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**ST HELENS**  
BOROUGH COUNCIL

**ST HELENS BOROUGH  
LOCAL PLAN 2020-2035**

**ST HELENS BOROUGH COUNCIL'S  
RESPONSE TO THE INSPECTORS' INITIAL  
QUESTIONS AND COMMENTS ON GENERIC  
AND DEVELOPMENT MANAGEMENT POLICIES**

**February 2021**

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## **Matter 4 – Housing and Employment Allocations and Safeguarded Land**

*Appendix 5 of the Plan includes Site Profiles for the allocations. Those sites which have planning permission do not include any 'Requirements' other than those addressed by the planning permission. However, if the planning permission expires then the allocation would be left without requirement.*

### **Q1. Do the council consider that the effectiveness of the Plan could be adversely affected as a result?**

The Council is satisfied that the effectiveness of the Plan would not be adversely affected as a result of some sites with planning consent not having specific requirements set out in Appendix 5, because should any existing permissions expire, and new applications be submitted subsequently, such applications will be assessed and necessary mitigation identified and made a condition of any new planning permission. However, the Council accepts that there could be some degree of uncertainty should an application expire, and no specific requirements are set out within a site profile. Therefore, we suggest that site profiles are produced by extracting the key conditions from the decision notices and set out as a **MM** for the three sites (9EA, 11EA & 9HA) that currently do not have a full site profile.

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

### **Q2. Taking into account the pandemic has the Council considered whether Policy LPC04 and the extent of defined centres will be effective over the Plan period, particularly having regard to the possible need for town centres to be more adaptable and flexible in terms of uses?**

Whilst the Council recognises the impact the Covid 19 pandemic has had on retail, the longer-term effects are still unclear.

With reference to Policy LPC04 and the extent of the defined centres, the Council recognises the importance that these centres play at the heart of local communities, providing services to meet the needs of residents within surrounding catchments. It therefore wishes to protect and support all existing centres and encourage appropriate uses and investment within them.

The network and hierarchy of centres within the Borough are defined in accordance with the findings of the Retail and Leisure Study (EMP004). This evidence plays a strong role in supporting Policy LPC04. It provides a health check of all Local Centres to assess their role and functionality and sets out a SWOT analysis to highlight opportunities which the Council can utilise to highlight a case for flexibility where units have remained unoccupied.

The Sequential Approach and Impact Assessment still apply in supporting the 'Town Centre first' principle and within the district and local centres, the

preferred location for retail development shall comprise all areas within the defined centre boundary.

It is recognised that the pandemic has caused a shift in shopping behaviours due to restrictions on daily life. However, it is difficult to understand with certainty the longer term impacts (up to the end of the plan period and beyond) on retail patterns, this will have.

The Council will update its retail evidence in due course, which will likely include a review of its defined centres. This will be undertaken in view of a better understanding of the longer terms impacts of the pandemic and the normalisation of retail trends It will be reflected in a future review of the Local Plan.

It is considered that policies in the Plan will provide a flexible framework to support future regeneration proposals, and ensure local communities remain well served. In addition, the Council is committed to providing flexible uses in defined centres through Policy LPB01 & LPC04, where applicable, whilst still providing a Primary Shopping area and protecting existing Local and District Centres.

***Q3. Whilst the pandemic is likely to have effects on the need for floorspace in the short term, is the Council satisfied that the Plan is positively prepared in meeting the retail needs of the Borough in the long-term?***

As referred to, the evidence (EMP004) identifies floorspace needs up to 2033. NPPF paragraph 85 states that in meeting anticipated needs for retail, leisure, office and other main town centre uses, planning policies should look at least ten years ahead. The current forecasts to 2033 would do this.

The Council's approach for meeting comparison floorspace need is to pursue 'town centre first' principles and to accommodate as much of this additional floorspace as possible in St Helens Town Centre, specifically to prioritise the re-occupation of vacant units to boost its health. The latest monitoring survey of the town centre undertaken in December 2020 indicated that 26% of town centre units are currently vacant. Through the re-occupation of vacant units and the development of the 'area of opportunity' as referred to in Policy LPB01, there is a suitable supply of sites to accommodate the need for comparison floorspace. Therefore, the Council is satisfied the Plan is positively prepared in this regard. Furthermore, any potential changes in long term retail need (given the uncertainty of long term retail forecasts, particularly at the moment due to the impact of the pandemic) could be picked up through updated evidence in due course, and reflected in a Local Plan review.

## **Matter 8 – Minerals and Waste**

*Paragraph 9. Policy LPC14 (Minerals) refers to a supply of minerals contributing to ‘regional and national needs’ whereas the Framework at paragraph 204 refers to ‘mineral resources of local and national importance’. **We would recommend that the policy is amended to read “local, regional and national needs” (MM).***

Noted. Section 1 of the policy can be amended as suggested, as a main modification to the Plan.

## **Matter 9 – Generic Policies of the Plan (not covered by other matters)**

*Paragraph 10. Policy LPA11 (Health and Wellbeing) refers to ‘planning decisions and processes....’*

### ***Q4. What processes are envisaged by the policy and are these relevant to a development plan policy?***

Planning processes, such as plan preparation including for DPDs, SPDs, and potentially Neighbourhood Plans, can help to promote the health and wellbeing of residents, workers and visitors to the Borough through their role in shaping the built and natural environment. The processes referred to are unlimited, but could include masterplanning of development sites, as well as the potential preparation of local design guides, and other opportunities that may arise as part of the Government’s drive to improve design quality of new development.

The use of the term ‘processes’ hasn’t been further defined in the text, so as to avoid being overly prescriptive, but its inclusion does underline the importance that it is not just decision making itself that influences the different aspects of health and wellbeing listed, but many other parts of planning, and that health and wellbeing needs to be fundamental to all areas of planning. The Council considers that acknowledging the importance of this to be relevant within development plan policy.

*Paragraph 11. Criterion 4 of Policy LPA11 seeks to guide the location of certain uses that may have negative health impacts having regard to their impact on other land uses.*

### ***Q5. What evidence is before the examination, particularly at a Borough level, to indicate that the uses referred to have negative health impacts?***

***Q6. How would criterion 4 be applied in practice as it is not specific in relation to where uses should be guided to and what the other land uses are, other than hot food takeaways which are covered by Policy LPD10?***

St Helens is ranked as the 26<sup>th</sup> most deprived authority England out of 317, according to the Index of Multiple Deprivation (2019). Its relative position has deteriorated since the 2015 Index of Deprivation where St Helens was ranked as the 36<sup>th</sup> most deprived area (out of then 326 authorities).

Furthermore, 28% of 4-5 year olds were classed as overweight (including obesity), this is higher than an England-wide average of 22.5%. 37% of 10-11 year olds were classed in the above category above the average of 34%, (2018/19 NHS Digital, National Child Measurement Programme)

In Adults, 69% of those aged 18+ were classed as overweight or obese above the England average of 62% (2018/19 Public Health England, Active Lives survey, Sport England).

There is a strong link between deprivation and health indicators such as obesity and lower life expectancy. NHS guidance states obesity being a result of poor diet and lifestyle choices such as eating large amounts of processed food (source: NHS (2021) <https://www.nhs.uk/conditions/obesity/causes>). The Council is seeking to avoid worsening the existing deprivation levels, and instead improve the situation. Accordingly, guiding the location of food and drink uses has a role to play in this.

The Council places great importance on the role of the Hot Food Takeaway SPD in ensuring that uses which can have negative health impacts are directed only to suitable locations. Paragraph 4.39.8 refers to the Council's intention to implement Policy LPA11 via a future SPD which will be prepared to align with this overarching policy (likely to supersede the existing Hot Food Takeaway SPD).

It is also recognised that hot food takeaways are still classed as sui generis under the new class E and so a planning application is still required for changes to this use. Applications would be considered using policy LPA11 and other relevant policy considerations.

With regards to other land uses, such as drinking establishments and restaurants now classed as use class E(b), the Council will consider proposed changes of use on a case-by-case basis where legislation allows for planning policy considerations to be taken account of. Where the new class E allows for a permitted development change, the Council recognises that there is limited criteria to restrict such uses.

*Policy LPC06 (Biodiversity and Geological Conservation) deals with the hierarchy of designated sites. It seeks to translate statutory obligations and national policy as set out in Circular 06/2005 and the Framework into the LP. However, there are some inconsistencies. For example, from our reading of the policy, Section 1 should read 'development that would adversely affect the integrity of one or more internationally important site(s) will only be permitted where there are no alternative solutions or*

***and** there are imperative reasons of overriding public interest, and where suitable compensatory provision has been made’.*

Wording to be amended, as proposed.

***Q7. However, as indicated elsewhere, there is no need for LP policies to repeat national policy (or statutory obligations), so would it be more effective for Policy LPC06 to reference national policy and legislation in terms of the hierarchy of nature conservation sites and include only the implications of the hierarchy at the Borough level? (MM)***

The NPPF paragraph 171 states that plans should distinguish between the hierarchy of internal, national, and locally designated sites. A number of local plans set out this hierarchy clearly and this is the aim in Policy LPC06.

There are no European protected sites within the borough, but the borough does provide habitat for qualifying bird species of European sites, Ribble and Alt Estuaries SPD and the Ramsar Sites. Functionally linked land is used by these species namely farmland around Rainford and Billinge. Development affecting or located close to this farmland may need to be subject to Habitats Regulations Assessment.

Other relevant issues with regard to European sites relate to residential development and increased recreational use of European sites outside of the borough, particularly at the coast and air quality impacts to Manchester Mosses SAC.

Notwithstanding this, it is recognised that there is little reference to local implications of the hierarchy, and these will be amended in the Policy. Proposed revised wording of policy and reasoned justification is set out below, which would form an MM.

## **7.4 Policy LPC 06: Biodiversity and Geological Conservation**

**1. In accordance with NPPF Paragraph 171<sup>1</sup>, the Council is committed to ensuring the protection and enhancement of St Helen’s biodiversity and geological asset and interests. In order to do this, the Council will have regard to the following hierarchy of nature Conservation sites when making planning decisions, according to their designation as follows:**

- **International and European Sites**
- **Sites of Special Scientific Interest**
- **Local Wildlife Sites**
- **Local Nature reserves**
- **Local Geological Sites**
- **Priority Habitat(s)**
- **Impact on Legal Protected Species and/or priority Species**
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<sup>1</sup> National Planning Policy Framework, 2019 – Paragraph 171

**The following hierarchy of sites and habitats are found in the Borough:**

**i) International**

**• Functionally Linked Land (FLL) for sites of international nature importance (European Sites) including the Ribble and Alt Estuaries Special Protection Area (SPA), Martin Mere SPA, the Mersey Estuary SPA, Liverpool Bay SPA.**

**ii) National**

**• Sites of national nature importance, which in St. Helens Borough include 2 Sites of Special Scientific Interest, Stanley Bank Meadow and Highfield Moss**

**iii) Local**

**• Sites of local nature and geological importance, which in St. Helens Borough include Local Nature Reserves (LNRs), Local Wildlife Sites (LWSs) and Local Geology Sites (LGSs)**

**In addition, priority habitats and species, and legally protected species.**

2. Development that is likely to have a significant effect (either alone or in combination with other plans or projects) on one or more internationally important site(s), including any areas of supporting habitat that are functionally linked to the site(s), must be accompanied by sufficient evidence to enable the Council to make a Habitats Regulations Assessment. Adverse effects should be avoided, or where this is not possible, be mitigated to protect the integrity of the site(s). Development that would adversely affect the integrity of one or more internationally important site(s) will only be permitted where there are no alternative solutions ~~or~~ **and** there are imperative reasons of overriding public interest, and where suitable compensatory provision has been made. Any mitigation or compensatory provision must be assessed in a project-related Habitats Regulations Assessment and be fully functional before any likely adverse effect arises.

3. Development that would cause significant harm to a Site of Special Scientific Interest (SSSI), Local Wildlife Site, Local Nature Reserve, Local Geological Site, Priority Habitat(s), legally Protected Species and / or Priority Species, **without adequate mitigation** ~~that would not be adequately mitigated or as a last resort compensated,~~ will be refused.

4. Development that would be likely to cause any harm to ecological or geological interests will only be permitted in:

- a) Sites of Special Scientific Interest where there are no alternatives and where the benefits of the development would clearly outweigh any

harm to the nature conservation value of the site and its broader contribution to the Liverpool City Region (LCR) ecological network; and

- b) Local Sites (Local Wildlife Sites, Local Nature Reserves and Local Geological Sites) and Priority Habitats: where the benefits of the development would clearly outweigh any harm to the nature conservation value of the site (or Priority Habitat) and its broader contribution to the LCR Ecological Network.

#### Mitigation, replacement or other compensatory provision

5. Where necessary to avoid harm, appropriate mitigation, replacement or other compensatory provision will be required. The location of such measures will be targeted, using the following sequential approach (with (a) being the preferred approach and (d) being the least preferred):

- a) on the development site;
- b) locations within the immediate locality and /or supporting LCR Ecological Network;
- c) locations that fall within the LCR Nature Improvement Area and within the Borough; and lastly
- d) locations that fall within the LCR Nature Improvement Area but outside the Borough.

#### Evidence requirements

6. Development proposals that would affect a designated nature conservation site, Priority Habitat(s), legally protected species or Priority Species must be supported by an Ecological Appraisal and include details of any necessary avoidance, mitigation and / or compensation proposals, and of any proposed management measures.

~~7.. Designated sites are shown on the Policies Map and Plan policies will also apply to any other sites that may be recognised during the Plan period as being of nature conservation importance, including land provided as compensation.~~

### **7.5 Policy LPC06: Strategic Aims, Objectives and Key Delivery Mechanisms**

<b>Strategic Aims Met</b>	SA 2, SA 6
<b>Strategic Objectives Met</b>	SO 2.1, SO 2.2, SO 6.2 SO 6.3

Is this a 'strategic' or 'local' policy?	Strategic
Key Delivery Mechanisms	<ul style="list-style-type: none"> <li>• Bold Forest Park Area Action Plan</li> <li>• Creation of new Local Nature Reserves</li> <li>• Mersey Forest Plan/Town in the Forest Initiative</li> <li>• Development management process</li> <li>• Development of the Sankey Canal Corridor as a multi-functional green corridor</li> <li>• Enhancement and restoration of the Liverpool City Region (LCR) Ecological Network and the LCR Nature Improvement Area</li> <li>• Sankey Catchment Action Plan</li> <li>• St. Helens Infrastructure Delivery Plan</li> </ul>

## 7.6 Reasoned Justification:

7.6.1 The Liverpool City Region (LCR) authorities have identified an Ecological Network that includes a Core Biodiversity Area of designated nature and geological sites, Priority Habitats, wildlife corridors and stepping stone habitats. The LCR Nature Improvement Area (NIA) identifies opportunities for further habitat restoration, creation or enhancement, focussed within 17 Nature Improvement Focus Areas, 2 of which are located wholly or in part within St. Helens Borough. ~~The following hierarchy of sites and habitats are found within the Borough:~~

- ~~• Functionally Linked Land (FLL) for sites of international nature importance (European Sites) including the Ribble and Alt Estuaries Special Protection Area (SPA), Martin Mere SPA, the Mersey Estuary SPA, Liverpool Bay SPA and the Manchester Mosses Special Area of Conservation;~~
- ~~• Sites of national nature importance, which in St. Helens Borough include 2 Sites of Special Scientific Interest;~~
- ~~• Sites of local nature and geological importance, which in St. Helens Borough include Local Nature Reserves (LNRs), Local Wildlife Sites (LWSs) and Local Geology Sites (LGSs)~~
- ~~• Priority habitat and species, and legally protected species.~~

7.6.2 Policy LPC06 sets out how sites, habitats and species within this hierarchy will be protected and managed with the objective of ensuring that there will be no net loss of the ecological resource. The policy will also guide how appropriate mitigation, replacement or other compensation measures should be identified.

### Internationally important sites

7.6.3 Paragraph 2 of Policy LPC06 sets out the requirements for developments that fall within St.Helens Borough but that may affect the internationally important nature sites in nearby districts. These sites include the sites of international nature importance listed in paragraph 7.6.1 above. Any development that may affect such a habitat (for example by affecting an area of supporting habitat, some of which cover parts of the Borough) must be accompanied by sufficient information to enable a Habitat Regulations Assessment to be undertaken. This process includes 'Appropriate Assessment' of any significant effects and specific monitoring and / or mitigation or compensation where required. Alternative solutions to be considered may include alternative locations for the proposed development, different scales or designs of development, alternative processes, or not going ahead with the development and should be considered at the earliest stage. Planning proposals should also consider potential impacts arising from, for example, other sources of pollution, increased human disturbance (including the impact of cumulative recreational pressure on the internationally important sites) or hydrological changes.

7.6.4 The Local Plan includes several site allocations for development that have been identified (in the Habitats Regulations Assessment of the Plan) as being most likely to provide functionally linked land connected to an internationally important site. These include: sites 6EA, 7EA and 8EA (allocated for employment development), site 8HA (allocated for housing) and sites 1HS, 4HS, 5HS, 7HS and 8HS (safeguarded for housing development). It is possible that other sites may also provide such habitat. Where it is possible that a site may provide supporting habitat, proposals for development will be required to contain sufficient evidence (such as a wintering birds survey), to enable their significance to the European sites to be ascertained, and any necessary mitigation or compensation measures to be identified.

7.6.5 It has been identified that new housing development in the Borough, particularly when considered cumulatively, may cause ecological effects on the Sefton Coast SAC and other designated European sites around the Liverpool City Region due to increased recreational pressure. The Council is working with other local authorities and partner organisations in the City Region to quantify these effects and to identify a strategic and consistent approach to any mitigation that is required. This may include the use of developer contributions (if these are shown to be necessary to mitigate the effects of development in different parts of the City Region on the European sites). Any such contributions linked to development in St.Helens Borough will be proportionate to the identified scale of its impacts. The Council will use this approach, subject to agreement of its details, to address this issue.

### Nationally and locally important sites and species

7.6.6 Paragraphs 3-4 of Policy LPC06 set out the requirements for development that would affect nationally and locally important sites and species, including how any benefits from such development will be weighed against its impact on nature conservation interests and the ecological network as a whole.

7.6.7 As at October 2020, there are seven LNRs in St Helens Borough which collectively cover an area of 11.27 hectares these are listed below.

### **Local Nature Reserves in St Helens**

<b><u>LNR</u></b>	<b><u>O/S Grid Reference</u></b>	<b><u>Principle Habitats</u></b>
<b><u>Stanley Bank</u></b>	<b><u>SJ534,971</u></b>	<b><u>Neutral Wet grassland, Ancient Semi-Natural Woodland</u></b>
<b><u>Siding Lane</u></b>	<b><u>SD463,020</u></b>	<b><u>Broadleaf Woodland</u></b>
<b><u>Thatto Heath Meadows</u></b>	<b><u>SJ508,936</u></b>	<b><u>Neutral grassland, Stream, Hedgerows</u></b>
<b><u>Parr Hall Millennium Green</u></b>	<b><u>SJ527,961</u></b>	<b><u>Marshy Grassland, Wetland Reedbed, River</u></b>
<b><u>Colliers Moss Common (North)</u></b>	<b><u>SJ543,939</u></b>	<b><u>Lowland Heath, Raised Bog, Reedbed, Wetland, Scrub</u></b>
<b><u>Clinkham Wood</u></b>	<b><u>SJ515,980</u></b>	<b><u>Broadleaf Woodland</u></b>
<b><u>Mill Brow consisting of: Mill Wood Mill Brook Parish Nature Reserve</u></b>	<b><u>SJ486,955</u> <b><u>SJ488,957</u></b></b>	<b><u>Wet Woodland, River, Marshy Grassland, Wetland, River</u></b>

### **St Helens Borough includes 116 Local Wildlife Sites. These are Listed in Appendix B of the Nature Conservation SPD.**

7.6.8 For Sites of Special Scientific Interest, significant harm includes adverse effects on the site's notified special interest features. The advice of suitably competent persons should be sought by applicants and the decision maker in relation to this policy. The focus of significant harm and the approach regarding avoidance, mitigation, replacement or other compensatory provision to secure no net loss of biodiversity is in line with principles set out in the NPPF, Planning Practice Guidance 06/2005 Biodiversity and Geological Conservation, and Biodiversity 2020: A strategy for England's wildlife and ecosystems services.

~~7.6.8 The Council and other public bodies have a duty, under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 to conserve biodiversity when carrying out their normal functions. This duty includes Priority Habitats and Species, that are defined as "habitats and species of principal importance" for the conservation of biodiversity in England. The Secretary of~~

~~State has identified, in accordance with Section 41 of the Act, 65 Priority Habitats and 1,150 Priority Species. Priority habitats sit outside the hierarchy of designated sites and may be of national (e.g., ancient woodland) or local importance.~~

7.6.9 The Priority Species in St.Helens Borough include Great Crested Newt, Brown Hare, Hedgehog, and Common Lizard. Legally protected species are those that have specific protection under legislation and include badgers, bats and water voles.

7.6.10 Development proposals and decisions on planning applications should also take into account the fact that some habitats such as ancient woodland and veteran trees are irreplaceable because of their age and complexity and cannot be recreated once they are lost.

### Mitigation and Compensation

7.6.11 Paragraph 5 of Policy LPC06 sets out the approach to mitigation, and as a last resort, compensation. Here, compensation means compensatory provision and may include a financial contribution towards delivery of compensatory measures where appropriate. It is crucial to the priority of 'no net loss' that appropriate mitigation or, as a last resort, compensatory provision is made. The Nature Conservation SPD sets out in more detail how this should be achieved.

7.6.12 It is important that the location of appropriate mitigation, replacement or other compensatory provision follows the sequential approach set out in the Policy. This seeks to target measures as closely as possible to the development site. In some instances, the immediate locality may include nearby sites outside the Borough.

7.6.13 As stated earlier, some proposed development sites have been identified as supporting species important to the designation of internationally important sites. The Nature Conservation SPD sets out more detail about how the provision of functionally linked compensatory habitat for the loss of supporting habitat for Pink Footed Geese and other bird species should be achieved.

7.6.14 To comply with the Conservation of Habitats and Species Regulations 2017, compensation for internationally important sites must be made before development begins. More information is set out in the Habitats Regulation Assessment of the Local Plan and the St.Helens Nature Conservation Supplementary Planning Document (SPD). For other designated sites, habitats or species, mitigation, replacement or compensation can take place during the development process. This compensation may be provided by the applicant or through another person or organisation, such as a local land manager and is sometimes termed 'biodiversity offsetting'. The Nature Conservation SPD includes examples of how habitat for mitigation or compensation can be provided and managed.

## Enhancement

7.6.15 The Local Plan encourages opportunities to secure measurable biodiversity gain within development sites, for example through the design of open space, landscaping or sustainable drainage schemes. These opportunities range, for example, from significant habitat creation within larger sites to bat boxes or tree planting on smaller urban sites. The sequential approach for the location of appropriate mitigation, replacement or other compensatory provision should be followed for such enhancements. The LCR ecological framework provides more information about the LCR Nature Improvement Area (NIA) and NIA Focus Areas.

## Information requirements and further guidance

7.6.16 An Ecological Appraisal, which should be carried out in accordance with up-to-date British Standards by a suitably experienced ecologist, must support planning applications for development that would affect one or more of: a site that is designated for its nature importance; a Priority Habitat; or a Priority or Protected Species. Further guidance concerning the operation of Policy LPC06 will be set out in the Council's Nature Conservation SPD.

*Policy LPC07 (Greenways) refers primarily to existing Greenways shown on the Policies Map. However, there is also an intention to provide additional Greenways shown on Figure 7.2. The new route to the south of the Borough runs through Strategic Housing Site 4A (Bold Forest Garden Suburb). But the new routes are not shown on the Policies Map or referred to within the Site Profile for 4HA, albeit Policy LPA05.1 refers to 'greenways' in Section 2 f) and the site profile refers to 'green links'.*

**Q8. Would Policies LPC07 and LPA05.1 be more effective if the former gave greater emphasis to the new Greenways, they were shown on the Policies Map (possibly indicatively) and the Site Profile(s) made specific reference to them? (MM)**

The Council agrees there is scope for this to be more effective, and this could be addressed through MMs to include the proposed greenways, which are indicatively shown in figure 7.2 of the LPSD, onto the policies map and within strategic housing site 4HA profile.

Also, a proposed MM to policy LPA05.1 Section 2f is proposed as follows, "a Green Infrastructure Plan addressing biodiversity, geodiversity, greenways **(including any proposed new greenways as referred to in policy LPC07)**, ecological network, landscape character, trees, woodlands and water storage in a holistic and integrated way".

Finally, a MM to Policy LPC07 would add a third criterion to express Council support for the provision of new Greenways. This could read, “**3) The Council will support the expansion of the Greenway network, including through the provision of new routes, such as those set out in Figure 7.2, subject to the availability of funding and other feasibility requirements being met**”.

*The Landscape Character Assessment (NAT001) is some 15 years old and does not grapple with whether any of the landscape within St Helens could be considered to be ‘valued’.*

**Q9. On this basis could the Council confirm that it is not the intention of the Plan to identify any valued landscapes?**

**If this is the case the reasoned justification to Policy LPC08 should clarify this point. (MM)**

The Council can confirm that the plan does not intend to identify any valued landscapes. To provide clarity, an MM should be included to the reasoned justification of policy LPC09. The policy wording of paragraph 7.15.1 as proposed to be as follows, “The NPPF states that the ~~planning system~~ **planning policies and decisions** should contribute to and enhance the natural and local environment by ~~protecting and enhancing valued landscapes~~ **recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital**”.

*Paragraph 17. Policy LPC10 (Trees and Woodland) refers in Section 6 to the development not damaging or destroying trees subject to a tree preservation order. In the context of a LP the following would be a more appropriate wording – ‘Development proposals **should** ~~must~~ be designed and laid out in a manner that would **retain** ~~not damage or destroy~~ any tree subject to...etc’. (MM)*

Agreed, the wording of Policy LPC10 criteria 6 can be amended through a MM.

*Section 6 of Policy LPC10 also includes the requirement to replace any tree lost at the minimum of a 2 for 1 ratio.*

**Q10. Whilst the achievement of net gains for biodiversity and enhancement of the natural environment is desirable, will a simple 2 for 1 replacement be necessarily the most appropriate way of achieving gains and is it justified by any evidence?**

The Council considers that the achievement of biodiversity net gains encompasses a variety of methods, where increasing tree coverage across the borough is one element. Tree planting is one of the most visual approaches that can be taken to illustrate the achievements of biodiversity net gain, but as previously mentioned, there are many other environmental actions that can be taken to encourage net

gains where all actions should be considered collectively. Consequently, all future development applications will be assessed on an individual basis and appropriate methods to facilitate biodiversity net gains will be examined during the decision-making process. It is anticipated that criteria 6 will enable a flexible approach so that developments can achieve biodiversity net gains by the most appropriate means.

The Draft Nature Conservation SPD (SD019) states that development proposals should be considered on an individual basis to enable a site-specific assessment of the potential positive and negative impacts on biodiversity to occur. Facilitating a tailored approach will enable appropriate mitigation measures and measures to enhance the natural environment through achieving net gains either on-site, off-site or a combination of on-site and off-site to be achieved.

The ratio of tree planting should not solely be considered as an action to achieve biodiversity net gain. The Council has developed a long-term working partnership with various stakeholders, where there is ambition to increase tree coverage across the Borough for reasons such as reducing the risk of flooding, contributing positively to addressing climate change issues, improving health and well-being and biodiversity. It is anticipated that a tree planting ratio of 2:1 can support the delivery of a variety of project aims and ambitions including supporting the delivery of the Mersey Forest Plan (NAT007). Indeed, this was the approach also taken in the adopted Core Strategy (LOC001), policy CQL2 – Trees and Woodlands.

*Paragraph 19. Policy LPC11 (Historic Environment) deals with heritage assets. It seeks to translate national policy as set out in the Framework into the LP. However, as indicated elsewhere, there is no need for LP policies to repeat national policy (or statutory duties), so it would be more effective for Policy LPC11 to reference national policy in terms of heritage assets and include only the implications of national policy at the Borough level (MM). Otherwise inconsistency creeps into the policy.*

*Paragraph 20. For example, in the case of Section 4 of the policy, this repeats paragraph 196 of the Framework. However, Section 5 of the policy does not replicate paragraph 197 of the Framework and gives development proposals a higher bar to pass in relation to the effect on the significance of non-designated heritage assets than designated heritage assets.*

In terms of consistency with the NPPF, the Council considers that the section under 'Development affecting heritage assets' of Policy LPC: Historic Environment could be amended to ensure that national policy is not repeated. Therefore, a new criterion 3 could be added, criteria 4 and 6 could be deleted, and criterion 5 could be changed. This could be dealt with through a MM along the lines of:

## Policy LPC11: Historic Environment

**3. The impact of development proposals on the significance of heritage assets and their settings will be considered in accordance with case law, legislation and the National Planning Policy Framework.**

~~3.4.~~ Development proposals that would lead to substantial harm to (or total loss of significance of) a designated heritage asset will be refused permission unless it can be demonstrated that:

- a) the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or total loss; or
- b) all the other exceptions set out in paragraph 195 of the National Planning Policy Framework (or any successor national policy that supersedes this paragraph) apply.

~~4. Where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against any public benefits of the proposal including, where appropriate, securing its optimum viable use.~~

5. Development involving harm to or loss of any non-designated heritage asset (such as any building identified on a Local List prepared by the Council) will **only be permitted where the benefits are considered sufficient to outweigh the harm, having regard to the scale of the harm and the significance of the heritage asset.** ~~refused unless any public benefit from the development would outweigh such harm or loss.~~

~~6. Development and other works will be required to preserve or enhance the appearance, character and setting of all heritage assets (whether designated or not) by using good design and appropriate materials, detailing, scale, massing, siting, layout and landscaping.~~

~~7~~ 6. Where the complete or partial loss of any heritage asset is justified, the asset's significance must be recorded to a standard agreed by the Council and made publicly available.

### Areas of archaeological interest

~~8~~ 7. Any development proposal that may affect one or more asset(s) of archaeological interest (whether designated or not) must include an appropriate desk-based assessment and where necessary a field evaluation, carried out by a suitably qualified person(s). Such evidence should identify any likely features of archaeological interest within or close to the site and how these would be affected by the proposal.

~~9~~ 8. Development proposals affecting archaeological remains may be required (depending on the significance of the remains) to preserve the remains in situ or to secure the appropriate excavation and recording of the significance of the remains by a suitably qualified person.

### Other implementation measures

~~10~~ 9. The Council will:

- a) prepare, update and promote the implementation of Heritage Asset Appraisals and Management Plans and give appropriate weight to these in development control decisions;
- b) work with partner organisations to interpret and educate the public about the heritage of the Borough;

- c) take appropriate measures to improve public access to heritage assets;
- and
- d) seek to secure the effective conservation and use of all heritage assets that are 'at Risk' within the Borough.

*Paragraph 21. Policy LPC12 (Flood Risk and Water Management) is another policy that, to a large extent, repeats national policy and guidance. As indicated elsewhere, there is no need for LP policies to repeat national policy (or statutory duties), so it would be more effective for Policy LPC12 to reference national policy in terms of flood risk but then only include the implications of national policy at the Borough level (MM).*

Noted. The Council considers that Policy LPC12: Flood Risk and Water Management could be amended through a MM to ensure national policy is not repeated. Therefore, a new criterion 1 could be added, currently proposed criteria 1,2 and 3 could be deleted, and criterion 8 could be changed. This could be dealt with through a modification (MM) along the lines of the following:

## **Policy LPC12: Flood Risk and Water Management**

### **Flood Risk**

#### **1. The impact of development proposals on flood risk and water management assets will be considered in accordance with case law, legislation and the National Planning Policy Framework.**

~~1. Any development proposal that may either be at risk of flooding or cause a material increase in flood risk elsewhere will only be permitted if the flooding issues have been fully assessed and any identified risks would be appropriately mitigated. Any assessment and mitigation should have regard to:~~

- ~~a) the St.Helens Strategic Flood Risk Assessment;~~
- ~~b) advice and guidance from relevant bodies including the Environment Agency and Lead Local Flood Authority; and~~

~~e) any relevant Surface Water Management Plan or local drainage strategy such as the Sankey Catchment Action Plan, Mersey Estuary Catchment Flood Management Plan or the North West River Basin Management Plan.~~

~~2. All development proposals must be supported by a Flood Risk Assessment appropriate to their nature and scale where they would be:~~

~~a) within flood zones 2 or 3; or~~

~~b) on a site of 1 hectare or larger within flood zone 1; or~~

~~c) on a site of 0.5 hectare or larger within a Critical Drainage Area; or~~

~~d) in any area identified by the Council as being at intermediate or high risk of surface water flooding.~~

~~3. New development should be located in accordance with a sequential approach as set out in national policy. Development on sites located in flood zones 2 or 3 will only be allowed if:~~

~~a) the Sequential Test has been applied and demonstrates that the development cannot reasonably be accommodated within an area at lower risk of flooding;~~

~~b) any applicable Exception Test required by national policy has been passed; and~~

~~c) appropriate mitigation or adaption measures are proposed to satisfactorily reduce the likelihood or impact of flooding.~~

~~4.2. Measures to manage or mitigate flood risk associated with or caused by new development must (as appropriate having regard to its scale and nature):~~

~~a) be designed to contribute to the biodiversity of the Borough unless it has been demonstrated that this would not be technically feasible;~~

~~b) protect heritage assets (such as buried archaeology);~~

~~c) be fully described in the development proposal; and~~

~~d) be funded by the developer, including long-term maintenance.~~

~~5.3. Any proposal for major development<sup>56</sup> on a site that would abut, run alongside or straddle any watercourse<sup>57</sup> in the Borough, must include measures to temporarily attenuate and filter flood water in order to: improve water quality; reduce peak flows during flooding; and reduce downstream flood risk, unless it has been demonstrated that this is not feasible or viable. In cases where measures are~~

not currently feasible or viable, the development must not compromise the ability to implement such measures in the future.

**6.4.** The Flood Water Storage Safeguarding Areas as defined on the Policies Map shall be safeguarded for the provision of flood storage. Development within or adjacent to these areas that would have a negative impact on their function as a flood storage area or on their potential to be developed for flood storage infrastructure will not be permitted.

### Water Quality

**7.5.** Development that would adversely affect the quality or quantity of water in any watercourse or of groundwater or cause deterioration in water body or element classification levels defined in the Water Framework Directive (WFD) (or in any national regulations covering this matter) will not be permitted. Any planning application for development that could (without effective mitigation) cause such harm must be supported by a Construction Management Plan that sets out how the water environment will be protected during the construction process.

### Sustainable Drainage Systems

~~8.6. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.~~ **Inclusion of sustainable drainage systems within proposed major development sites will be assessed in accordance with national policy.** Surface water should be managed in accordance with the following hierarchy (with a) being the preferred option and d) being the least favourable option):

- a) an adequate soakaway or other form of infiltration system;
- b) an attenuated discharge to watercourse;
- c) an attenuated discharge to public surface water sewer;
- d) an attenuated discharge to public combined sewer.

**9.7.** Surface water management infrastructure within new developments should, where feasible, include above ground features designed to deliver benefits to biodiversity and / or landscape.

~~10-8.~~ Discharge of surface water to a public sewer will not be permitted unless clear evidence has been submitted demonstrating why no suitable alternative option(s) exist. Development proposals should identify how any necessary surface water drainage infrastructure will be appropriately maintained. The drainage proposals on all sites should be designed to address the drainage needs of the whole site. Where development would proceed in different phases or with multiple developers involved, the drainage proposals should cover all phases and the full construction period.

~~11-9.~~ If a development on a green-field site would discharge to a public sewer, the rates of proposed discharge (peak flow and overall volume) from the development should not exceed the existing green-field run-off rates. If a development on a previously developed site would discharge to a public sewer, the discharge rates (peak flow and overall volume) must be as close as reasonably practicable to those that would apply if the site were a green-field site. As a guideline, a reduction of at least 30% may be sought, rising to at least 50% in Critical Drainage Areas or in areas identified as having an intermediate or high risk of surface water flooding. Storm water storage capacity should normally include an allowance of 40% to address the likely future effects of climate change.

~~12-10.~~ Proposals for the soft or hard landscaping of any development site should, where practicable, demonstrably reduce the expected rate of surface water discharge from the site, for example through the use of permeable surfaces.

~~13-11.~~ Applicants for planning permission should have regard to the St.Helens Council Sustainable Drainage Systems Guidance.

#### Protection of water and waste water assets

~~14-12.~~ Development that would compromise the physical integrity or the effective maintenance of any water or waste water infrastructure asset will not be permitted.

*Paragraph 22. The reasoned justification to Policy LPC13 (Renewable and Low Carbon Energy Development) refers to national policy on wind energy development (Footnote 49 of the Framework). But then paragraph 7.27 contradicts national policy by suggesting that wind energy development may be acceptable in the Borough. We would recommend that all but the 1<sup>st</sup> and 2<sup>nd</sup> sentences of the paragraph are deleted (MM).*

Agreed. The wording of paragraph 7.27.5 can be amended as suggested by a MM.

*Whilst the Renewable Energy Capacity Study (NAT003) did not identify any areas of search in St Helens for wind energy, we could not see any reference to solar farms in the document.*

***Q11. Has consideration been given to whether suitable areas for large scale solar farms should be identified in the Plan?***

The Council has not considered identifying sites for large scale solar farm development as historically, there has been no interest from developers within the solar energy industry for this type of development within the Borough. There have been no applications for large scale solar farm developments to date. Nevertheless, if an application is submitted in the future, the proposal would be assessed against national policy as well policy LPC13 of the proposed local plan.

*Paragraph 24. Policy LPD01 (Ensuring Quality Development) has a range of provisions. In terms of criterion 1. a) and having regard to the reasoned justification, consideration should be given to the importance of local distinctiveness and the role of good design in improving the quality of run-down areas.*

*Paragraph 25. In terms of criterion 1. b), avoiding causing any 'harm to the amenities of the local area' may be a high bar to pass in some cases. The inclusion of 'significant' or 'unacceptable' would make the policy more effective.*

*Paragraph 26. With regard to criterion 1. c), the Framework refers to a 'high standard of amenity' rather than 'an appropriate standard of amenity'. Consideration should be given to modifying the policy so that it is consistent with the Framework. Moreover, 'adversely affected' is a high bar and 'significantly' or 'unacceptably' affected would result in a more effective policy.*

*Paragraph 27. In relation to public art (Criterion h), it is accepted that it can enhance the quality of public spaces<sup>2</sup>. However, it is assumed that the effects of requiring contributions on viability have not been assessed. If this is the case the policy should be amended to refer to encouragement of public art within appropriate schemes e.g. those that include prominent public realm. The criterion would read: 'h) Encourage the inclusion of, or a contribution to, public art....'*

*Paragraph 28. Finally, it is assumed that for criterion i) Policy LPC01 provides the specific requirements and would be usefully cross referenced. Collectively these potential changes to Policy LPD01 would represent an **MM**.*

Agreed. The Council could make the suggested changes through the revised policy wording set out below (**MM**).

#### Policy LPD01: Ensuring Quality Development

### **Policy LPD01: Ensuring Quality Development**

All proposals for development will be expected, as appropriate having to their scale, location and nature, to meet or exceed the following requirements:

1. Quality of the Built Environment
  - a) Maintain or enhance the character and appearance of the local environment, **with a focus on the importance of local distinctiveness, as well as using good design to improve the quality of areas that may have become run down and be in need of regeneration**, for example with regard to the siting, layout, massing, scale, design and materials used in any building work, the building-to-plot ratio and landscaping;
  - b) Avoid causing **unacceptable** harm to the amenities of the local area and surrounding residential and other land uses and occupiers;
  - c) Ensure that the occupiers of new developments will enjoy a **high** an appropriate standard of amenity and will not be **unacceptably** adversely affected by neighbouring uses and vice versa;
  - d) Link in with surrounding movement patterns and not be prejudicial to the development of neighbouring land for example by creating landlocked sites;
  - e) Be located and designed so as to minimise opportunities for crime, for example by maximising natural surveillance;
  - f) Respect any existing natural features of the site by conserving, restoring or enhancing biodiversity and minimising any adverse impact on important natural features;

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<sup>2</sup> See paragraph 99 of the National Design Guide

- g) Provide landscaping as an integral part of the development, protecting existing landscape features such as trees, hedges and watercourses and enhancing the public realm;
- h) **Encourage the inclusion of, include or contribute contribution to, the provision of public art within appropriate schemes** circumstances (for example where the development would be of a substantial size and / or in a prominent gateway or town centre location);
- i) Provide for the needs of special groups in the community such as the elderly and those with disabilities **as identified in Policy LPC01**; and
- j) Protect the setting, integrity and character of heritage assets in accordance with Policy LPC11.

## 2. Environmental Quality

- a) Ensure protection of watercourses and other water bodies from encroachment, modification and degradation and enable water bodies that are already modified or degraded to be improved to form sustainable, natural environments where feasible;
- b) Minimise and mitigate to acceptable levels any effects that the development may have on: air quality; light, land and / or water pollution (including contamination of soil, surface water and groundwater resources); and levels of noise, vibration, smells, dust and electromagnetic fields in the area;
- c) Ensure that any contamination or ground stability issues that exist on the site of the proposed development would be remediated to an appropriate standard, taking into account its intended use and making use of sustainable remediation technologies; and
- d) Include satisfactory arrangements for the disposal of foul sewage, liquid waste, trade effluent and contaminated surface water.

## 3. Resource Management

- a) Ensure that development involving demolition and / or construction works minimises the generation of waste and promotes the use of recycled and / or locally sourced building materials in accordance with policy WM8 of the Merseyside and Halton Joint Waste Local Plan 2013 (or any equivalent policy in a successor document);
- b) Avoid prejudicing the delivery/improvement of utility infrastructure;
- c) Promote energy efficiency and the generation and use of low carbon and renewable energy in accordance with Policy LPC13; and

- d) Avoid loss of or damage to high quality agricultural land and / or soils (except where clearly justified by wider public benefits) and minimise such loss or damage where this is shown to be unavoidable.

*Paragraph 29. Policy LPD02 (Design and Layout of New Housing) includes criteria relating to heritage assets and natural habitats (6. and 7.). However, the way that the criteria are written is not entirely consistent with the provisions of Policies LPC09, LPC10 and LPC11. In this respect we consider that the criteria should simply cross-reference with Policies LPC09, LPC10 and LPC11' or be deleted altogether as the Plan should be read as a whole (MM).*

The Council wishes to retain Policy LPD02 but could include cross referencing with Policies LPC09, LPC10 & LPC11 as suggested. It is also considered that criterion 7 would benefit from the inclusion of an additional cross reference to policy LPC06. Revised policy wording is suggested to reflect this, and could be a MM.

*Paragraph 30. In order that Policy LPD04 (Householder Developments) is clear to the decision maker we recommend the following changes (MM):*

- *'There would be no **significant** adverse impact on the **living conditions** ~~amenity~~ of any occupiers of neighbouring properties caused by overlooking, ~~loss of privacy~~ or reduction of daylight/**sunlight** to habitable rooms or garden areas;*
- *4. ....off road parking **or** lack of visibility ~~or impact on the safety and free flow of traffic~~;*

Agreed. The Council can modify the policy as requested through a Main Modification.

*Paragraph 32. Policy LPD10 (Food and Drink) includes exclusion zones around schools and 6<sup>th</sup> form colleges. Sections 4 and 5 of the Supplementary Planning Document (SPD): Hot Food Takeaways references some of the national research on obesity and food outlets near to schools. However, the SPD dates from 2011, the quoted research is earlier than that and the evidence is not specific to St Helens.*

**Q12. Is there any more up-to-date evidence available, particularly at a Borough level, to justify the exclusion zones around education establishments?**

As stated, St. Helens is ranked as the 26<sup>th</sup> most deprived local authority in England out of 317, which has deteriorated since the 2015 Index of Deprivation when St. Helens was ranked as the 36<sup>th</sup> most deprived area.

According to 2016-17 data from the Department for Education, St Helens had 30.2% of children eligible for free school meals, which is above the national average of 22.8% and North West average of 26.8%. This further highlights the prevalence of lower-income families.

Furthermore, 28% of 4-5 year olds were classed as overweight (including obesity), this is higher than an England-wide average of 22.5%. 37% of 10-11 year olds were classed in the above category above the average of 34%, (2018/19 NHS Digital, National Child Measurement Programme)

In Adults, 69% of those aged 18+ were classed as overweight or obese above the England average of 62% (2018/19 Public Health England, Active Lives survey, Sport England).

There is a strong link between deprivation and health indicators such as obesity and lower life expectancy. NHS guidance states obesity being a result of poor diet and lifestyle choices such as eating large amounts of processed food (source: NHS (2021) <https://www.nhs.uk/conditions/obesity/causes>). The Council is seeking to avoid worsening the existing deprivation and associated health levels, and instead improve the situation. Guiding the location of food and drink uses through ensuring hot food takeaways are not placed close to schools has a role to play in this.

These factors together are considered to provide the justification for the hot food takeaway exclusion zones around educational establishments.

*As noted in INSP003 the Council needs to consider the implications of the changes to the Use Classes Order (UCO). In respect of Policy LPD10 restaurants and cafes now fall within the broad Class E use class. Changes of use within a single use class does not involve development and does not require planning permission.*

**Q13. Taking into account the creation of Class E, what modifications, if any, does the Council wish to make to Policy LPD10?**

The Council recognises that restaurants and cafés now fall under Class E and are referred to in paragraph 1 of Policy LPD10. Any change within the new Class E, for example, a shop to a café, does now not require planning permission. There will be exceptions on certain proposals whereby an existing Class E use cannot be fully demonstrated by the applicant or where a new unit is being proposed. The policy is still required for these exceptions.

Changes from/to sui generis uses such as drinking establishments and hot food takeaways will still require planning permission, so the policy remains relevant in these circumstances.

Wording change to LPD10 is proposed as follows to reflect these changes and highlights where the Council still has powers under the planning process to consider this Policy:

1. Proposals for food and drink uses (including restaurants, cafes, drinking establishments and the sale of hot food for consumption off the premises) **which consist of new built development or those that are not classed as permitted development for Change of Use under use Class E/Sui Generis** will only be permitted where all of the following criteria are met: ....”

Paragraph 8.30.2 has also been amended in the Reasoned Justification for clarity, as follows:

**8.30.2 The Government introduced a new Use Class E on 1<sup>st</sup> September 2020<sup>3</sup> which now groups Restaurants and Cafes within the same use class E. Therefore, proposals to change within the same use class do not require Planning Permission. Paragraph 1 and 2 of Policy LP10 only applies to applications where a new unit is proposed or where the existing use class E cannot be demonstrated. Proposals for drinking establishments and Hot Food Takeaways fall within use class sui generis and remain unaffected. Paragraphs 3 and 4 of the Policy relate solely to proposals for hot food takeaways.**

~~Paragraphs 1 and 2 of Policy LPD10 cover food and drink uses within Classes A3 to A5 of the Use Classes Order<sup>4</sup> i.e., restaurants and cafes, drinking establishments and hot food takeaways. Paragraphs 3 and 4 of the Policy relate solely to proposals for hot food takeaways falling within use Class A5. The policy does not apply to shops within Use Class A1 that sell food for consumption off the premises.~~

*Paragraph 34. In any event the references within the reasoned justification to Classes A3 and A5 of the UCO will need to be deleted (paragraph 8.30.2).*

Agreed. Please see proposed revised text in response to Paragraph 32 / Q12 above which suggest change to this part of the reasoned justification, and will address this matter.

## **Matter 10 – Infrastructure and Delivery**

*Paragraph 35. The reasoned justification to Policy LPA08 (Infrastructure Delivery and Funding) summarises the main forms of infrastructure at paragraph 4.30.1. Appendix 2 then seeks to define infrastructure but refers to the categories as not*

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<sup>3</sup> The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

<sup>4</sup> ~~Town and Country Planning (Use Classes) Order 1987 (as amended)~~

*being exhaustive. However, some of the categories within Appendix 2 do not, in our view, comprise infrastructure and would not be expected to be supported by developer contributions as required by Policy LPA08. We would recommend that Appendix 2 is either deleted or considerably refined (MM).*

The Council considers that Appendix 2 could be deleted as a main modification.

*Paragraph 36. The justification to Policy LPA09 (Green Infrastructure) at paragraph 4.33.2 refers to countryside around the Borough's towns as forming part of the Green Infrastructure (GI) network. It also states that this accounts for 50% of the Borough's land area. However, including all countryside as GI, much of which is farmland, goes beyond the description of GI in Section 1 of the policy and the definitions of GI in the Glossary to the Plan at Appendix 1 and the Glossary to the Framework.*

*Paragraph 37. The policy itself sets a high bar regarding loss of GI – 'development that will result in the loss.... will be refused.' If GI includes all countryside, the vast majority of which is Green Belt, the policy would be providing an additional layer of protection for such areas which would not be necessary or justified.*

*Finally, the exceptions where loss of GI might be acceptable lack clarity.*

**Q14. For example, how would it be demonstrated that appropriate protection or retention of GI assets cannot be achieved? What mitigation, other than compensatory provision, would be required?**

*Consideration should be given to modifying Policy LPA09 and its reasoned justification in response to the above comments so that it is justified, effective and consistent with national policy (MM).*

The Council agrees regarding the inclusion of the word 'countryside' in paragraph 4.33.2. In order to ensure consistency regarding the definition of 'green infrastructure' modifications to criteria 1 of policy LPA09 as well as paragraph 4.33.2 could be made as follows;

- LPA09, criterion 1: "Green Infrastructure in St Helens Borough comprises a network of multi-functional natural assets, including green space, trees, woodlands, mosslands, grasslands and wetlands, located within urban, semi-urban and countryside **rural** areas"
- Paragraph 4.33.2: "The Green Infrastructure network includes, (in addition to urban greenspaces, trees, and water bodies etc.) ~~the countryside~~ **rural areas** around the towns, which accounts for around 50% of the Borough's land area. This is predominantly productive farmland. The importance of countryside around the Borough's more urban

~~locations was recognised by the pilot study Countryside In and Around Towns undertaken with the Countryside Agency (now Natural England) in 2006. In implementing Policy LPA09 (in both urban and rural areas) the Council will seek to liaise closely with, and where necessary work in partnership with, landowners”.~~

Additionally, the Council agrees that further clarification could be provided in regard to how exceptions to the loss of GI assets can be demonstrated. This could be addressed through a MM of criterion 4 of LPA09.

*Paragraph 39. Policies LPC05 and LPD03 together deal with the protection and provision of open space, the open space typologies being referred to in paragraph 7.3.3. In view of the importance of open space to achieving the Council’s spatial vision and strategic objectives, we need to have a clear understanding of the position in terms of open space at a Borough wide level and in specific localities e.g.*

**Q15 are there deficiencies in open space and sports and recreation facilities in quantitative and/or qualitative terms and/or in certain typologies?** *In this respect a background paper on Open Space, Sport and Recreation should be provided, summarising the findings of the documents OPE001 to OPE005 and any other relevant evidence.*

A background paper has been prepared and submitted alongside this response to summarise this information, as requested.

*It is noted that the St Helens Economic Viability Assessment (VIA001) considers the impact of the 40-dwelling threshold.*

**Q16. Has a lower threshold, of say 10 dwellings, been assessed in terms of its impact on viability? If so, what are the implications for viability?**

No, a lower threshold for provision of, or contribution to, open space was not formally tested through the Economic Viability Assessment.

*Paragraph 44. Section 1 of Policy LPD03 and paragraph 7.3.11 imply that open space may only be required within new residential developments if there are existing deficiencies in the area, albeit that 1. b) of the policy qualifies this to an extent. However, even if there is sufficient open space in an area in quantitative terms, larger residential developments would be expected to provide certain typologies of open space such as play areas for children and young people and amenity greenspace to provide visual relief. Consideration should be given to modifying Policy LPD03 and paragraph 7.3.11 to ensure that this is clarified.*

Noted. This can be clarified through a main modification.

*Paragraph 45.* Paragraph 8.9.5 indicates that the requirements for open space in Policy LPD03 are in addition to any requirements for outdoor sports facilities. Reference is then made to Policies LPA08 and LPC05.

We note that neither policy includes specific standards for outdoor sport provision but that Table 7.1 refers to the Council's Playing Pitch Strategy and Action Plan as a basis for assessing the need for outdoor sport provision. This reflects the advice of Sport England that a quantitative standard for outdoor sports is not appropriate.

*Paragraph 46.* However, notwithstanding the above, in our view Policy LPD03 would be more effective if it referred to all open space typologies, including outdoor sports facilities, and was specific about how provision for all typologies was to be achieved e.g. for outdoor sport it would be through contributions to enhance existing facilities or through the provision of new facilities as informed by the Playing Pitch Strategy and Action Plan (as per paragraph 7.3.12). In addition, it would be logical to move some of the reasoned justification for Policy LPC05 (paragraphs 7.3.11 and 7.3.12 and Table 7.1) to the justification for Policy LPD03.

Noted. This can be addressed through a main modification.

*In terms of new provision for outdoor sport, including addressing shortfalls, it is noted that the requirements for strategic housing allocations within Policy LPA05.1 and Appendix 5 are not specific as to what provision should be made for outdoor sport and recreation.*

***Q17. Is it possible to translate the recommendations of the Playing Pitch Strategy and Action Plan to requirements for any of the strategic housing allocations?***

The Playing Pitch Strategy and Action Plan (OPE005) dates from 2016, and work to update this Study has very recently been commissioned. On this basis, it is not considered that translating the requirements of OPE005 into the Appendix 5 profiles would be of benefit, as the new evidence will supersede it. Instead, the Council considers that it would be better to rely on the relevant policies in the Plan, and the reasoned justification for them, that require developers to refer to the latest evidence of outdoor sports space to understand the potential contributions that will be required.

## **Matter 11 – Monitoring and Implementation**

*Paragraph 49.* Appendix 4 of the Plan contains the Monitoring Framework. One of the indicators against Policy LPA05 is the 5-year housing land supply. The trigger for action is having below a 5-supply and the potential for action is considering an

early review of the Plan. However, there are other measures that the Council could take other than an early review of the Plan if supply falls below 5 years, including the type of actions that would be included in an action plan. An early review of the Plan would be a potential action where there is a longer-term underperformance against the 5-year supply.

*Paragraph 50. In terms of Policy LPA06 (Safeguarded Land), planning permission would be refused for housing or employment proposals on safeguarded land. It would seem to us that a trigger for action in terms of a need to review the policy would be a failure to deliver sufficient housing land rather than that planning permission had been granted for built development on safeguarded land.*

*Paragraph 51. There are a number of policies where the framework does not set targets and/or the trigger for action/potential action or contingency has not been determined. If an indicator is lacking in these respects then it would suggest that it is one that should not be included as it is not measurable.*

**Q18. Consideration should be given to modifying the Monitoring Framework in response to these comments (MM).**

Agreed. These matters will be addressed through main modifications to the Monitoring Framework.

## **Other Minor Comments**

*Paragraph 53. 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 an **Appendix**. These would comprise **AMs**.*

### **Appendix – Minor Comments and Typos (AMs)**

*Paragraph 4.33.6 – the reference should be to the 2019 NPPF.*

*Policy LPD01 – ‘All proposals for development will be expected, as appropriate having **regard** to their scale...etc’*

*Parts of paragraph 8.3.9 relate to the quality of the built environment rather than resource management. The reasoned justification to Policy LPD01 should be reviewed so that commentary is contained under the appropriate subheading.*

*Paragraph 7.12.5 – ‘Knowsley and **St Helens** ~~Seften~~ Mosslands’*

*Paragraph 7.24.8 – comma to replace semi-colon in last line of paragraph.*

*Paragraph 7.24.14 – include commas in final sentence – ‘If, following application of the Sequential Test, it is not considered reasonably possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test will be applied.*

*Policy LPD05 – the policy title should reflect that it also relates to the reuse of buildings.*

*Section 3 – ‘The proposal would not result in a need for any additional building(s) **that** would have a harmful effect on the openness or purposes of the Green Belt;’*  
*Section 6 – the safety of the vehicular access is not relevant to Green Belt policy and this issue is covered by Policy LPA07. We suggest that ‘that is safe and’ is deleted. The reasoned justification should be ordered to follow the order of the policy e.g. paragraphs 8.15.1 and 8.15.2 should follow those that relate to extensions, replacement buildings and additional buildings (paragraphs 8.15.3 – 8.15.6).*

*Policy LPD08 (Advertisements) includes a double negative in the first line and we would suggest the following amendment for clarity:*

*‘Proposals for advertisement display will be granted consent provided they would ~~not~~ have an unacceptable impact upon amenity or public safety.*

#### *Appendix 5 – Site Profiles*

*A number of the site profiles refer to specific planning permissions. To prevent the profiles becoming out of date it would be preferable to refer to ‘the most recent planning permission(s) and/or reserved matter approval(s) affecting the site’.*

Noted. These changes can be made as additional modifications.