should align as closely as possible with the evidence base, for example, with Policy LPA05 and a date of 1 April 2016.

Are there any significant implications if the base date of 1 April 2016 for the Plan period is used?

33. There is a housing requirement of a minimum of 486 dpa in the Plan. This is above the local housing need (LHN) assessment conducted using the standard method and informed by the 2014 based household projections. The LHN assessment is referred to as 468 dpa in the Plan (para 4.18.4) or 434 dpa in the Housing Need and Supply Background Paper of October 2020. Other figures are referred to elsewhere (e.g. in SD004). It is assumed that the figure of 434 dpa is the most up to date LHN assessment, particularly as the December 2020 indicative LHN refers to this figure:

<https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>

Please confirm that this is the case.

34. Paragraph 60 of the Framework refers to exceptional circumstances being needed to justify an alternative approach to the LHN assessment. The Planning Practice Guidance (PPG)¹ sets out some of the circumstances where it may be appropriate to consider a higher housing need figure. The Plan indicates that the figure of 486 dpa has been arrived at by looking at employment growth scenarios associated with the development of sites allocated in the Plan. However, this reason does not directly fit with the three examples given in the PPG,

¹ Paragraph: 010 Reference ID: 2a-010-20190220

albeit that these are not the only circumstances where a higher figure might be appropriate.

Do the reasons for increasing the requirement above the LHN constitute the exceptional circumstances referred to by paragraph 60 of the Framework and set out in the PPG?

35. The assessments of employment needs are based on periods of 2012-2035 (Table 4.3) and 2012-2037 (Table 4.2). However, as noted above the Plan period or Policy LPA04 does not align with these periods.

Should the assessment of employment land requirements align with the most appropriate base date of the Plan, for example 1 April 2016?

36. The Employment Land Needs Study Addendum Report 2017 (ELNS Addendum – EMP001) states that the preferred basis for forecasting the OAN for employment land was to look at the past take up of employment land. The period between 1997 and 2012 was considered the most appropriate as it encompasses typical peaks and troughs in the economic cycle.

37. The period of 2012 to 2015 saw a decline in the take up of employment land in the Borough. The ELNS Addendum updates the baseline need to between 134 to 174 hectares of employment land based on historic take-up. This revision reflects the availability of data for 2016 and 2017 which has shown that take-up of employment land continues to be low.

Why was there a decline in the take up of employment land between 2012 and 2015 and why has more recent data (for 2016 and 2017) shown that take up remains low?

If it is considered that this was due to a lack of adequate supply in the market, what evidence is there to support this assumption?

Is there evidence available to show what demand for employment land has been in the Borough beyond 2017?

Does this evidence support the forecasting assumptions that have been made using the baseline scenario?

What evidence is available to support the assumption that past trends in the take up of employment land in the Borough will be replicated in the future during the Plan period?

This is particularly so if trends between 2012 and 2017 show that take-up has remained low. The reliance on data prior to 2012 to forecast higher levels of the take-up of employment land during the Plan period will require strong justification.

38. The ELNS Addendum assumes that a large proportion of the need for employment land will derive from the logistics sector (between 110 and 155 hectares).
What evidence is available to support this assumption?
If it is anticipated that future demand is likely to derive from a greater shift towards large scale B8 logistics and distribution warehousing what effect, if any, is this likely to have on assumptions regarding the need for employment land?
39. The ELNS Addendum also states that the timing of some large scale B8 logistics sites (such as those around Haydock and Parkside) may depend on further transport investment to deliver necessary infrastructure and that job growth in these areas is dependent on factors outside of market and property interests.
What level of certainty is there that the sites and transport infrastructure will be delivered during the Plan period?
Are delivery assumptions realistic?
If the demand for this type of employment land does not come forward as expected during the plan period how will the policies in the plan deal with this issue, including proposals for alternative uses on sites allocated for large scale B8?
40. Additional demand for employment land was based on that generated by major projects (Super Ports and Parkside Strategic Rail Freight Interchange (SRFI)) along with an increase in demand from the logistics sector. The ELNS forecasts an additional 30-40 hectares of land being needed as a result of these combined factors. The ELNS Addendum updates this need to 55-65 hectares.
What evidence is available to support the additional need for 55-65 hectares of employment land deriving from major projects and demand from the logistics sector?
How has this need been translated into the employment land requirement specified?
41. The ELNS Addendum also states that the forecasts are based on past trends that included significant periods of recession as well as periods of strong economic growth and periods where the supply of employment land was constrained. The study assumes that once these land constraints are released, there will be a spur on development above the forecast average rate to 2037.
What evidence is there to support this assumption and does it demonstrate that the forecast demand for employment land during the Plan period is realistic?

42. The total supply of allocated employment sites in the Plan (234.08ha - excluding site 1EA) exceeds the residual employment land requirement identified (219.4 ha as updated).
What is the justification for this?
If it is to provide additional flexibility in supply how does this relate to the 5-year buffer that has also been included in the allowance?
43. The LCR Strategic Housing and Employment Land Assessment (SHELMA) identifies a requirement for at least 397 ha of large scale B8 employment development across the Functional Economic Area between 2012 and 2037. These large-scale sites are defined as being capable of accommodating units of over 9,000m² suitable for the logistics sector.
As the SHELMA does not apportion the need for this type of development at the local authority level what evidence or justification is there to support allocations for this type of development?
44. The supporting text to policy LPA04 also states that the residual employment land needs identified in table 4.4 of the Plan cover a different time period to the SHELMA.
How do the time periods differ and what implications, if any, does this have for the need for this type of development during the Plan period?
45. There is a significant scale of employment land provision in the order of 265 ha. This needs to be robustly justified, particularly given the implications for Green Belt alteration and for there to be a reasonable balance between projected jobs growth and housing growth.
46. Additional employment development is also potentially coming forward outside of the LP. There should be a broad balance between employment growth and housing growth. Additional employment development being permitted on Green Belt land or safeguarded land would add considerably to the supply and bring into question the justification for Green Belt alterations elsewhere.
47. Warrington Borough Council indicate in the SOCG (SD012) a need for 362 ha of employment land. However, that need has not been tested through an examination. The Warrington LP will not be submitted for examination until 2021 at the earliest.
Does the above likely timeline have any consequences for the St Helens LP?

48. It is stated that the St Helens LP housing requirement is based on the employment allocations in the LP which were reduced from the Preferred Options Stage.

Is there sufficient evidence to indicate a clear alignment between housing and employment land requirements?

Matter 3 – Spatial Strategy

49. Issues that are likely to be discussed at the hearing session are:

- The Spatial Vision;
- Strategic aims and objectives;
- The spatial strategy (Policy LPA02);
- The split between the urban areas and elsewhere and between brownfield and greenfield land;
- Whether effective use is made of brownfield land;
- The density provisions of Policy LPA05;
- Green Belt –whether in principle exceptional circumstances have been demonstrated for the alteration of Green Belt boundaries (Green Belt alterations will also be discussed in relation to specific allocations during Week 2);
- The overall scale of Green Belt release;
- The methodology in the Green Belt Review;
- The principle and amount of safeguarded land being identified to meet longer-term development needs;
- Compensatory improvements to Green Belt land;
- Whether the distribution of employment land, including that intended for the logistics industry, will be able to capitalise on public transport and active travel links and the national rail freight network; and,
- Whether strategic policies LPA01 and LPA03 are consistent with national policy.

50. In dealing with density, the Framework requires that minimum density standards should be used for town centres and other locations well served by public transport. In this respect there is no distinction between 3. b) and 3. c) of Policy LPA05 as both aim for 30 dwellings per hectare (dph).

Taking into account paragraph 123 of the Framework, should sites falling within b) seek a higher density? (MM)

Are there any implications for other policies and proposals within the Plan if higher densities are applied to sites falling within 3. b) of Policy

LPA05?

51. The Green Belt Review (SD020), in assessing Green Belt purposes, highlights parcels of land that make a significant (high) contribution. However, three parcels of land (GBP_033, GBP_036 and GBP_039) make a high contribution but are carried forward to the next stage of the assessment. In considering the methodology of the Green Belt Review, particular consideration will be given to whether this approach is justified and demonstrates exceptional circumstances.
52. Paragraph 139 of the Framework indicates that, where necessary, Plans should identify areas of safeguarded land to meet longer-term development needs. Policy LPA06 identifies 85 ha of safeguarded land for employment and safeguarded land for over 3000 dwellings.
How has the quantum of land to be safeguarded been determined?
53. We would like clarification on whether site 1ES 'Omega North Western Extension, Bold' is being safeguarded to meet any unmet future need for employment land arising from Warrington BC. We also note the consultation response from Warrington BC regarding this site that due to its scale and possible access arrangements, they do not consider that the site could contribute to Warrington's future employment land supply.
Considering the above, is the safeguarding of site 1ES justified and consistent with national policy?
54. Paragraph 138 of the Framework requires that Plans set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements.
How does the Plan intend to deliver compensatory improvements as there do not appear to be any relevant policy provisions?
55. The Plan at paragraph 4.6.2 refers to the need in the LCR to accommodate the growth of the logistics and warehousing sector.
Is St Helens the most sustainable location for this form of development having regard to connections to the port of Liverpool?
56. The inclusion of the additional criterion in Policy LPA02 and the explanation through paragraphs 4.6.20-4.6.22 (AM088-091) is a **MM**.

57. Policy LPA02 requires that substantial new employment development is required to be served by high quality road, public transport and active travel links. Although Policy LPA04.1 requires provision of, or financial contributions to, transport infrastructure for strategic employment sites, this may not, in itself, deliver the infrastructure required by Policy LPA02.

Taking into account the above how will necessary transport infrastructure for substantial new employment development be delivered?

58. Policy LPA01 (Presumption in Favour of Sustainable Development) seeks to replicate the Framework. However, the PPG advises that *'there is no need for a plan to directly replicate the wording in paragraph 11 in a policy'*². In attempting to repeat national policy there is a danger that some inconsistencies will creep in and lead to small but critical differences between national and local policy and difficulties in interpretation and relative weighting. Moreover, national policy may change. We recommend that the policy is deleted (**MM**).

Matter 4 –Housing and Employment Allocations and Safeguarded Land

59. Issues that are likely to be discussed at the hearing sessions are:

- The site selection process, principally the Green Belt Review, the Strategic Housing Land Availability Assessment (SHLAA), the SHELMA, and the Employment Land Needs Study;
- The effect of the allocations and safeguarded land on Green Belt purposes and permanence;
- The suitability of the allocations having regard to infrastructure and other constraints and the need for a range of sites;
- The implications of any permissions on the allocated sites;
- Whether any significant adverse impacts would arise for the economic, social and environmental dimensions of sustainable development, taking into account potential mitigation;
- The Habitats Regulations Assessments (with particular reference to functionally linked land) for:
 - Employment land: 6EA (Land West of Millfield Lane, South of Liverpool Road and North of Clipsley Brook, Haydock); 7EA (Parkside East, Newton-le-Willows); 8EA (Parkside West, Newton-le-Willows);

² Paragraph: 036 Reference ID: 61-036-20190723

- Housing land: 8HA (Land South Higher Lane and East of Rookery Lane, Rainford);
- Safeguarded land: 1HS (Land South of Leyland Green Road, North of Billinge Road and East of Garswood Road, Garswood); 4HS (Land East of Newlands Grange, (former Vulcan works) and West of the West Coast mainline, Newton-le-Willows); 5HS (Land West of Winwick Road and south of Wayfarers Drive, Newton-le-Willows); 7HS (Land South of Elton Head Road (adjacent to St. John Vianney Primary School), Thatto Heath); 8HS (Land South of A580 between Houghtons Lane and Crantock Grove, Windle)
- The development criteria and site profiles for Allocated Employment and Housing Sites (Policies LPA04.1 and LPA05.1 and Appendix 5) (including how any effects on nearby heritage assets will be taken into account;
- The configuration and capacities of the allocations; and,
- The delivery of the allocations over the plan period.

60. The Council should provide an update as to which of the proposed allocations (and safeguarded sites) within the Plan have extant planning permissions or applications pending. This should be in the form of a schedule attached to its response to these preliminary questions. The schedule should be updated before the hearings.

61. The significant changes to the Site Profiles in Appendix 5 (AM074) e.g. the addition of new requirements, are **MMs** because of the link to Policies LPA04.1 and LPA05.1. That said, any requirements which are generic and apply to each site because of other policies of the Plan should be excluded from the Site Profiles. These would include generic requirements relating to, for example, transport and travel (LPA07) and infrastructure (LPA08). The requirements within Appendix 5 should be site specific.

62. Appendix 7 contains site profiles for safeguarded land. However, as the Plan is not allocating these sites it would be premature to set out detailed requirements. Should the safeguarded sites be allocated in the future, then requirements would be drawn up then based on the circumstances at that time. We recommend that Appendix 7 is deleted (**MM**).

63. Questions about the site selection process and specific sites, including site profiles, will follow after our familiarisation visit and/or within the MIQs.

Matter 5 –Housing Land Supply

64. Issues that are likely to be discussed at the hearing session are:

- The components of housing supply to meet the housing requirement;
- Flexibility, lapse rates and slippage allowance;
- The small sites windfall allowance;
- Whether a range of sites would be available, including smaller sites for local builders;
- The five-year supply position and the assumptions behind it; and,
- The housing trajectory.

65. The components of housing land supply are set out in Table 4.6. The table should be updated to reflect the position at 31 March 2020, including showing actual completions rather than expected completions (see SD025) (**MM**). The updates would affect line b) and lines e) to j) of Table 4.6. Ideally, by the time of the hearings the table should reflect the position at 31 March 2021.

66. Allowances/contingencies have been used for the supply from SHLAA sites (15%) and Green Belt allocations (20%). However, no lapse rates appears to have been included for sites with planning permission.

Why has a lapse rate not been included for those sites with planning permission?

67. Housing supply over the Plan period relies significantly on SHLAA sites, including many that are brownfield. It would appear from the SHLAA that these sites do not have permission. Some commentary about the sites' suitability, availability and achievability is provided in the SHLAA.

Other than those which have secured planning permission since the SHLAA base date of 1 April 2017, is there further evidence to support the SHLAA sites being considered deliverable or developable?

For example, could updated Site Assessments be provided for those sites which do not have planning permission?

Would greater certainty be provided within the Plan if SHLAA sites (or

the larger sites) were to be allocated?

68. Line h) of Table 4.6 refers to sites with planning permission that have stalled. Looking at SD025 it appears that some of these sites have started but have not been completed whereas others have not commenced. The implication is that there are issues with delivery. *What evidence has been used to inform the delivery assumptions about these stalled sites?*
Should a lapse rate be applied to stalled sites?
69. The housing trajectory at Figure 4.3 would benefit from being revised to one that shows the sources of supply (**MM**). An example is included in SD025 (Appendix 1). We note that SD025 also includes the trajectory for each site with some commentary in the final column. To support the trajectory, a composite spreadsheet should be prepared showing how allocations and other major sites (including commitments and SHLAA sites) will deliver for each year over the Plan period. Such an approach would accord with paragraph 73 of the Framework.
70. The trajectories and tables within SD025 differ from those contained within the Plan at Tables 4.7 and Figure 4.3. It is assumed that those contained within SD025 are more up to date and should replace those in the Plan (**MM**). The trajectory shows a very significant increase in delivery between 2025/26 and 2026/27, particularly from SHLAA sites. *Is the significant spike in delivery realistic and supported by evidence?*
71. SD025 includes the 5-year supply position at 31 March 2020. However, the supply is only just 5 years. That supply includes some 270 dwellings from SHLAA sites that do not have planning permission. *Are there any measures that the Council can take to provide more elbow room in terms of the 5-year supply?*
What evidence is there that housing completions on the SHLAA sites without planning permission will begin within 5 years?
72. The LP should clearly express the key assumptions and parameters which will be relied upon to calculate the five-year housing land supply upon adoption of the LP (**MM**). This would include the method of dealing with any shortfall in completions (the Sedgfield approach?) and the application of the appropriate buffer (paragraph 73 of the Framework and the PPG) (5%?).

Matter 6 – Employment Land Supply, Employment Policies and Town Centres

73. Issues that are likely to be discussed at the hearing session are:
- The components of employment land supply;
 - The provisions of Policy LPA04, particularly in respect of the protection of allocated land and existing employment sites;
 - Policies LPA04 and LPC04 and the implications of the changes to the Use Classes Order (UCO);
 - Whether the network and hierarchy of town centres has been correctly defined and justified;
 - The impact thresholds in Policy LPC04;
 - The town centre policies for St Helens and Earlstown (Policies LPB01 and LPB02); and,
 - Whether the Primary Shopping Areas for St. Helens and Earlstown have been defined correctly

Employment land supply

74. As with housing land supply it would assist the effectiveness of the LP if Table 4.4 was updated to show the residual employment land requirement at 31 March 2020 (**MM**). The existing land supply e.g. commitments, should reflect permissions up to 31 March 2020.

Is the existing land supply only 5.46 ha?

What about the permissions for 4 sites referred to in Footnote 15 (as amended by AM016)?

Ideally, by the time of the hearings the table should reflect the position at 31 March 2021.

Employment Policies

75. The additional criterion relating to the pandemic in Policy LPA04 (Section 1. e) (AM014) and the explanation (AM092) is considered to be a **MM** not an AM.
76. Section 5 of Policy LPA04 seeks protection of existing employment sites unless other uses can be justified. However, paragraph 121 of the Framework advocates a positive approach to applications for alternative uses of previously developed land.
- Is the Council satisfied that Policy LPA04 is consistent with national policy in relation to these particular provisions?*

77. Notwithstanding the above, Policy LPA04 includes a requirement for marketing allocated employment sites before they would be considered for alternative uses (Section 4 b). However, there is no set period for marketing, rather 'for a period agreed with the Council'. This is in contrast to existing employment sites under Section 5 of the policy which references the Local Economy SPD in which there is a minimum 12-month marketing period. We consider that Policy LPA04 would be more effective if a marketing period was specified (**MM**).
78. The changes to the Use Classes Order 1987 (UCO), particularly the creation of the broad Class E, will have implications for the protection of both existing and proposed employment sites and for town centres. In the first instance, we would ask that the Council consider the implications of these changes for the effectiveness of the Plan's policies and how the policy wording would need to be modified (**MM**). As things stand national policy in the Framework has not changed.
79. In terms of detail the recent changes to the UCO need to be reflected in the Policies LPA04, LPC04 and LPB01, Tables 4.1 and 4.2, the supporting text and the Appendices. References to uses rather than a specific use class is recommended. For example, rather than referring to B1, the wording would be 'light industrial, offices and research and development' (**MM**). The Glossary will also need to be amended (Employment Uses) (**AM**).

Town Centre and Area policies

80. Policy LPB01 refers to St. Helens Town Centre and Central Spatial Area.

Is it sufficiently clear from the wording of the policy how the 'Central Spatial Area' is defined?

The supporting text refers to Appendix 11 but there does not seem to be a clear definition included in the Appendix.

81. Policy LPB01 also refers to 'areas of opportunity'. The policy states that these areas have been identified for future development.
- How have these areas been identified and defined?*
- When is development expected to take place in these areas and how will the policies in the Plan deal with development proposals that come forward?*

82. Policy LB01 and supporting text (paragraph 5.3.9) refers to Primary and Secondary frontages and that they have been identified in line with the NPPF. The NPPF no longer specifically refers to Primary and Secondary Frontages. National policy now only refers to Primary Shopping Areas. Consideration should be given to this and whether the identification of Primary and Secondary Frontages is necessary and justified. In any event the NPPF should not be referred to as it no longer defines these terms (**MM**).
83. The additional criterion relating to the Regeneration Partnership in Policy LPB01 (AM094) and the explanation (AM096-97) is considered to be a **MM** not an AM. Likewise, the changes to Policy LPB02 (AM098-100) are an **MM**.

Matter 7 – Specific Housing Needs and Standards

84. Issues that are likely to be discussed at the hearing session are:
- Policy LPC01 and its approach to housing mix, bungalows, specialist housing and self-build/custom-build housing;
 - The requirements of Policy LPC01 for accessible/adaptable and wheelchair user dwellings;
 - The Nationally Described Space Standard (NDSS);
 - The requirements of Policy LPC01 for Houses in Multiple Occupation;
 - The justification for affordable housing targets in Policy LPC02, taking into account considerations such as viability;
 - The approach to tenure-split within Policy LPC02;
 - The needs of travellers taking into account the Merseyside and West Lancashire Gypsy & Traveller Accommodation and other evidence;
 - Meeting the needs of travellers who do not meet the Planning policy for traveller sites (PPTS) definition;
 - The allocations for travellers through Policy LPC03 (Gypsies, travellers and travelling showpeople);
 - The criteria within Policy LPC03.
85. Policy LPC01 refers to 5% of homes on larger developments being bungalows. However, the SHMA Update (HOU001) indicates that it is difficult to quantify the need/demand for bungalows.
Taking into account the above, is the 5% requirement justified?

86. The Framework (footnote 46) indicates that policies may make use of the NDSS where the need for an internal space standard can be justified.
Has consideration been given to the inclusion of a policy requirement relating to the NDSS?
87. The change to Policy LPC02 (AM087) referring to developments of 10 units or more providing affordable housing is an **MM** rather than an AM. The change should also refer to developments with a site area of 0.5 ha or more where the number of dwellings is not known.
88. Paragraph 64 of the Framework expects that at least 10% of homes on major developments should be for affordable home ownership. However, sites in Affordable Housing Zone 1 would not be expected to provide any affordable housing. Whilst reference is made to viability constraints, paragraph 64 of the Framework does not include such a consideration as an exception.
Is Policy LPC02 justified and consistent with national policy?
89. The Plan does not include provisions for rural exception sites for affordable housing.
Has consideration been given to such a policy?
90. Policy LPC03 includes criteria that will be considered for traveller sites.
Is it realistic to expect traveller sites to be within walking distance of shopping, education and health facilities and employment opportunities or served by public transport? PPTS does not include any such requirement, including in paragraph 13.
In terms of travelling showpeople, should the policy include a criterion relating to space for fairground rides, larger vehicles and repair equipment?

Matter 8 – Minerals and Waste

91. Issues that are likely to be discussed at the hearing session are:
- Whether the minerals and waste policies of the LP are positively prepared and consistent with national policy.
92. Any initial questions relating to minerals and waste policies will follow early in 2021.

Matter 9 – Generic Policies of the Plan (not covered by other Matters)

93. Issues that are likely to be discussed at the hearing session are:
- Whether other strategic and local generic policies of the LP are positively prepared and consistent with national policy.
94. Any initial questions relating to generic policies of the Plan not covered in this note will follow early in 2021.

Matter 10 – Infrastructure and Delivery

95. Issues that are likely to be discussed at the hearing session are:
- The provisions of Policies LPA08 (Infrastructure Delivery and Funding) and LPA09 (Green Infrastructure (GI)) and whether they are consistent with national policy;
 - The highway improvements and transport schemes referred to in Policy LPA07 – their necessity and deliverability;
 - The development of a SRFI at Parkside East, including the Parkside Link Road and works to Junction 22 of the M6 Motorway (Policy LPA10);
 - The delivery and timing of improvements to Junctions 22 and 23 of the M6 and Junction 7 of the M62 Motorways;
 - Whether other necessary infrastructure will be delivered in a timely fashion e.g. schools, health services;
 - Whether the requirements for charging points for electric vehicles within Policy LPA07 are consistent with national policy;
 - The identification of infrastructure in the Infrastructure Delivery Plan (IDP) and its delivery through Policy LPA08;
 - The delivery of Open Space and other GI; and,
 - The implications of infrastructure requirements, developer contributions and policy provisions for viability
96. It is stated that 'highways in the Borough are under increasing pressure as traffic flows continue to rise; this leads to local congestion and capacity issues at peak times at various junctions' (para 2.7.2 of the LP). The Transport Impact Assessment (TRA003) indicates that the LP will worsen the level of operation of some locations, albeit that the impact can be substantially mitigated (page 132).
- Is the Council satisfied that the LP proposals would not have an unacceptable impact on highway safety or the residual cumulative impacts on the road network would not be severe?*

97. Section 1 a) of Policy LPA07 refers to the delivery of transport infrastructure but there is no reference to rail improvements.
Is there any particular reason for the exclusion of rail within this part of the policy?
98. *Is there an evidence base document or background paper that provides more detail on the new station at Carr Mill and the proposed Skelmersdale Rail Link referred to in policy LPA07 e)?*
99. Section 9 refers to vehicle parking standards being included in a review of the Ensuring a Choice of Travel SPD, June 2010 (LOC009). However, any requirements for parking and vehicle charging points are likely to have impacts on viability and should normally be included within the Plan, possibly as an Appendix. In setting standards, paragraphs 105 and 106 of the Framework are relevant.
Is it feasible to include local parking standards in the LP?
100. Cumulatively the changes proposed to Policy LPA07 by AMs 039-042 and those referred to above go to soundness and should be dealt with as a single **MM**.
101. Policy LPA02 indicates that housing development on previously developed land will be encouraged by setting lower thresholds for developer contributions. However, Policy LPA08, other than a reference to economic viability, does not provide any further policy criteria to reflect the spatial strategy. Other than the affordable housing zones in Policy LPC02, other policies do not appear to differentiate in terms of developer contributions for infrastructure.
How is the strategy in relation to developer contributions to be implemented by the LP?
102. The PPG indicates that strategic policies can identify existing and proposed green infrastructure networks. Policy LPC05 refers to open space. Policy LPC06 refers to the hierarchy of wildlife sites. Policy LPC07 refers to 'Greenways'. These areas are identified on the Policies Map.
Are these designations the full extent of the Green Infrastructure network to be identified by the LP?

Matter 11 – Monitoring and Implementation

103. Issues that are likely to be discussed at the hearing session are:

- The effectiveness of the Monitoring Framework;
- LP Review Mechanisms.

104. The Plan is to replace all the policies of the Core Strategy 2012 and the saved policies of the Unitary Development Plan 1998. However, policies in the Joint Merseyside and Halton Waste Local Plan 2013 and Bold Forest Park Area Action Plan 2016 will remain extant. For completeness an appendix to the Plan should set out those development plan policies in other plans that are to remain part of the development plan and the plans that are to be replaced (**AM**).

Clarification on Additional Modifications

105. A number of questions have been set out above regarding some of the AMs proposed. In addition, we have identified the following issues.

106. AM079 refers to 'land rear of 2 to 12 Leyland Green Road and 168 Booth's Brow, Garswood' that has been included in the Green Belt. The land was not included in the Green Belt in the 1998 UDP and was also identified in error in the earlier 2016 Green Belt Review as location 41. It is proposed that this land is removed from the Green Belt as it was included in error.

What implications, if any, would this change have for the Plan?

Was this land the subject of representations at any stage during the Plan's preparation and if so what comments were made?

107. AM080 and AM081 propose some boundary changes to various sites including the Borough Cemetery, Windle – Registered Park and Gardens and the Rainhill Conservation Area boundary.

Are these changes necessary for soundness reasons and if so why?

What implications, if any, would these changes have for the Plan?

Was the land the subject of representations at any stage during the Plan's preparation and if so what comments were made?

Other Minor Comments

108. We suggest some minor changes to assist with clarity. These do not go to soundness but to be helpful we have set these out in **Appendix 2**.

Programme

109. We would envisage the following indicative timetable for the examination of the LP up to the hearing stage.

- December 2020 - initial letter sent to Representors by Programme Officer and Guidance Note published;
- January and February 2021 - Council response to Inspector's Initial Questions;
- March 2021 - Inspectors produce MIQs;
- April 2021 – 6 weeks' notice given for hearings;
- May 2021 – deadline for submission of statements for hearings;
- May 2021 onwards – final agendas prepared for hearings (agendas prepared about 1 week before the relevant hearing);
- May/June 2021 – hearing sessions.

110. We would welcome the Council's views on this indicative timetable.

Response

111. We would like a response by the Council to the above comments and questions by **29 January 2021**. That said, we accept that some of the requests for further information may take longer to prepare. In such cases the Councils should indicate likely timescales for a response. However, such responses should be received by no later than **26 February 2021**. We are not inviting comments from other parties at this stage. We want to clarify the Council's position first. This will help us to refine MIQs for the remainder of the examination and the hearings. All parties with relevant representations will have the opportunity to respond in advance of the hearings should they wish.

112. As referred to earlier, if the Council consider that the point or question could be dealt with by a **MM** or **AM**, then please confirm. As the examination develops, Schedules of MMs and AMs should be produced. The former should be in place in draft form in advance of the hearings, preferably published at the same time as any statements when it will become an examination document and inform discussion at the hearings. It will be refined during and after the hearings.

113. With regard to the above, we acknowledge that the Council wish us to recommend any MMs that are necessary to resolve issues of legal

compliance or 'unsoundness'.

114. If you require clarification of any of the above points please contact us via the Programme Officer.

Mark Dakeyne and Victoria Lucas

INSPECTORS

December 2020

Attached – Appendices 1 and 2

Appendix 1 – Possible Hearing Programme

Tuesday 25 May 2021

Matter 1 - Introduction to the Hearings, Legal Compliance, Procedural Requirements and the Duty to Cooperate

Wednesday 26 May 2021

Matter 2 - Housing and Employment Needs and Requirements

Thursday 27 May 2021

Matter 3 - Spatial Strategy and strategic policies

Tuesday 8 June 2021

Matter 4 - Allocations

Wednesday 9 June 2021

Matter 4 - Allocations

Thursday 10 June 2021

Matter 4 - Allocations

Tuesday 15 June 2021

Matter 5 - Housing Land Supply

Thursday 17 June 2021

Matter 6 - Employment Land Supply, Employment Policies and Town Centres

Matter 7 - Specific Housing Needs and Standards

Friday 18 June 2021

Matters 8 and 9 - Minerals and Waste Policies/Generic Policies (combined session)

Tuesday 22 June 2021

Matter 10 and 11 - Infrastructure and Delivery/Monitoring and Implementation (combined session)

Thursday 24 June 2021

Potential review session (virtual)

Friday 28 May 2021, Friday 11 June 2021 and Wednesday 23 June 2021

Reserve days

Appendix 2 – Minor Comments and Typos (AMs)

1. Introduction

Para 1.9.1 – The Framework requires that '*policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.* There is a difference between 'review' and 'update' which should be reflected in the text.

Para 1.3.7 – the abbreviation SPD is used here for the first time. Subsequent references to Supplementary Planning Documents can use the abbreviation e.g. Policy LPA04, 7.2, 7.6.14, 7.12.1, 8.8, 8.9.8. We would suggest that the LP is checked to ensure that the first mention of a document etc is where it is set out in full and then subsequent mentions are in the abbreviated form.

2. St Helens Borough Profile

Page 10 –Green Infrastructure, Outdoor Sport and Leisure should be shown as a sub-heading rather as part of the Heritage Assets section.

Policy LPA09

Section 1 of the policy is descriptive rather than a policy requirement and could reasonably be included in the reasoned justification rather than the policy itself.

Footnote 51 (page 84)

Refer to the February 2019 Framework.

Appendix 1 page 166 (and SD003 page 42 - AM070)

'A report which is normally prepared ~~ed~~ annually....'

Appendix 1, page 177 (Informal Recreation) and Appendix 7, Page 247

Stray commas on last line – e.g.,

AM070 – Revised Glossary

SD003 - Page 60 – definition of Registered Parks and Gardens - **Historic England** not Natural England.

AM082 – Policies Map page 14

Page 102 of SD003 has the plans the wrong way around.