



ST HELENS BOROUGH LOCAL PLAN 2020-2035 EXAMINATION

MATTER 1 – LEGAL COMPLIANCE, PROCEDURAL REQUIREMENTS AND THE DUTY TO COOPERATE (DTC)

ON BEHALF OF REDROW HOMES NORTH WEST

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CONTENTS

1.	INTRODUCTION	1
2.	ISSUE 1: THE EXTENT AND TYPE OF CONSULTATION AND COMMUNITY ENGAGEMENT 2	
3.	ISSUE 2: THE DTC AND IN PARTICULAR ADDRESSING DEVELOPMENT NEEDS IN THE HOUSING MARKET AREA AND DEALING WITH INFRASTRUCTURE CONSTRAINTS, PARTICULARLY TRANSPORT	3
4.	ISSUE 3: THE SA, ITS CONSIDERATION OF REASONABLE ALTERNATIVES AND PROPOSED MITIGATION MEASURES	9
5.	ISSUE 4: HABITATS REGULATIONS ASSESSMENT (HRA)	16
6.	CONCLUSION.....	17
	APPENDIX 1 – LIVERPOOL INSPECTOR’S POST HEARING ADVICE LETTER (NOV 2020)	18

1. INTRODUCTION

- 1.1 Pegasus Group has been instructed on behalf of their client, Redrow Homes North West, to prepare Hearing Statements to the St Helens Local Plan Examination (EiP) in support of their land interests in the Borough. This comprises land to the south of Burrows Lane, Eccleston, which is currently an omission site (i.e. is not allocated for development) in the emerging St Helens Local Plan.
- 1.2 This Statement deals with Hearing **Session 1 Matter 1 'Legal Compliance, Procedural Requirements and The Duty To Cooperate (DtC)'**

2. ISSUE 1: THE EXTENT AND TYPE OF CONSULTATION AND COMMUNITY ENGAGEMENT

Question 1 - Is there any evidence that the Council has not complied with the Statement of Community Involvement (SCI) 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 The Council's Statement of Consultation (March 2020) **(SD004)** confirms that the plan has been prepared in line with the Statement of Community Involvement (2013) and has met the minimum requirements of the relevant Regulations¹.
- 2.2 That said, the Statement of Community Involvement itself does not appear to comply with Regulation 10a of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, which requires SOCIs to be reviewed every 5 years; as it seems this document has not been updated since 2013 (8 years), with no evidence that a review has taken place. We would ask that the Council provide clarification on this matter.

¹ Regulation 22 (1) part (c) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

3. ISSUE 2: THE DTC AND IN PARTICULAR ADDRESSING DEVELOPMENT NEEDS IN THE HOUSING MARKET AREA AND DEALING WITH INFRASTRUCTURE CONSTRAINTS, PARTICULARLY TRANSPORT

Question 2 - 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?

- 3.1 We address the alignment between the St Helens Local Plan and Liverpool SDS in terms of housing requirements in detail in our Matter 2 Statement and within our answer to question 5.
- 3.2 The proposed visions of the two plans are broadly aligned. However, one difference is that tackling climate change is prioritised in the second bullet of the LCR vision, however this is not mentioned at all in St Helens' vision, and raises the issue as to whether climate change has been properly considered in the St Helens plan, as explored in more detail in our answer to question 14 of our Matter 3 Statement.
- 3.3 There is also broad alignment in respect of the strategic objectives, although again the SDS seems to prioritise climate change as its first objective; whilst the St Helens plan only mentions this in relation to design of new development at objective 2.2. The objectives of the Liverpool SDS are also much more focussed on health and well-being, with references to social value and inclusive economic growth; whereas St Helens' objectives don't mention health and well-being at all, or inclusivity in respect of economic growth.
- 3.4 Given the Liverpool SDS will be the overarching plan driving the growth of the region for the next 15 years, it would be worthwhile for St Helens to seek to update the wording of their vision and objectives align with this.

Question 3 - What is the current position on Warrington's LP and the SOCG between Warrington and St Helens?

- 3.5 We understand from recent correspondence that Warrington have paused work on their Local Plan until after the May 2021 local elections, with a further Draft Plan unlikely before September 2021. The SoCG has not progressed since the draft was issued by St Helens in September 2019 (**SD012**) and remains unsigned by Warrington and is unlikely to be finalised until their plan progresses, as confirmed by the Council in their response to PQ21 (**SHBC01**).

Question 4 - 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?

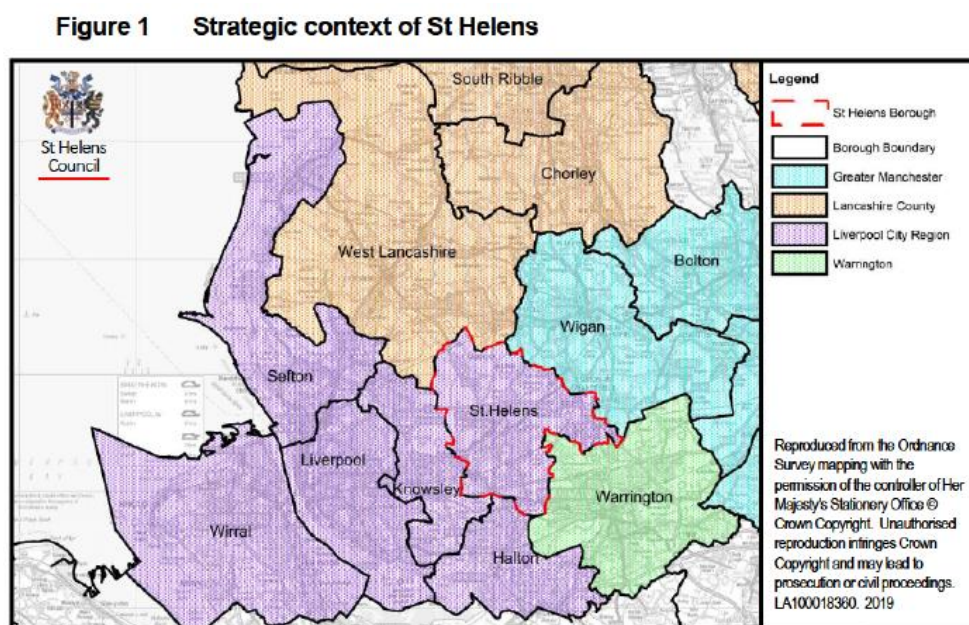
- 3.6 It is laudable that St Helens have sought to meet some of Warrington's employment needs; however, there is no suggestion of them meeting any equivalent housing need. Clearly new employment development and jobs needs to be supported by new housing in the same locality, otherwise it runs the risk of increasing creating unsustainable commuting patterns.

- 3.7 As things stand, the delay to Warrington’s Local Plan has limited implications in respect of St Helen’s housing requirements, as explained in the draft SoCG with Warrington (September 2019) **(SD012)**.
- 3.8 That said, the SoCG with Warrington is not signed, and if Warrington do change strategy in the coming months (before the St Helens plan is adopted) and determine that they can no longer meet their own needs, then St Helens would need to be prepared to react to this.
- 3.9 The best way to do this would be to build flexibility into the plan in the following ways (as advocated in our Regulation 19 representations):
- Allocate additional land to provide a headroom of 20% on the local plan requirement, and a full 15 years’ worth of safeguarded land to accommodate potential unmet need, as well as allowing for choice and under delivery.
 - Amend Policy LPA06 on safeguarded land to build in flexibility to release or phase the release of safeguarded sites without a formal plan review if there is unmet need generated in Warrington (or within the Liverpool City Region through the SDS process, as addressed in more detail in question 5 below).

Question 5 - 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?

- 3.10 The Council’s Duty to Cooperate Statement (October 2020) **(SD009)** confirms that St Helens has 5 adjoining authorities with various sub-regional geographies and jurisdictions, some of which overlap; as shown on the plan below from page 6.

Figure 3.1 – Authorities and Regional Jurisdictions adjoining St Helens.



- 3.11 St Helens is part of the Liverpool City Region and part of the Mid Mersey Housing Market Area with Halton and Warrington; but falls outside Greater Manchester (which Wigan sits within), and Lancashire (which West Lancashire sits within).
- 3.12 In our view the most important alliances are with the Liverpool City Region, (which West Lancashire are also party to); and with the Mid Mersey Housing Market Area, where there is a draft SoCG with Warrington (with Halton already signed up under the LCR SoCG). We address the relationship with Wigan in our answer to question 6.

Liverpool City Region (and West Lancashire)

- 3.13 St Helens Borough Council is located within the Liverpool City Region (LCR) combined authority area.
- 3.14 As part of Liverpool’s devolution deal, there is a requirement for the Combined Authority to prepare and adopt a spatial development strategy as part of their devolved planning powers. The SDS remains at a very early stage with initial consultations on broad visions and objectives concluding in February 2021. There are also a number of significant infrastructure projects and funding streams tied to the devolution deal and delivery of the SDS including the Liverpool Freeport, and A5036 Port of Liverpool Access Road (addressed in more detail in our Matter 2 Statement).
- 3.15 The LCR authorities have a SoCG in place, dated September 2019, which commits them to delivering the regions local housing need in full, and is welcomed. As noted above, West Lancashire are also a party to this SoCG as an associate member of the LCR and part of the SHELMA evidence base, confirming that they will seek to meet their own needs. Clearly there may be a requirement for this to change as the Liverpool SDS progresses further.
- 3.16 Indeed, wider circumstances have changed already, with the government publishing its updated standard method in December 2020 (Standard Method 2) after the recent SDS consultation had begun. Whilst the St Helens Local Plan was submitted prior to this amendment, it will be of relevance to the SDS and future housing requirements across the City Region.
- 3.17 Table 1 overleaf compares how the local housing need differs between the previous two Standard Method calculations and the existing/emerging housing requirements in the relevant Local Plans.

Table 1 – Local Housing Need Calculations

	Standard Method 1	Standard Method 2 (2020-2030)	Standard Method 2 (2021-2031)	Recent Local Plan Existing/Emerging
Halton	254	246	237	350
Knowsley	251	261	244	450
Liverpool	1,624	2,103	2,074	1,739
Sefton	631	623	610	640
St Helens	461	434	424	486
Wirral	799	779	760	800
Total	4,021	4,446	4,349	4,465

- 3.18 As highlighted in Table 1, recently adopted² and emerging³ Local Plans, overall, are only currently planning for a figure marginally above (116 dwellings per annum) the minimum housing need identified by the latest Standard Method 2 calculations, which uses the 2020 Affordability Ratios released in March 2021, and the 10-year period 2021 - 2031.
- 3.19 This is principally driven by the 35% increase in Liverpool City’s required housing need.
- 3.20 As such, the LCR authorities are only planning for the absolute minimum number of homes required within the City Region, even before considering the economic growth aspirations of the City Region and the current issues with the housing market. Clearly this is a matter that the SDS will have to consider and respond to appropriately and this will clearly need to be considered through any future SoCG, and associated Local Plan reviews.
- 3.21 Nevertheless, this under delivery of the minimum housing requirement within the City Region is a cause for concern. This is particularly the case when it is noted that Liverpool City are struggling to deliver their previous target of 1,739 dpa, due to a shortage of supply and an over-reliance on apartment development, as confirmed in the Inspectors Post Hearing Letter on the Liverpool EIP dated 10th November 2020 (paragraphs 3.3 and 3.4 - attached at **Appendix 1**).
- 3.22 So, increasing the requirements to 2,074 dpa or above will only exacerbate these issues and increase pressure on adjoining authorities to accommodate some of this need, both in terms of quantum and the type of housing (i.e. non-apartment/ family housing).
- 3.23 At the same time, Sefton as its immediate neighbouring authority to the north has challenges in meeting its own requirements due to land availability constraints and tight Green Belt boundaries, with Sefton only just delivering its requirements against the Housing Delivery Test and having a negligible 5-year supply of housing land. This raises the issue as to whether some of this minimum housing need will need to be delivered in the wider City Region.

² Knowsley and Sefton

³ St Helens, Halton, Liverpool and Wirral

- 3.24 Indeed, the Liverpool City Region Housing Investment Strategy which was published alongside the recent SDS consultation in (November 2020) notes how an emerging housing market is developing across Halton, St Helens, South Knowsley for higher value/ high earner housing; suggesting these locations are well placed to meet the regions needs for larger aspirational housing.
- 3.25 As such St Helens is clearly well placed to accommodate any unmet need from Liverpool, and family housing across the wider region, given its strong housing market, excellent transport links and employment opportunities.
- 3.26 Whilst this is a matter for future work for the SDS, updated SoCGs and any future St Helens Local Plan Review, it is necessary to give this matter due consideration when considering the appropriateness of St Helens proposed housing requirement, and the need for an uplift to the Standard Method of calculating housing need. The Plan must seek to deliver well in excess of the Standard Method to address this potential future issue and the need for early review of the Plan.
- 3.27 Whilst increasing needs likely in the LCR we would advocate that the St Helens plan includes an early review mechanism based on the adoption of the LCR SDS, and the delivery of associated strategic infrastructure projects, to provide comfort and flexibility that St Helens can react to the regions needs in the future.

Warrington / Mid Mersey HMA

- 3.28 Based on our above answers to questions 3 and 4 it is arguable that the duty is not being met with Warrington as the draft SoCG is now over 18 months old, and lies unsigned, with no evidence of active and on-going engagement.

Question 6 - Does the absence of SOCG with other adjoining authorities e.g. Wigan have any implications for demonstrating whether effective cooperation has been maintained?

- 3.29 It is acknowledged that cross boundary cooperation with Wigan, particularly in respect of housing and employment needs, is challenging, given Wigan's location within Greater Manchester and participation in the Greater Manchester Spatial Framework.
- 3.30 However, the absence of a signed SoCGs with both Wigan and Warrington raises serious doubts as to whether the Duty to Co-operate has been fulfilled.

Question 7 - Is the uplift in the employment requirement to meet a sub-regional need for the logistics and warehousing sector supported by sufficient evidence of collaboration and effective joint working between St Helens and other strategic policy-making authorities?

- 3.31 We do not wish to comment on this matter in detail, but would refer to our answer to question 20 in our Matter 2 Statement, which highlights that there has been a general increase in demand for logistics and warehousing space across the country in recent years, which has accelerated since the COVID pandemic began, with the rise of e-commerce and the associated demand for home delivery for all types of goods and services. This is acknowledged by the Council in para 3.18 of

SD026. As such, St Helens aspiration to provide additional employment land for logistics space to meet a sub-regional should be welcomed and encouraged, as long as it satisfies the requirements of the NPPG⁴.

- 3.32 Indeed, given St Helen’s excellent nodal location on the M6 and M62 there could be justification to further uplift the logistics provision within the plan to accommodate the burgeoning demand for such uses in well-connected places.

Question 8 - Is the proposal for a SRFI at Parkside supported by sufficient evidence of collaboration and effective joint working between St Helens and other strategic policy-making authorities?

- 3.33 No comments.

Question 9 - 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?

- 3.34 There is limited evidence of engagement with technical consultees within the DtC Statement **(SD009)**, beyond passing mentions of cooperation with Highways England, the Environment Agency etc; whilst the Infrastructure Delivery Plan also mentions these consultees, and the proposed infrastructure improvements, but again is light on detail on the level of actual engagement and buy-in from these bodies.

Question 10 - Is there evidence that this cooperation will continue so that the necessary infrastructure will be delivered in a timely fashion?

- 3.35 We request that the Council provide additional evidence and clarity on this matter to demonstrate that the necessary infrastructure will be delivered in a timely fashion.

Question 11 - What is the up-to-date position on cooperation in terms of delivery of key motorway junction improvements, taking into account any SOCG with Highways England?

- 3.36 As far as we are aware, there is no SoCG with Highways England and no confirmation of the up to date position, so we ask that the Council provide clarification on this matter.

⁴ Paragraph 2a-031-20190722

4. ISSUE 3: THE SA, ITS CONSIDERATION OF REASONABLE ALTERNATIVES AND PROPOSED MITIGATION MEASURES

Question 12 - Have the likely environmental, social, and economic effects of the Local Plan been adequately assessed in the SA?

- 4.1 With reference to our Matter 2 and 3 Statements, and our answers to questions 13-15 below, it is our strong view that the Sustainability Appraisal has not adequately assessed economic and social effects in its consideration of housing growth scenarios, and has instead given undue weight to environmental considerations.
- 4.2 Paragraph 6.20 Of 'Developing The Spatial Strategy Background Paper' (October 2020) (**SD026**) confirms that housing growth scenarios B (570 dpa) and C (712 dpa) were principally rejected as *"they would both lead to an excessive loss of Green Belt, which is not justified by the evidenced level of need for new housing. This would have conflicted with national policy that seeks to protect the openness and purposes of the Green Belt"*.
- 4.3 This is on the basis that Scenario D (486 dpa) comprises the evidenced need for housing and therefore any Green Belt release beyond this would conflict with the NPPF.
- 4.4 It is also suggested that the development industry could struggle to deliver an annual requirement of 712 dpa, which could make it hard for St Helens to maintain a 5-year supply leaving them susceptible to speculative/ unplanned development (**SD005** – paragraphs 4.5.13 – 4.5.14)
- 4.5 We raise three issues with this. Firstly, our Matter 2 Statement and supporting analysis comprehensively demonstrates that the 486 dpa figure does not represent the OAN as it is a constrained, 'policy on' scenario, which is based on meeting the jobs growth generated by the proposed employment allocations; rather than actual projected economic growth for St Helens.
- 4.6 The latest unconstrained economic evidence available to the Council is within the Liverpool City Region SHELMA (March 2018), based on growth rates provided by the Liverpool LEP, and this suggested a dwelling requirement of 855 dpa. Furthermore, more recent Chelmer Model analysis of this evidence has suggested that the economic activity rates used in the SHELMA have actually suppressed the level of housing growth required, and that a requirement of up to 1,547 dpa would be required to achieve the jobs growth expected. In light of this evidence, we advocate the Council continue to pursue a minimum figure of 570 dpa, as per the previous adopted plan and Preferred Options draft of the current plan.
- 4.7 Secondly, delivery has actually exceeded 601 dpa in the last decade and more notably, 712 dpa in the last 2 years (775 in 2018/19 and 758 in 2019/20), confirming that the industry can sustain this level of growth; whilst the Council's latest trajectory expects this to continue in some future years of the Council's trajectory (between 2026-2028) even based on the lower 486 dpa requirement.

- 4.8 Thirdly, and most importantly, the Council’s justification above effectively shuts down any balanced assessment of the environmental, social and economic effects of these higher growth scenarios. Such an assessment is alluded to at Appendix 3/page 165 of the SA (**SD005**), without drawing any firm conclusions.
- 4.9 It is accepted that higher housing growth could have negative effects upon environmental indicators however it could also have significant positive effects on the economy, health, population and community. The NPPF is clear⁵ that the three pillars of sustainable development have equal footing and therefore whilst the environment should clearly be afforded appropriate consideration and protection, this needs to be carefully balanced with the importance of delivering new jobs, homes and other services in the Borough.
- 4.10 Furthermore, given our own evidence and that from the SHELMA, it is clear that the proposed 486 dpa requirement will not support the level of planned employment growth (and the level that has been achieved over the last 15 years); it must be assumed that there would need to be a significant increase in in-commuting from beyond the Borough, yet the potential effects of this have simply not been assessed.

Question 13 - Does the SA meet statutory and legal requirements in relation to the assessment of reasonable alternatives?

- 4.11 It is our strong view that the Council have dismissed or failed to properly assess alternatives for both housing growth and distribution which are considered reasonable, as they do align with other objectives in the plan. As such, the SA does not comply with the SEA regulations.

SA Consideration of Alternative Housing Growth Scenarios

- 4.12 Taking account of our answer to question 12, we consider it would have been reasonable for the Council to have included a higher growth scenario at 855 dpa, reflecting the 2018 SHELMA ‘economic growth’ scenario, which forms part of the evidence base; particularly given the 712 dpa scenario is not based on an evidenced requirement but is simply a 25% uplift on the adopted 570 dpa figure.
- 4.13 The Council’s rationale for their range of housing growth scenarios (451 – 712 dpa) is set out in paragraphs 6.7 and 6.8 of **SD026**:

6.7 The Sustainability Appraisal report 2019 also identifies that any option which is above 712dpa would not be a ‘reasonable alternative’. The Council supports this conclusion as the rate of 712dpa is substantially above the level of evidenced need for housing in St Helens. Whilst the Liverpool City Region Strategic Housing and Employment Land Market Assessment (SHELMA) 2018 identified a ‘growth scenario’ at above 712dpa for St Helens this has been superseded by more recent evidence. There is no realistic prospect that a housing requirement

⁵ Paragraph 8 of NPPF

figure of above 712dpa would be justifiable given the level of environmental harm and loss of Green Belt that would be caused.

6.8 The 'reasonable alternatives' which have been considered for the overall housing requirement figure for St Helens Borough therefore all fall within the range of 451 to 712dpa.

- 4.14 This is supplemented by additional justification for rejecting the 855 dpa figure within paragraphs 2.18 -2.20 of the 'Housing Need and Supply Background Paper' (October 2020) **(SD025)**

"2.18 In housing terms.. the growth scenario requires considerably more housing (855 dwellings per annum).

2.19 As the SHELMA explains the Growth Scenario reflects jobs growth which could result from development projects and policies which are expected to be implemented over the study period...

2.20 However, as the SHELMA stresses this is an above trend level of growth and In St. Helens it takes account of site options or potential policy interventions, which haven't been allocated and are unlikely to be delivered. In St. Helens the SHELMA took account of all of the proposed employment land allocations in the Local Plan Preferred Options Stage (2016), which were reduced at the Local Plan Submission Draft stage."

- 4.15 We dispute this explanation for the following reasons. Firstly, the more recent evidence they refer to must be the 2019 SHMA Update and various updates to the Standard Methodology. However, this evidence does not properly account for economic growth, with the SHMA considering various 'policy on' scenarios relating to the delivery of the employment sites proposed in the plan (which reduced between the Preferred Options and Submission Versions), rather than actual projected economic growth. Therefore, the SHELMA still comprises the latest unconstrained economic growth evidence.
- 4.16 Secondly, suggesting that the SHELMA 'Growth Scenario' is no longer credible because it relies on all the allocations from the Preferred Options coming forward is incorrect, as GL Hearn make it clear in paragraphs 8.7 and 8.8 of the SHELMA methodology that this is not the case, with their approach based on a more general and flexible understanding of past growth and future capacity, rather than being reliant on a specific suite of sites coming forward.
- 4.17 Thirdly, as noted in our answer to question 12, dismissing any housing target above 712 dpa on the basis of environmental harm fails to properly consider whether this could be outweighed or at least off-set by social and economic benefits.
- 4.18 Finally, given we have established that the underlying economic circumstances and need for new homes is largely unchanged since the Preferred Options (as acknowledged by the Council in para 3.45 of **SD025**) stage, the SA has failed to properly justify why it supported the 570 dpa scenario at that stage, but rejected it in the Submission Version.

4.19 Overall, we consider that the failure to assess a housing growth option above 712 dpa in the SA has not been justified, nor has the dismissal of the 570 dpa figure endorsed in the earlier Preferred Options version of the plan and SA, even though the underlying needs and circumstances have not changed significantly. Accordingly, the SA is not justified and fails to consider reasonable alternatives in accordance with the SEA Regulations, bringing the soundness of the wider plan into question.

SA Consideration of Housing Distribution

4.20 The rationale for and assessment of the 5 alternative distribution options is generally clearer and we agree with the two rejected distributed options (referred to in Table 2 para 6.13 of **SD026**).

4.21 That said, there is a lack of clarity in how Option 5 (Mix of balanced growth (Option 2), skewed towards the south, with a large urban extension at Bold) was assessed, as this was a hybrid option taken forward in the Submission Plan and justified in the SA (SD005 – paras 4.5.21 – 5.5.34). Paragraph 6.21.1 of SD026 summarises this position.

4.22 Notably, the selection of the Bold site (Allocation 4HA) as an urban extension/ garden suburb has had a fairly major impact on the wider distribution strategy, given it equates to almost 3,000 dwellings (albeit with only 360 expected to come forward in the plan period); yet does not appear to have been properly tested through the wider SA, as there do not seem to have been any other garden suburb or new settlement options considered as reasonable alternatives, which is a significant oversight.

4.23 More importantly, as we explain in more detail in our answers to questions 16 – 18 below (and within our Regulation 19 Representations), the selection of this site has not even been justified in the SA Site Assessment. Indeed, a comparative assessment of the Sustainability Appraisal scores for individual sites ranks 4HA as the least sustainable of all 10 allocated sites, less sustainable than 7 of the 8 safeguarded sites, and even less sustainable than several omission sites, included the land south of Burrows Lane, Eccleston being promoted by Redrow. So, the SA has effectively developed a hybrid distribution option based around delivery of a site that scores poorly in its own site assessment.

4.24 This is a further significant major flaw in the SA which contradicts the SEA regulations, and raises questions over the soundness of the plan as a whole.

Question 14 - In light of the above is there any evidence to indicate that the SA process did not comply with the relevant regulations?

4.25 It is clear that alternatives can only be considered reasonable where they take account of the objectives of the wider plan as the Council highlight in their answer to PQ4, and this is the basic rationale for them dismissing the 4 alternative options listed by the Inspector, as summarised below:

- **a. Not meeting housing needs** – This would contradict the basic objectives of the plan (Strategic Aim 4) and the NPPF (Section 5) which as a minimum seek to meet the area’s objectively assessed needs; and would be exacerbated by the fact that no neighbouring district has agreed to accommodate any unmet housing needs from St Helens.
- **b. Not meeting employment needs** – As with housing this would contradict the basic objectives of the plan (Strategic Aim 5) and the NPPF (Section 6), as would not proactively encourage sustainable growth and inward investment, and would again be exacerbated by the fact that no neighbouring district has agreed to help meet St Helens employment needs.
- **c. Focusing a greater proportion of new development on brownfield land in the urban area** – All housing growth options have already sought to maximise brownfield redevelopment for housing as this is a basic requirement of the NPPF (paragraphs 117 and 137), as such this is not a credible alternative as is already inherent in all the options considered. In addition the SA (paras 4.2.29 – 4.2.33) confirms that the deliverable urban supply of brownfield land would not come close to meeting quantitative or qualitative employment needs under any scenario (particularly given the current need is for larger scale logistics sites which favour larger non-urban sites close to motorway or rail connections).
- **d. Limited or no release of Green Belt land to meet future development needs** – The Council’s evidence base comprehensively demonstrates that substantial Green Belt release is required to meet housing and employment needs in full (as required by the NPPF and objectives of the plan) and the level of release required is considered in the various housing growth options (from 451 up to 712 dpa).

4.26 Therefore, we agree that the above alternatives were not reasonable and were right to be dismissed in the SA, so it meets the SEA requirements in this regard, but not in respect of other reasonable alternatives noted in question 13.

Question 15 - Is there any evidence to indicate that not considering the options listed above as reasonable alternatives affects the soundness of the Plan in terms of the preferred approach identified? If so, how?

4.27 No, however the reasonable alternatives noted in question 13 do bring the soundness of the plan into question.

Question 16 - Has the SA informed the site selection process?

4.28 The Council confirm that it has, however it is unclear from the submitted evidence, and we have addressed this issue within our answer to question 13 of our Matter 3 Statement and within our Regulation 19 Reps.

4.29 In short, the overall methodology for the SA is generally considered sound, however if the Council’s scores are tallied up and compared on a like for like basis (in line with the approach Figure 4.1

below) they do not clearly elevate the allocated sites over safeguarded sites, or even over omission sites (see Figure 4.2 below). Indeed we include the Burrows Lane, Eccleston site being promoted by Redrow, as an example omission site, to demonstrate this opaque approach to site selection, as whilst it is at the lower end of the rankings, it still scores higher than both sites 8HS and 4HA (which is the Bold Garden Suburb site discussed in questions 13-15 above, which has been a key driver of the wider distribution strategy, despite being shown to be score poorly on sustainability).

Figure 4.1 – Pegasus Sustainability Appraisal Scoring

Key of Council's SA Scoring:	Key of Pegasus scoring:
Likely to generate negative effects	1
Potentially negative effects which could be mitigated	2
Unlikely to have significant effects	3
Likely to promote positive effects	4

Figure 4.2 – Sustainability Appraisal Assessment of Proposed Allocations against Burrows Lane site

Site Reference	Council's SA Score	Site Reference	Pegasus SA Score
5HA	53	5HA	53
9HA	52	9HA	52
2HA	51	2HA	51
3HS	51	Burrows Lane	51
3HA	50	3HA	50
10HA	49.5	10HA	49.5
2HS	49.5	3HS	49.5
6HS	49	6HS	49.5
7HS	48	2HS	48.5
1HA	47	7HS	48
6HA	47	1HA	47
4HS	47	4HS	47
7HA	45.5	7HA	45.5
5HS	45	6HA	45
1HS	44.5	5HS	45
8HA	44.5	1HS	44.5
Burrows Lane	44.5	8HA	43.5
4HA	43.5	4HA	42
8HS	42.5	8HS	39.5

Question 17 - Is it clear how the relative merits and constraints of the sites have been assessed?

4.30 Whilst the Council do provide scores for each site across 20 separate indicators, it is not clear how the relative merits and constraints have been assessed, as following our own detailed review of each of the sites, we disagree or can see insufficient justification for a number of the scores, and

have therefore provided our own comparable assessment. This was within our Reg 19 reps and supporting Appendix 6, but has been updated at Figure 4.2 (above) to reflect the 2020 SA Addendum which amended the scoring on some sites. We also address this in more detail in our Matter 4 Statement and associated Appendices.

- 4.31 Ultimately, regardless of whether AECOMs scoring or ours is used, it does not clearly confirm which sites should be allocated, safeguarded or omitted, with at least 4 of the safeguarded sites in the top half of the rankings in both assessments, and the example omission site not ranking the lowest in either.
- 4.32 Our own assessment ranks the Burrows Lane omission site as one of the most sustainable (joint 3rd of 19), based on our extensive knowledge of the site and access to technical information that may not have been available to AECOM (albeit we acknowledge that there may be similar additional information available to elevate other sites, and we also note in AECOMs rebuttal to objections in the 2020 SA Addendum that they have not considered potential mitigation in their scoring).

Question 18 - How has this assessment informed decisions to allocate, safeguard or omit sites?

- 4.33 As noted in questions 16 and 17, it is unclear from the submitted evidence how the SA has informed the site selection process in terms of the sites that have been allocated, safeguarded and omitted, as the SA scoring does not clearly elevate the allocated sites over safeguarded sites, or even over other omission sites including the Redrow site at Burrows Lane (see Figure 4.2).
- 4.34 One explanation for the allocation of lower scoring (less sustainable sites) would be to help deliver the wider objectives and spatial strategy of the plan, and whilst there is some indication of certain sites being allocated to the south of St Helens for regeneration purposes, the overall suite of chosen sites simply does not align with the spatial strategy. The strategy seeks even distribution amongst the Core Area and Key Settlements, yet 3 of the 6 Key Settlements (Rainhill, Billinge and Rainford) receive very little growth and 3 of the 9 sub areas of St Helens receive nearly 2/3 of the urban areas' growth (and over 50% of overall growth).
- 4.35 As such, the SA site assessment process has not clearly justified the sites allocated in the Submission Plan, nor has the wider evidence base including the Green Belt Review (see Matter 3), suggesting there are other factors at play, such as local opposition.

Question 19 - Does the Plan include adequate mitigation measures to address these?

- 4.36 No comment.

Question 20 - Will these combined measures be sufficient to mitigate the potential adverse impacts identified? If not, what evidence is there to suggest that they won't?

- 4.37 No comment.

5. ISSUE 4: HABITATS REGULATIONS ASSESSMENT (HRA)

5.1 We do not wish to comment on questions 21 – 29, but in relation to the Bold Forest Garden Suburb and AAP we would refer to our Matter 4 Session 4 Statement which assesses this allocation and supporting policies in detail.

Question 21 - Will the mitigation measures proposed within the HRA ensure that there will be no significant effects on the integrity of sites of European importance?

Question 22 - How will it be ensured that the RMS is realistic and effective?

Question 23 - What form will the enhancements to Bold Forest Park take?

Question 24 - Will these measures be effective in mitigating any potential effects? If not, why not?

Question 25 - Will the above mitigation measures be sufficient to ensure that there will be no significant effects?

Question 26 - Is the Plan sufficiently clear as to the scope, content, and details of the proposed SPD?

Question 27 - What level of certainty is there that any proposed mitigation measures could be achieved at application stage and what form are the mitigation measures likely to take?

Question 28 - Is such a requirement necessary and justified?

Question 29 - Is it clear from the wording of the policy what is meant by 'smaller development proposals' or 'sufficient evidence'?

Question 30 - Would it be clear to applicants and decision makers what level of evidence they would need to submit with applications in order to comply with the policy?

5.2 No.

Question 31 - Where relevant are the policies in the Plan consistent with the avoid, mitigate, and compensate hierarchy in paragraph 175 of the Framework?

5.3 No comment.

6. CONCLUSION

6.1 It is our view that the submitted plan does not meet the relevant legal and procedural requirements, suggesting that it is unsound in its current form. Key points as follows:

- The duty to cooperate has not been properly fulfilled with Warrington and Wigan.
- Ongoing cooperation with LCR would be best addressed through an early review mechanism in the St Helens plan based on the adoption of the Liverpool SDS, and the delivery of associated strategic infrastructure projects.
- The SA hasn't properly considered reasonable alternatives in respect of the housing requirement and distribution options.
- SA site assessment process has failed to justify the sites allocated and safeguarded in the Submission Plan.

APPENDIX 1 – LIVERPOOL INSPECTOR’S POST HEARING ADVICE LETTER (NOV 2020)

Liverpool Local Plan Examination

Inspector: David Spencer BA(Hons) DipTP MRTPI

Programme Officer: Helen Wilson

10 November 2020

Dear Mr Eccles

Liverpool Local Plan Examination Post Hearings Advice – Proposed Main Modifications and Related Matters

1. Introduction

- 1.1 The purpose of this advice letter is to confirm matters discussed at the hearings in relation to those proposed main modifications necessary for plan soundness. This letter also identifies a very small number of further main modifications which follow from discussion at the hearings.
- 1.2 At this stage I am not inviting any comments about the contents of this letter.

2. Proposed Main Modifications

- 2.1 A number of the 70 or so proposed main modifications established through initial Inspector correspondence were discussed at the hearings, together with:
 - modifications presented in the Council's July 2020 statements;
 - modifications presented in October 2020 statements of common ground with Natural England and Historic England;
 - modifications suggested by the Council in response to recent changes to the Use Classes Order (document LCC06); and
 - the small number of further suggested modifications provided by the Council shortly before the hearings opened (9 October 2020).
- 2.2 In addition to these proposed main modifications, a small number of supplementary main modifications were identified at the hearings and recorded as action points for the Council to progress.
- 2.3 A key task for the Council is to now compile a draft full list of the proposed main modifications, in plan order, from these various sources.

3. Further Main Modifications

- 3.1 As set out at the final session of the hearings I indicated that I would reflect further on some matters raised at the hearings. There are a small number of policies, where, on reflection I consider further amendments are necessary to ensure a sound plan on adoption. I set these out here and advise that the full reasoning for them will be set out separately in my report.

Housing Trajectory

- 3.2 The Council is seeking to present a housing trajectory that reflects a “stepped annual requirement” in response to: (a) the existing substantial quantum of consented supply; (b) that the Council has positively re-set the measurement of supply as of 1 April 2020 so as not to carry forward the notable over-delivery in the early years of the plan period; and (c) a potential tightening of land supply in the latter years of the plan period. This means that from 1 April 2020 the “requirement” measurement for calculating a five-year supply would increase from 1,739 dwellings per annum (dpa) to 2,450dpa the first five years on plan adoption before dropping to 1,300dpa for the remainder of the plan period.
- 3.3 Liverpool’s deliverable housing land supply is heavily reliant on the apartment sector. Whilst this market has performed very strongly in recent years and continues to deliver well, I am concerned that a dominance of one sector in the supply is not without risk to the projected delivery in the next five years. It is imperative that the spatial strategy of the plan is secured through a pragmatic “delivery” measurement in the trajectory. Policy H1 (as proposed to be modified) does not seek to step the annual requirement, setting out that the annual housing requirement to be delivered averages at 1,739 dwellings.
- 3.4 For the avoidance of doubt, therefore, the “annual requirement” measurement of the five-year deliverable supply in the housing trajectory should be based on a constant annualised requirement of 1,739 dwellings per annum for the plan period to 2033. The buffer for the first five years on plan adoption should be 5% moved forward from later in the plan period to ensure choice and competition in the market. This would put the plan on a realistic footing to maintain a robust deliverable supply in the 5-7 years following plan adoption. I recognise the Council is concerned about a tightening of land supply in the latter years of the plan period but that would be a matter that plan review can address.
- 3.5 The revised trajectory should disaggregate the consented supply by large (≥ 10 units) and small (< 10 units) sites. For large sites the consented supply should be further separated out in the trajectory to show the profile of projected annual delivery from detailed and outline consents

(noting the Council is not relying on any outline consents to deliver in the first five years on plan adoption).

Windfalls

- 3.6 I am mindful, as discussed at the hearings, that the Council helpfully agreed to examine the additional data for 2019/20 on windfalls using its methodology of those permissions granted on sites not identified through the annual Strategic Housing Land Availability Assessment (SHLAA) process and then discounted by 50%. Whilst this could be a useful exercise, I am nonetheless concerned about the overall realism of a sustained windfall rate of 709 dwellings per annum from 2023/24 onwards. To a large extent the very high windfall rate in Liverpool has materialised due to the lack of allocated sites over the past 18 years or so and various development opportunities circumventing the SHLAA process. This situation should change as a result of this Local Plan which allocates sites including mixed use sites that comprise residential development. Even with the 50% discount it seems unduly expectant that such a high volume of windfall would be sustained over the latter 10 years of the plan period.
- 3.7 I am also cognisant that the principal risk for a deliverable housing land supply in the first five years after plan adoption would be a significant downturn in the apartment market. Should such a scenario arise, a substantial windfall allowance reflecting the same market, could create difficulties for the Council in demonstrating a five-year deliverable housing land supply.
- 3.8 My advice to the Council on an approach to windfall, which could be found sound, would be to base an allowance on small-scale windfall sites only (those sites yielding fewer than 10 units). Under the Council's methodology this would appear to equate to approximately 140 dwellings per annum¹. Based on the modified Table 7 in the Council's Matter 6 statement, this reduced windfall allowance would be in addition to the general over-provision of some 4,500 homes above the plan's housing requirement from consented and allocated deliverable and developable supply. Demonstrating a deliverable housing land supply in the first five years in Liverpool would not be contingent on windfall and so an annual allowance of 140 dwellings from 2023-24 onwards would provide realistic headroom.
- 3.9 Under this approach any consented large-scale windfall would be picked up by annual monitoring and fed into annual calculations of the five-year deliverable supply as commitments. If matters of housing land supply tighten or further monitoring and SHLAA updates inform an alternative

¹ Council's response to MIQ 6.17

windfall allowance other than 140dpa recommended above, this would provide further impetus for a plan review.

Accessible Housing (Policy H12)

- 3.10 Planning policies for accessible housing should take account of site-specific considerations². As part of the proposed main modification to Policy H12 part 1 of the policy should be expanded to be clear that site specific-considerations such as vulnerability to flooding, site topography, and other circumstances may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. This would be necessary for consistency with national policy.
- 3.11 Additionally, as part of the proposed main modification, it needs to be made clear that optional standard M4(3)(2)(b) [wheelchair accessible homes] will only apply to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling.

Recent amendments to the Use Classes Order (UCO)

- 3.12 The Council has helpfully set out a series of proposed amendments in documents LCC06(a-c) to reflect recent changes to the UCO. These should proceed as proposed main modifications and the reasoning will be set out in my report. On reflection, the very modest changes to Policies CC5 and CC20, where the only proposed change (through the various sources of modifications) is simply to remove a use class reference where descriptive text was already set out in the policy would not be main modifications necessary for soundness and should be assigned to the Council's schedule of additional modifications. A further refinement to the proposed main modification to Policy SP4 is required to amend criterion 1 c) to replace "non-A5 units" with "non hot food takeaway units".

Tall Buildings

- 3.13 Given the significance of the emerging Tall Buildings Study in shaping the proposed modification to Policy UD6, it is imperative that I now have sight of a draft of the Study. On receipt of a draft of the Study, I will advise the Council as to whether further main modifications beyond those discussed in the hearing are required. It is also necessary that a version of the study accompanies the proposed main modifications consultation so that fully informed representations can be made on the proposed changes to Policy UD6 and accompanying text and figures.

² Planning Policy Guidance paragraph 56-008-20160519

Pumpfields

- 3.14 As discussed at the hearings, and for the avoidance of doubt, the extent of the identified Primarily Industrial Area west of Vauxhall Road would not be sound, given the changing character of the wider mixed-use area and the specific recommendations in the Employment Land Study 2017. It would be a matter for the Council to prepare a main modification determining whether Pumpfields becomes a wholly mixed-use area and consequential changes to criterion 1 b) of Policy CC2.

Process for Main Modifications

- 4.1 The Council should now prepare a consolidated schedule of all the potential main modifications identified prior to and during the hearing sessions and as set out above in this letter. The Council should also consider the need for any consequential changes that might be required in connection with any potential main modifications.
- 4.2 I will need to see the draft schedule and may have comments on it. I will also need to agree the final version of the schedule before it is made available for public consultation.
- 4.3 The schedule of proposed main modifications should be presented in plan order with proposed new appendices set out at the end (for example – the proposed Monitoring and Implementation Framework). The column that briefly explains the reasons for the main modifications should reflect the relevant tests of soundness. For clarity and to avoid an excessive number of main modifications, it is best to group all the changes to a single policy together as one main modification. The main modifications should be expressed as changes from the 2018 Publication Version.
- 4.4 There are a number of proposed main modifications which would generate changes to the submitted Policies Map. Additionally, the Council has identified a number of areas where the Policies Map needs to be updated and amended for factual and other reasons. It is important that the Schedule of Proposed Modifications to the Policies Map accompanies the consultation on proposed main modifications for transparency.
- 4.5 The Council should also satisfy itself that it has met the requirements for sustainability appraisal by producing an addendum to the Sustainability Appraisal of the submitted plan in relation to the potential main modifications, as appropriate. I will need to see a draft of the addendum and may have comments on it. The addendum should be published as part of the public consultation on proposed main modifications. The same applies in relation to an updated Habitats Regulations Assessment which will need to reflect the two recent statements of common ground with Natural England and the associated proposed main modifications to Policies STP3, EC7, EC8, GI4 and GI5 (amongst others).

- 4.6 Advice on main modifications and sustainability appraisal, including on consultation is provided in the Planning Inspectorate's Procedure Guide for Local Plan Examinations³ (in particular, see paragraphs 6.1 to 6.12). Amongst other things this states that the scope and length of the consultation should reflect the consultation at the Regulation 19 stage (usually at least 6 weeks). It should be made clear that the consultation is only about the proposed main modifications and not about other aspects of the plan and that the main modifications are put forward without prejudice to the Inspectors' final conclusions.
- 4.7 The Procedure Guide also states that the general expectation is that issues raised on the consultation of the draft Main Modifications will be considered through the written representations process and further hearing sessions will only be scheduled exceptionally.

Next Steps

- 5.1 As discussed at the hearings, and in light of what I have set out above, it seems reasonable that consultation on proposed main modifications could take place early in 2021. The Council will need to consider whether it needs to update its Statement of Community Involvement to reflect transitional provisions for plan related consultation in response to Covid restrictions in terms of viewing/accessing physical documents. The temporary amendments to Regulation 35 (1)(a) are currently in place until the end of December 2020.
- 5.2 I would like to thank the Council for its cooperation during the hearings and the work to date on the assorted proposed main modifications at various stages of the examination. If you need any clarification on the contents of this letter, please contact me through the Programme Officer.

Yours sincerely

David Spencer

Inspector.

³ 5th Edition (June 2019)