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## St Helens Borough Local Plan 2020-2035 Examination

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Programme Officer: Kerry Trueman

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To: The Development Plans Manager

Sent via e-mail.

1 September 2021

Dear Ms O'Doherty

### **St Helens Local Plan Examination Inspectors' Post Hearing Advice – Main Modifications and related matters**

The purpose of this letter is to provide our views on the further Main Modifications (MMs) that are likely to be required to make the St Helens Local Plan (LP) sound following the hearing sessions. The MMs are in addition to those potential MMs (1) produced in response to our preliminary questions, (2) those that arose from the hearing sessions and are noted on the Action Lists, and (3) those as a result of our letter on housing land supply and the National Planning Policy Framework dated 30 July 2021 (INSP013). We have highlighted in bold recommended **MMs**.

We would also advise that we have given full consideration to all the representations made about the LP including the oral contributions at the hearings. Our final conclusions regarding soundness and procedural compliance will be set out in the report to be produced following consultation on the proposed MMs. Nevertheless, having regard to the criteria for soundness and to assist at this stage, we shall provide brief explanations for our advice thus far.

Our findings may alter in the light of any further evidence that emerges through the consultation process. Our views are therefore given here without prejudice to the conclusions that will appear in the report. We do not comment on every issue in this advice. Our final report will cover other main issues that arose during the examination but which are not dealt with in this note.

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## **Policy LPA02 - Compensatory Improvements to Green Belt land**

An **MM** to Policy LPA02 and its reasoned justification should be included as set out in the Council's information paper (SHBC028). The wording of the reasoned justification should be expanded to include some of the examples of policies in the Plan and the other projects/initiatives that will help to deliver compensatory improvements during the Plan period set out in SHBC028. This will help to ensure that the policy is consistent with national policy in setting out more comprehensively how the policy will be delivered.

### **Policy LPA04.1**

#### **Parkside West (Site 8EA)**

There is a need for a site-specific bespoke policy for Site 8EA given its scale and relationship to Site 7EA (Parkside East). Such a policy would ensure that the allocation is effective (**MM**). Some of the provisions of Policy CAS 3.2 of the Core Strategy may still be relevant. The policy should also include the type of requirements set out in the Site Profile (as amended by the Draft Schedule of Modifications SHBC010), particularly that related to later phases of the development being served by a new road linking the site with Junction 22 of the M6. The provision of Section 4 of Policy LPA10 relating to future rail siding facilities should also be incorporated. There would be a need for consequential changes to Policy LPA04.1.

### **Policy LPA05**

Tables 4.5, 4.6 and 4.7 and Figure 4.3 should be modified to reflect the updated tables and trajectory contained within the Council's letter dated 17 August 2021 and position statement (SHBC030 & SHBC031) (**MM**). The updated trajectory takes account of our preliminary findings letter dated 30 July 2021 relating to the residual housing requirement and the amended delivery or removal of some SHLAA sites from the supply. The updated trajectory is necessary to reflect the most up-to-date position.

### **Policy LPA05.1**

#### **Bold Forest Garden Suburb (Site 4HA)**

Housing allocation 4HA should have a site-specific bespoke policy taking into account its scale so that the allocation is effective (**MM**). The policy should include the type of requirements set out in the Site Profile (as amended by the Draft Schedule of Modifications SHBC010) together with reference to any necessary on-site infrastructure such as school(s), health

facilities and a local centre as referred to in the Bold Forest Garden Suburb Position Statement (SD027). There would be a need for consequential changes to Policy LPA05.1.

### **Policy LPA06**

#### **Land east of Newlands Grange (Site 4HS)**

Site 4HS should be extended to the south-west up to the northern boundary of the recreation ground so that it includes land to the east of the Vulcan Village Conservation Area. The Site Profile already includes a requirement for a landscaping buffer to the Conservation Area. In addition, there is a well-wooded bank immediately to the east of the Conservation Area. Together these existing and proposed buffers would provide sufficient protection to the setting of the Conservation Area. Moreover, the built development within the Conservation Area is inward looking and urban in form. There would not be any significant impact on Green Belt purposes taking into account the findings of the Green Belt Review 2018 (SD020) and our site visits. This change is required to ensure a positively prepared and justified area of safeguarded land. Table 4.8 would require modifying accordingly (**MM**) and there would be consequential changes to the Policies Map.

#### **The wording of Policy LPA06**

There is a need for Policy LPA06 and its explanation to be modified so that the policy is positively prepared in the context of bringing forward safeguarded sites through a partial update of the plan during the proposed plan period of 2020-37, should housing, employment or infrastructure needs justify this (**MM**).

#### **Policy LPC01 – Bungalows**

We do not consider that the requirement that at least 5% of new homes on greenfield sites should be bungalows has been justified either in terms of need or viability. Section 3 of Policy LPC01 should be deleted (**MM**). The provision of bungalows could be encouraged by including reference to them within Section 5 of the policy.

#### **Policy LPC03 – Gypsies, Travellers and Travelling Show People**

In addition to the actions agreed at the Matter 7 session, the reasoned justification to Policy LPC03 should be updated to reflect the information in the Gypsy and Traveller Note (SHBC029) (**MM**) so that the policy is effective.

### **Policy LPC13 – Renewable and Low Carbon Energy Development**

The Council's Matter 7 Statement indicated that Section 4 of Policy LPC13 would be modified as follows: '*New developments for housing, employment or other uses will be required to meet high standards of sustainable design and construction and minimise carbon emissions equivalent to CSH level 4, i.e., 19% carbon reduction against Part L 2013 unless proved unviable.*' This **MM** should be included in the Schedule of Main Modifications.

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

The Economic Viability Assessment (EVA) Update Note (SHBC027) shows that there are some issues with viability, particularly with brownfield and greenfield typologies in Zone 1 when all Plan policy requirements have been taken into consideration and even where the affordable housing requirement is 0% (Table 6.2 (a)). The note advises that due to this flexibility will be needed when applying policy requirements to ensure that development in Zone 1 remains viable and is not undermined (para. 6.13). The note also acknowledges that the viability issues within Zone 1 largely reflects the findings of the 2018 EVA (VIA001).

Given that the evidence demonstrates an ongoing issue with the viability of development within Zone 1 when the Plan's policy requirements are applied, we would recommend a more proactive approach is taken within the Plan. This is because the current suggested approach of negotiating requirements on an individual planning application basis is likely to lead to delay and uncertainty for applicants in understanding what policy requirements will be applied. The consequences of this uncertainty could be delays in development coming forward.

Additional wording should be added to Policy LPA08 Part 5 to acknowledge the lack of viability within Zone 1 and that a more bespoke approach will be taken for developments in this area. For example, wording to acknowledge that where a developer can demonstrate that meeting all policy requirements would not be viable then a pragmatic approach will be taken to s.106 contributions on sites within Zone 1 where viability is typically more marginal (**MM**). This will ensure that the policy is effective and positively prepared.

## **Policies Map**

An area of Sankey Valley Industrial Estate shown as Open Space (Typology OSR) on the Policies Map appears to be landlocked with no public access. There is no evidence of recent use for outdoor sport and recreation. The Policies Map designation should be changed from open space to white land.

## **Future Timetable**

The Council should now prepare a composite Schedule of Proposed Main Modifications (MMs). This schedule should include MMs which have arisen since the publication of the LP, including potential MMs discussed at the hearings and those recommended in our post hearings advice. There will be a number of consequential MMs which also arise from the above recommendations. Supporting documentation such as an updated Sustainability Appraisal and Habitats Regulations Assessment (if deemed necessary) will also be required. An indication of the likely timetable for these tasks would be helpful.

## **Response**

A response to this note should be provided as soon as possible. It would be particularly appreciated if any comments on the timetable could be provided quickly so that we can ensure that our future work and other commitments do not prevent expeditious progress on the remainder of the examination.

This advice should be published on the website as soon as possible. The Council's response should also be published once prepared. However, it should be emphasised that no representations on the contents of this note and the Council's response should be submitted at this stage. Representations will be invited on MMs once these are published. This note and the Council's response will form background documents to the MMs.

If you require any clarification on the above, please let us know via the Programme Officer.

Yours sincerely

*Mark Dakeyne and Victoria Lucas*

PLANNING INSPECTORS