

# **EiP Statement**

## **St Helens Delivery and Allocations Local Plan**

### **Taylor Wimpey UK Limited**

#### **Representor ID RO1154**

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**Our ref** 41874/04/CM/MKR  
**Date** May 2021

**Subject** **Matter 1 – Legal Compliance, Procedural Requirements, and the Duty to Cooperate**

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#### **1.0 Introduction**

- 1.1 Lichfields is instructed by Taylor Wimpey UK Limited [TW] to make representations on its behalf to the St Helens Borough Local Plan 2020-2035 [SHLP].
- 1.2 This Statement has been prepared in response to the Matters, Issues and Questions raised by the Inspector for the Matter 1 Examination in Public [EiP] hearing session.
- 1.3 Separate representations have been submitted in respect of the following Matters:
- 1 Matter 2 – Housing and Employment Needs and Requirements
  - 2 Matter 3 – Spatial Strategy and Strategic Policies
  - 3 Matter 4 – Allocations, Safeguarded Land and Green Belt Boundaries
  - 4 Matter 5 – Housing Land Supply
  - 5 Matter 7 – Specific Housing Needs and Standards
  - 6 Matter 9 – Generic Policies
  - 7 Matter 10 – Infrastructure and Delivery
- 1.4 These Matter Papers representations should be read in conjunction with previous submissions on the SHLP [Representator ID RO1154] as well as those made on other Matters listed above.
- 1.5 TW is seeking to bring forward a high quality, well designed and sustainable strategic residential site at Gartons Lane, St Helens [Local Plan Site Reference: 5HA] and a site at Gorse Lane, St Helens which forms part of the wider Bold Forest Garden Suburb [Local Plan Site Reference: 4HA]. TW is fully supportive of the allocation of the sites in the SHLP and considers that the identification of both sites as residential allocations will assist in boosting the supply of housing in St Helens. It will also assist in delivering sustainable development by contributing towards meeting the needs of market and affordable housing, creating employment during the construction period and mitigating any impact on the environment.
- 1.6 This statement expands upon TW’s previous representations made throughout the Local Plan preparation process in light of the Inspector’s specific issues and questions. Where relevant, the comments made are assessed against the tests of soundness established by the National

Planning Policy Framework [NPPF] and the National Planning Policy Practice Guidance [Practice Guidance].

## **2.0 Planning Issues**

### **Issue 1: The extent and type of consultation and community engagement.**

*Q1: Is there any evidence that the Council has not complied with the Statement of Community Involvement or otherwise not met the minimum requirements for consultation or that consultation and publicity has otherwise been inadequate at various stages of the LP process?*

- 2.1 TW considers that St Helen Borough Council [SHBC] has complied with the Statement of Community Involvement [SCI] in terms of the preparation of the Local Plan, notification, consultation, publication and submission of documents. SHBC has followed all relevant procedures in accordance with Regulation 22 (c) of the Town & Country Planning (Local Planning) (England) Regulations 2012 (As Amended).
- 2.2 SHBC has submitted a SCI (November 2013) for examination as part of the evidence base. The 2013 SCI is a revised version of the Council's first SCI, adopted in January 2007, and has been prepared in the context of changes in guidance and legislation to ensure that the legal requirements for community involvement will be met.
- 2.3 Section 3 of the SCI (St Helens Context) sets out the Local Development Framework documents and the stages for the preparation or revision of these documents. The Council has submitted a Consultation Statement (March 2020) for examination as part of the evidence base setting out the consultation exercise undertaken at each stage of the SHLP preparation. The SHLP has previously been subject to three public consultations:
- 1 Regulation 18 (Local Plan Scoping) – January 2016 to March 2016;
  - 2 Regulation 18 (Preferred Options) – December 2016 to January 2017;
  - 3 Regulation 19 (Submission Draft) – January 2019 to May 2019.
- 2.4 The Consultation Statement (p.17) explains that during the Regulation 19 consultation process, SHBC learned that they did not mail out a letter to all residents living within 200m of allocations 4HA and 5HA in Bold. Although there was no legal requirement to do so, SHBC took the immediate and positive step of writing to all those within a 200m distance of proposed sites 4HA and 5HA and extending the consultation deadline by eight weeks from 13<sup>th</sup> March 2019 until the 13<sup>th</sup> May 2019. TW considers that this represents a 'belt and braces' approach by SHBC in meeting the requirements of the SCI.
- 2.5 TW considers that notification of consultation was given, and all relevant documents were published at each stage of the consultation. It is also considered that all relevant documents have been submitted for examination.

### **Issue 2: The Duty to Cooperate and in particular addressing development needs in the Housing Market Area and dealing with infrastructure constraints, particularly transport.**

*Q2: Based on work on the SDS to date, including the proposed vision, policy topic areas and potential suggested policy approaches, is there likely to be alignment between the LP and the SDS?*

- 2.6 TW considers that there is alignment between the SHLP and the Liverpool City Region [LCR] Spatial Development Strategy [SDS]. The LCR Statement of Common Ground [SoCG] states that the LCR Scrutiny Panel review of the SDS recommended that it only covers high level strategic issues and leaves the detailed policies to the Local Plans of each constituent local authority. The SDS will not allocate sites or alter Green Belt boundaries.
- 2.7 The LCR Combined Authority undertook a consultation on the proposed visions and objectives of the SDS between November 2020 and February 2021. Details regarding housing and employment provision across the LCR is not due to be published until the next round of public consultation in Summer 2021 but it is not anticipated that the SDS will seek to redistribute development across the LCR. As part of the LCR SoCG, SHBC has agreed to work collaboratively with the LCR Combined Authority and the other LCR authorities on SDS policy preparation. As such, there is an alignment between the SHLP and SDS.
- Q3: What is the current position on Warrington's LP and the SOCG between Warrington and St Helens?*
- 2.8 SHBC has submitted a Duty to Cooperate [DtC] Statement (October 2020) for examination, along with the Warrington Borough Council Draft SoCG (March 2019) and SHBC Suggested Minor Revisions (March 2019). The DtC Statement [§3.9] sets out the joint work which has been undertaken by SHBC and Warrington Borough Council [WBC]. This includes the mid-Mersey HMA evidence-base commissions together with Halton Borough Council [HBC] and the work on the expansion of the Omega Employment Location on the boundary between St Helens and Warrington.
- 2.9 The Warrington Local Plan preparation has been paused following the Regulation 19 consultation on the Proposed Submission Version between April and June 2019. The Plan is expected to progress later in 2021. The revisions to WBC's SoCG relating to St Helens were proposed to be incorporated into a final WBC SoCG when the WBC's Local Plan was submitted for examination. The delay to the submission of WBC's Plan means that the final SoCG between Warrington and St Helens has not been published. However, in SHBC's response to the Inspector's preliminary question PQ21, it is outlined that the draft SoCG sets out the latest agreed position with WBC and no amendments or updates are required.
- Q4: Are there any implications for the St Helens LP arising from the pause in the preparation of the Warrington LP, particularly for the Omega Allocation (1EA) which is intended to meet Warrington's needs?*
- 2.10 TW does not consider there to be any negative implications for the SHLP arising from the pause in preparation of the WBC Local Plan. WBC are proposing to release Green Belt to meet their own development needs and so no capacity has been identified to accommodate any of the housing needs arising in the SHBC. Similarly, WBC have not identified a need for SHBC to accommodate any of their housing development needs.
- 2.11 The SHLP allocates the Omega South West Extension (ref. 1EA) for employment development to meet the employment needs arising in WBC. This is due to its location immediately next to, and with its access to be provided through, the existing Omega employment area in Warrington. The SHLP identifies 234.08ha of site allocations for employment use, excluding the 31.22ha at Omega South Western Extension. This is considered to be in excess of the employment development required to meet Borough-specific needs of St Helens and the sub-regional need for strategic Class B8 uses identified in the LCR SHELMA.

- 2.12 Based on the above, TW cannot foresee any implications for the SHLP arising from the pause in the preparation of WBC's Local Plan.
- Q5: Is there sufficient evidence to demonstrate that the Council has cooperated effectively with adjoining authorities in exploring whether any of St Helen's housing and employment land needs can be met elsewhere or that St Helens does not need to meet the development needs of neighbouring authorities?*
- 2.13 TW considers that SHBC has provided sufficient evidence to demonstrate that it has cooperated effectively with neighbouring authorities on strategic housing and employment matters. The DtC Statement submitted for examination sets out the steps taken by SHBC to explore whether any of St Helens' housing and employment needs can be met elsewhere; and, also whether St Helens could make provisions for the needs of neighbouring authorities.
- 2.14 Halton, Warrington and Wigan are all proposing to release Green Belt land to meet development needs through their own emerging Local or Joint Development Plans and are unable to meet SHBC's needs. SHBC is proposing to release Green Belt to meet their own development needs and so, with the exception of Omega South West Extension, is unable to accommodate the needs of neighbouring local authorities. As set out in Matter Paper 4 (Allocations, Safeguarded Land and Green Belt Boundaries), SHBC has demonstrated exceptional circumstances exist to justify the release of Green Belt sites to meet the development needs over the SHLP period.
- 2.15 The outcome of the communication, consultations and joint working exercises set out above, TW considers that there is sufficient evidence to demonstrate that St Helens has cooperated effectively with adjoining authorities to determine that none of the neighbouring districts have identified a need for SHBC to accommodate any of their housing development needs and no spare capacity has been identified in any neighbouring local authority areas to accommodate any of the housing needs arising in the Borough of St Helens.
- Q6: Does the absence of SoCG with other adjoining authorities e.g. Wigan have any implications for demonstrating whether effective cooperation has been maintained?*
- 2.16 TW considers that SHBC has provided sufficient evidence to demonstrate that effective cooperation has been maintained despite that absence of a SoCG with Wigan. Despite bordering St Helens, Wigan forms part of Greater Manchester and is covered by the Greater Manchester Combined Authority's [GMCA] proposed 'Places For Everyone' joint development plan (formerly known as the GMSF).
- 2.17 The Greater Manchester authorities are undertaking a joint review of their Green Belt to meet housing and employment needs. SHBC has been consulted at all relevant stages of these reviews. Appendix 3 of the DtC Statement shows email correspondence between SHBC and the GMCA setting out that St Helens is unable to accommodate any of Greater Manchester's housing or employment needs because SHBC is already proposing to release Green Belt to meet its own needs. Wigan is proposing to release Green Belt to accommodate its own development needs and so does not have capacity to meet the needs arising from the Borough of St Helens.
- 2.18 In line with the NPPF [§35], SHBC has effectively explored whether there are any strategic cross-boundary issues which need to be dealt with in the SHLP. There are no significant cross-boundary matters between St Helens and Wigan which would merit the preparation of a SoCG between the two authorities.

*Q9: Is there sufficient evidence that the Council has cooperated effectively with infrastructure providers and technical consultees on relevant issues such as transport, flood risk and utilities?*

- 2.19 TW considers there is sufficient evidence that demonstrates SHBC has cooperated with all technical consultees, infrastructure providers and relevant adjoining authorities in relation matters such as transport, flood risk and utilities. The DtC Statement (Strategic Matter 7) sets out details of the cooperation with the relevant technical consultees in relations to highways, public transport networks and strategic infrastructure proposals. Effective cooperation with is also evidenced through joint strategic assessment commissions with neighbouring authorities are also set out in this section.
- 2.20 The DtC Statement (Strategic Matter 8) demonstrates that SHBC has worked with the Environment Agency to prepare the St Helens Strategic Flood Risk Assessment 2014, and in partnership with Warrington and Halton to prepare the Sankey Catchment Action Plan 2018. Strategic Matter 9 explains the cooperation with relevant bodies in terms of utilities and digital infrastructure and sets out how it has influenced the SHLP.

### **Issue 3: The SA, its consideration of reasonable alternatives and proposed mitigation measures.**

*Q12: Have the likely environmental, social, and economic effects of the Local Plan been adequately assessed in the SA?*

- 2.21 A Sustainability Appraisal [SA] has been submitted in support of the SHLP (SD005). The SA has been prepared in in line with the procedures prescribed by the Environmental Assessment of Plans and Programmes Regulations 2004, with the key stages set out in §1.1.6 of the SA. TW considers that the SA has accounted for all requirements for the Strategic Environmental Assessment [SEA] as required by The Environmental Assessment of Plans and Programmes Regulations.
- 2.22 A Scoping Report was prepared for the SA and published for consultation in January 2016. Following the consultation, the scope of the SA was determined and provided a baseline position against which appraisals have undertaken. The scoping process identified the key economic, social and environmental issues to be appraised as part of SHLP preparation process.
- 2.23 The SA includes an appraisal of the reasonable residential site options, as well as the SHLP ‘as a whole.’ This means that the combined effect of all of the policies taken together will be assessed in terms of their impact on each of the SA objectives. TW consider that this is an appropriate methodology that enables SHBC to understand the environmental, social and economic impacts of the residential site options in the SHLP.

*Q13: Does the SA meet statutory and legal requirements in relation to the assessment of reasonable alternatives?*

- 2.24 The Environmental Assessment of Plans and Programmes Regulations 2004 states that the SA Report should present an appraisal of the Plan and reasonable alternatives, taking into account the objectives and geographical scope of the Plan. The Regulations do not prescribe how the SA should assess the reasonable alternatives.
- 2.25 The SA submitted for examination includes an appraisal of alternative options for the spatial strategy, site options and policies. As such, TW considers that the SA meets the statutory requirements and legal requirements in relation to reasonable alternatives.

*Q14: In light of the above is there any evidence to indicate that the SA process did not comply with the relevant regulations?*

2.26 The SA does not assess the following options because they are not considered to be reasonable alternatives:

- 1 Not meeting housing needs;
- 2 Not meeting employment needs;
- 3 Focussing a greater proportion of new development on brownfield land in the urban area; and,
- 4 Limited or no release of Green Belt land to meet future development needs.

2.27 The Environmental Assessment of Plans and Programmes Regulations 2004 states that there is a need to identify, describe and evaluate the likely significant effects on the environment of reasonable alternatives taking into account the objectives of the Plan. In the response to preliminary question PQ4 (SHBC001), SHBC states that following any of the four options above would not deliver the strategic objectives of the Plan which include balancing the support for regeneration with meeting the Borough's housing needs.

2.28 TW consider the Council's approach to assessing reasonable alternatives in the SA to be justified and compliant with the Environmental Assessment of Plans and Programmes Regulations 2004 and the objectives of the NPPF [§11b] to provide for objectively assessed needs for housing as a minimum.

*Q16: Has the SA informed the site selection process?*

2.29 It is clear that the SA has informed the residential site selection process. Table 6.2 summarises the housing site appraisal findings and illustrates how each site performs against each of the Site Appraisal Framework criteria (see Q17 below).

*Q17: Is it clear how the relative merits and constraints of sites have been assessed?*

2.30 Appendix II of the SA sets out the 'Site Appraisal Framework' which has been completed for each residential site considered to be suitable for development through the Strategic Housing Land Availability Assessment [SHLAA]. Green Belt sites were assessed if they made it through Stage 2b of the Green Belt Review. Several sites found to be un-suitable at the Green Belt Review Stage 1b (assessment against Green Belt purposes) and Stage 2a (assessment against other prohibitive constraints) were not appraised as reasonable alternatives.

2.31 The Site Appraisal Framework sets out the 20 SA objectives which each housing site option has been assessed against. TW consider the Site Appraisal Framework to be effective in assessing the merits and constraints of all the reasonable alternatives sites for housing.