



St Helen's Local Plan Examination

Lovell Partnerships Ltd's Response to Matter 1 - Introduction to the Hearings, Legal Compliance, Procedural, Requirements, and the Duty to Cooperate

Land at Chapel Lane

On behalf of Lovell Partnerships Ltd.
May 2021

CONTENTS

1. INTRODUCTION	1
2. LOVELL'S RESPONSE TO MATTER 1	3

APPENDICES

APPENDIX I – SHMBC'S SUSTAINABILITY APPRAISAL OF CHAPEL LANE SITE

APPENDIX II - LOVELL'S UPDATED SUSTAINABILITY APPRAISAL

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1. INTRODUCTION

- 1.1 This Hearing Statement has been prepared by Asteer Planning on behalf of Lovell Partnerships Limited ('Lovell') in relation to **Matter 1 - Introduction to the Hearings, Legal Compliance, Procedural, Requirements, and the Duty to Cooperate**. Lovell are working closely with the landowners (previously promoting the site) and have an agreement in place to promote the land at Chapel Lane, Sutton Manor ('the site') which is proposed to be removed from the Green Belt and allocated as a safeguarded site for housing allocation (Site 6HS) in the Local Plan¹.
- 1.2 Lovell is proposing a high quality, sustainable residential development for 100% affordable housing on the site, delivering 150 affordable homes early in the plan period through its joint venture partnership (Lovell Together) with Together Housing Group, a Registered Social Landlord. Lovell – Together Corporate Joint Venture LLP is an existing special purpose vehicle under which this site would be delivered. Together Housing Group are a Homes England Strategic partner and have an existing £53m of Homes England grant allocation secured to give greater certainty on delivery.
- 1.3 It is proposed that the site will deliver 50% affordable rent and 50% shared ownership using existing grant funding. As a consequence of the funding, the site is highly deliverable and would make a significant positive contribution towards meeting both affordable housing and overall housing needs early in the Plan period. Lovell therefore seek a modification of Policy LPA05 (Meeting St.Helens Borough's Housing Needs) and Policy LPA06 (Safeguarded Land) to convert the safeguarded site allocation to a full allocation². This would return the site to the status it held in the draft development plan documents as recently as 2017 as set out in previous representations made at Preferred Options stage.
- 1.4 Matter 1 of the Inspectors' Matters, Issues and Questions ('MIQs') explores whether the Local Plan has been prepared in accordance with legal and procedural requirements set out in the Planning and Compulsory Purchase Act 2004 ("PCPA 2004") and the Town and Country (Local Planning) (England) Regulations 2012 ("the 2012 Regulations"). It will also be necessary to refer to the Environmental Assessment of Plans and Programmes 2004 ("the SEA Regulations").
- 1.5 Several previous representations have been made by various parties throughout the Local Plan preparation process. This Statement responds directly to the Inspectors' MIQs, however, it should be read in conjunction with those previous representations. Where relevant, the

¹ (Policy LPA06: Safeguarded Land)

² i.e. remove the site from Policy LPA06 as a safeguarded site and insert the site into Policy LPA05 as a housing allocation

comments made are assessed against the tests of soundness established by the National Planning Policy Framework ('NPPF') and the National Planning Practice Guidance ('PPG').

1.6 Separate representations are being submitted in respect of the following matters and should be read in conjunction with this Statement:

- Matter 2 – Housing and Employment Needs and Requirements;
- Matter 3 – Spatial Strategy and Strategic Policies;
- Matter 4 - Allocations, Safeguarded Land and Green Belt Boundaries Bold, Eccleston, Sutton Manor, Thatto Heath and St Helens Core Area;
- Matter 5 – Housing Land Supply; and,
- Matter 7 - Specific Housing Needs and Standards.

2. LOVELL'S RESPONSE TO MATTER 1

2.1 This section of this statement addresses relevant Matter 1 issues and Inspectors' MIQs. It identifies a number of issues with the plan preparation and resulting plan text that render the plan unsound for the purposes of NPPF paragraph 35a-d. It identifies that to make the plan sound further housing allocations are required, including modification of the Chapel Lane Site's safeguarded land status to a housing allocation.

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

16. Has the SA informed the site selection process?

2.2 A critical stage of the SA process is the consideration of alternative approaches and options for delivering the objectives of the Plan (Regulation 12(2)(b) of the SEA Regulations). When assessing reasonable alternatives, a number of options were rejected as they were not considered reasonable (summarised in SHBC001 – PQ4). These include:

- a) Not meeting housing needs;
- b) Not meeting employment needs;
- c) Focusing a greater proportion of new development on brownfield land in the urban area;
- d) Limited or no release of Green Belt land to meet future development needs.

2.3 The SA does not contain a clear explanation of how the final proposed allocations in the submitted plan have been informed by the SA process which is discussed in further detail in the response to Question 18 below.

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

2.4 Please see the response to Question 18 below.

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

2.5 The SA Report (January 2019) (SD0053) authored by AECOM (on behalf of the Council) includes a table of Housing Site Options (Table 6.2 commencing from page 38), which is accompanied by Technical Appendix A of the SA Report.

- 2.6 Each site option has been appraised against a site appraisal framework which is summarised in a series of matrices. The Chapel Lane site³ is referred to in Table 6.2, at page 41. The reference number for the site is incorrect (Ref: GBP_074_D). For ease of reference, we have extracted the site proforma in Technical Appendix A of the SA Report at **Appendix I**.
- 2.7 Lovell strongly disputes the appraisal findings at SA1, SA7a/b, SA8 and SA20. An updated appraisal with our comments and revised score against each criterion in the table at **Appendix II**. By way of overview, we have disputed the Red scoring for SA1 (Biodiversity) and SA20 (Access to Services). We have also disputed the Amber scoring for SA7a (Landscape Sensitivity), SA7b (Ridgeline) and SA8 (Cultural Heritage). All of these should be scored Green for the reasons set out within the table. When the site is scored correctly, it is clear that it would outperform or at least be equally sustainable as the allocated housing sites.
- 2.8 Table 6.3 of the SA Report (page 52) includes brief reasons for the allocation or safeguarding (and also discarding) of sites for both housing and employment. The text for the site simply states:
- “The site is adjacent to residential development and is accessible, although some highway improvements would be required. The site also contains protected woodland and a LWS which would require buffer zones. However, the woodland would serve to screen any development within the site from adjacent countryside.”*
- 2.9 Access/Highways, Woodland and Landscape/Visual Impact are not reasons for merely safeguarding the site. On the contrary, the site's advantages in these respects are reasons for housing allocation now.
- 2.10 First, as to access/highways, the site is in an accessible and sustainable location. Safe access to the site can clearly be achieved. The local highway network has capacity to accommodate the traffic generation that will arise from the proposed development⁴. Furthermore, any planning application will ensure that off-site highways improvements will be delivered, if deemed to be necessary by a Transport Assessment to mitigate any impacts on the transport network.
- 2.11 Second, as to woodland, the woodland area in the middle of the site has been excluded from the part of the site that is proposed to be safeguarded (see Lovell's response to Matter 3). Lovell strongly supports this boundary. The wooded area will be preserved and will remain within the Green Belt. There will be adequate buffers between this area and the development⁵.

³ Ref: 66 GBP_082_A Land south of Sutton Manor

⁴ Please see Section 4 of Lovell's Development Statement Appended to Matter 4

⁵ *ibid*

- 2.12 The Council's assessment of the site in Tables 6.2 and 6.3 are not justified. In short, they fail to account for provisions that have already been made by Lovell to address these site constraints.
- 2.13 It is not clear within the SA Report how this assessment has informed decisions to safeguard rather than allocate sites. This is a critical flaw within the Report for the purposes of Regulation 12(2)(b). The SA Report fails to explain how the reasonable alternative of a full allocation of the Chapel Lane site has been considered, or how the site has been addressed on an equivalent basis.
- 2.14 The Council has provided very little robust justification as to why the site was chosen as a safeguarded site rather than a housing allocation.
- 2.15 The Council's decision to alter the site from an allocation to a safeguarded site has followed the reduction of its proposed annual housing requirement from 570 to 486 dwellings per annum. The identification of a number of new large proposed brownfield allocations for housing may have been a further factor. However, the SA Report neither explains this, nor assesses allocation as a reasonable alternative to safeguarded land status.

Comments on Soundness in respect of Issue 3

- 2.16 The Plan as drafted is not sound for the purposes of NPPF paragraph 35. It is not justified and not effective for the following reasons:
- I) The site is sustainable. This is reflected partially by its safeguarding status, but this does not go far enough.
 - II) There is no proper explanation as to why the site scored 'Red' on SA1 (Biodiversity), and SA20 (Access to Services); or why it scored 'Amber' on SA7a and 7b (Landscape Sensitivity) and SA8 (Cultural Heritage) and has been downgraded from an allocation to a safeguarded site.
 - III) The site should have been scored 'Green' against each of these criterion in the SA Report because as demonstrated at **Appendix II** and in Lovell's Development Statement⁶, these constraints have been fully considered and overcome as part of the preparation of a comprehensive, landscape-led masterplan for the site.
- 2.17 In summary, it is Lovell's position that the Council's approach to site selection has not been robust, positive and justified in relation to the site and has not adequately assessed its relative

⁶ submitted in respect of Matter 4

merits and constraints to inform its decision to safeguard rather than allocate the site for housing.

- 2.18 Furthermore, there is not a clear and direct correlation between the scoring of the sites in the SA and how this has informed the site selection process. For example, some of the allocated sites scored lower than the Chapel Lane site i.e. Site 4HA (see Table 6.2 on page 41 of the SA (SD005), Site ID55-59) received 3 'red' ratings and 5 'amber' ratings yet has still been carried forward as an allocation. In this instance the RAG rating in Table 6.2 does not appear to correlate with the written commentary/summary provided by SHMBC. The commentary for Site 4HA in Table 6.3 on page 51 of the SA is worded very positively and identified how such constraints can be overcome e.g.

"The site contains a LWS but this can be adequately buffered." and "It is considered likely that the infrastructure requirements connected with development of the site whilst considerable can be addressed through a suitable master planning exercise."

- 2.19 Whilst Lovell does not dispute the Council's assessment of Site 4HA, its view is that a fair approach has not been taken to drawing conclusions about the suitability of sites for allocation.
- 2.20 In order to make the plan sound, the Council should revisit the 2019 SA Report and update their assessment / conclusions based upon what is currently being proposed on the site i.e. consider the retention of the woodland and suitable buffer which will ensure a strong level of visual containment. Furthermore, the site should be upgraded to an allocation which will make a positive contribution to ensuring that the Council's housing and affordable housing needs are met over the plan period.

Issue 4: Habitats Regulations Assessment (HRA)

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

- 2.21 As detailed in the Council's response to the Inspectors' Preliminary Questions (PQ47), the Council's proposed strategic compensatory improvement to offset the impact of removing land from the Green Belt is the implementation of the Bold Forest Park AAP (2017). The BFPAAP forms part of the St. Helens Development Plan and provides a framework for the development of the BFP area which occupies an area of 1,800 hectares of Green Belt land in the southern-most part of St Helens Borough. The Council's response to PQ47 also states:

"Compensatory improvements will be also addressed on a site by site basis with the main compensatory improvements likely to take the form of expanding and improving public rights of ways in and around proposed development sites, providing opportunities for outdoor sport and recreation on previously inaccessible Green Belt sites, providing woodland and ecological network links, improving access to existing sites and retaining and enhancing landscapes, visual amenity and biodiversity...policies within the BFP AAP"

seek to ensure that new development in the BFP contributes to the further enhancement of the BFP, including improving connectivity between the Borough's urban area and the Forest Park and contributing financially to the infrastructure of the park.. “

- 2.22 As set out in further detail in Lovell's Matters 3 and 4 Hearing Statements, the site is within the BFP and provides a significant opportunity to contribute to the objectives of the BFPAAP and thus the Council's overall strategy for Green Belt compensation, creating a development with an on-site greenspace network and connections to a wider functional greenspace network as well as contributing financially to the infrastructure of the park, where appropriate.
- 2.23 Furthermore, the site also includes an additional 1.6 ha field directly to the south which will provide Green Belt compensation in the form of ecological improvements including new areas of Woodland planting and lowland meadow to provide biodiversity net gain, and publicly accessible green infrastructure and open space including off road publicly accessible footpaths⁷.

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

- 2.24 As demonstrated in Lovell's response to Matter 4 Statement, the Council's proposed allocations, which are intended to contribute to the BFP, are not anticipated to deliver during the early years of the plan period. For example, according to the Council's own trajectory (SHBC004), Site 4HA will not deliver until 2029 onwards and Site 5HA will not deliver until 2024 onwards. In contrast, the Chapel Lane site would deliver early in the plan period and contribute to the BFPAAP objectives as set out at thus mitigating any potential effects.

Comments on Soundness in respect of Issue 4

- 2.25 When considering the tests of soundness at NPPF Paragraph 35, the Plan as drafted is not sound as it is not effective and not consistent with national policy. As set out in Lovell's response to Matter 3, there is currently no policy mechanism within the plan which can deliver the proposed compensatory Green Belt improvements to offset the loss of Green Belt land.
- 2.26 To make the plan sound, the Council should insert a specific policy into the plan which sets out clearly how Green Belt compensation will be secured and how the BFP is proposed to be delivered, with reference to the adopted AAP, either through developer contributions to deliver the strategic objectives, or through on-site measures to complement and assist on delivering the wider action plan and its objectives.

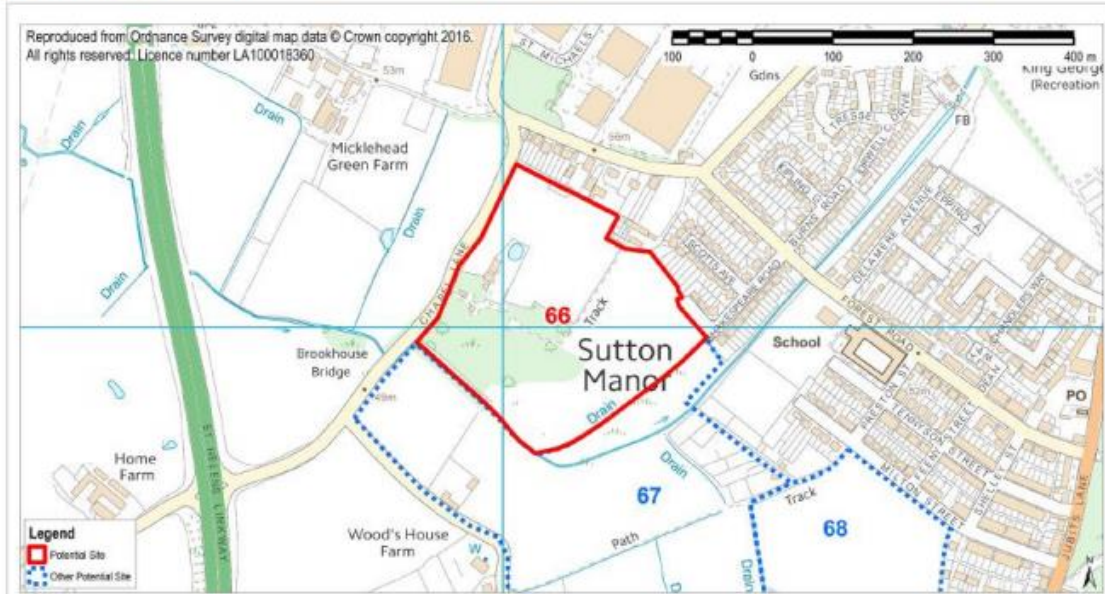
⁷ Further details of this are set out in the detailed Development Statement provided in Lovell's Hearing Statement for Matter 4

2.27 The Chapel Lane site should be allocated for housing and the Green Belt compensation policy wording should specifically reference the site.

APPENDIX I

SHMBC's Sustainability Appraisal of Chapel Lane Site

St Helens ID:	GBP_082_A	AECOM ID:	66
Site Name:	Land south of Sutton Manor		
Ward:	Sutton Manor		
Area (Ha):	7.33		
Potential Use:	Housing		



Key to site appraisal scores:

<i>Likely to promote positive effects</i>	<i>Unlikely to have significant effects</i>	<i>Potentially negative effects which could be mitigated</i>	<i>Likely to generate negative effects</i>
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SA Objective and appraisal score	
SA1. To protect and enhance biodiversity	
Rationale: Site contains Local Wildlife Site (Pendlebury Brook) and TPO.	
SA2. To protect and improve land quality in St Helens	
Rationale: There is 100% (7.33ha) overlap of the site with ALC Grade 3.	
SA3. To improve air quality in St Helens	
Rationale: Small size site (105 units), located over 3.7km from AQMA	
SA4. To maintain and enhance the quality of controlled waters and to sustainably manage water resources	
Rationale: Over 1.7km from nearest protection zone	
SA5. To mitigate and adapt to the impacts of climate change	
Rationale: Within Bold Forest Park, site presents opportunities for enhancement of GI network	
SA6. To minimise the risk of flooding from all potential sources and ensure there is no residual risk to people and properties	
Rationale: 99% of site is Flood Zone 1, with 1% in Flood Zone 2. With careful/mitigation the zone 2 could be avoided.	

St Helens Sustainability Appraisal - Site Appraisal

SA7. To protect, enhance and make accessible for enjoyment, landscapes, townscapes and the countryside	
Rationale: 97% of site within Low-Medium or Medium Landscape Sensitivity area. Over 950m from a prominent ridge line.	
SA8. To protect, enhance and make accessible for enjoyment, the cultural heritage and historic environment	
Rationale: Site is 157m from listed building (Wood's House Farmhouse) and 62m from Ancient Monument (Micklehead Green Moated Site).	
SA9. Ensure access to and protection and enhancement of high quality public open space and natural greenspace	
Rationale: Site is 333m from open space and 48m from PROW (severance unlikely)	
SA12. To improve health and reduce health inequalities	
Rationale: Access to GP: 1.61km distance from Four Acre Health Centre, Dr J Kurzeja & Partners Access to Leisure: Within 1200m of 2 Children's Play Facilities and 2 allotments.	
SA13. To improve the education and skills levels of the population overall	
Rationale: Primary : 326m from Sutton Manor Community Primary School Secondary : 1.63km from The Sutton Academy	
SA14. To ensure local residents have access to employment opportunities	
Rationale: 75m from Lea Green Industrial Estate / St. Michaels Road	
SA15. To support a strong, diverse, vibrant and sustainable local economy to foster balanced economic growth	
Rationale: Housing site on land not suitable/attractive for employment	
SA16. To improve access to a range of good quality and affordable housing that meets the diverse needs of the borough	
Rationale: Potential to deliver 105 units over 15-30 years.	
SA17. To reduce poverty and social exclusion	/
Rationale: Non-employment site	
SA19. To reduce the need to travel, encourage alternatives to the car and other motor vehicles, improve highway safety and make the best use of existing transport infrastructure	
Rationale: 164m from Bus Stop. High frequency service.	
SA20. To improve access to and use of basic goods, services and amenities in town and local centres	
Rationale : Residential site is 695m to the nearest convenience store (SKS Late Shop) or supermarket	

APPENDIX II

Lovell's Sustainability Appraisal of Chapel Lane Site

SA Objective	SHMBC's score and Rationale	Lovell's score and Rationale / Comments ⁸
SA1. Protect and enhance biodiversity	Site contains Local Wildlife Site (Pendlebury Brook) and TPO.	There is a designated Local Wildlife Site (LWS) (non-statutory) located adjacent to the boundaries of the site.(Pendlebury Brook). However, given that the proposed development seeks to retain the semi-natural broadleaf woodland on the southern boundary, no habitats or LWS would be lost or impacted by the development and sufficient buffers will be provided between the development and the LWS.
SA2. Protect and improve land quality	There is 68% (4.9ha) overlap of the site with ALC Grade 3.	
SA3.Improve air quality	Unknown delivery potential. Located over 3.7km from AQMA	
SA4. Sustainably manage water resources	Over 1.7km from nearest protection zone	
SA5. Mitigate against climate change	Within Bold Forest Park, site presents opportunities for enhancement of GI network	
SA6. Minimise the risk of flooding	99% of site is Flood Zone 1, with 1% in Flood Zone 2. With careful/mitigation the zone 2 could be avoided.	
SA7a. Landscape sensitivity	97% of site within Low-Medium or Medium Landscape Sensitivity area Over 950m from a prominent ridge line.	The landscape-led design approach will ensure that the proposed development would not harm landscape character (see Development Statement submitted for Matter 4). It would provide an opportunity to restore and enhance the character of the urban edge by softening the interface with the surrounding woodland and integrating green links into the site.
SA7b. Distance to prominent ridgeline	97% of site within Low-Medium or Medium Landscape Sensitivity area Over 950m from a prominent ridge line.	The landscape-led design approach will ensure that the proposed development would not harm landscape character, (see the Development

⁸ We have only provided comments where Lovell's score differs from the score given by the Council.

		Statement submitted for Matter 4) It would provide an opportunity to restore and enhance the character of the urban edge by softening the interface with the surrounding woodland and integrating green links into the site.
SA8. Protect and enhance cultural heritage	Site is 140m from listed building (Wood's House Farmhouse) and 59m from Ancient Monument (Micklehead Green Moated Site).	There are no Scheduled Monuments, Listed Buildings, Registered Battlefields or Registered Parks and Gardens within the site. The proposed development is not considered to impact the Scheduled Monument or the Listed Building as no upstanding remains are extant for the monument and there is no inter-visibility between the site and either of these Heritage Assets.
SA9a. Access to open space and green space	Site is 331m from open space and 46m from PROW (severance unlikely)	
SA9b. Public Rights of Way	Site is 331m from open space and 46m from PROW (severance unlikely)	
SA12a. Access to GP	1605m distance from Four Acre Health Centre, Dr J Kurzeja & Partners	
SA12b. Access to Leisure	Within 1200m of 3 or more facilities	
SA13a. Access to Primary School	316m from Sutton Manor Community Primary School	
SA13b. Access to Secondary School	1.6km from The Sutton Academy	
SA14. Access to employment opportunities	82m from Lea Green Industrial Estate / St. Michaels Road	
SA15. Support local economy	Non-employment site	
SA16. Access to housing	The site is considered to be potentially available and/or potentially achievable over the plan period	As demonstrated in Development Statement submitted in support of Matter 4, the site is suitable, available and achievable within the first five years.
SA17. Reduce poverty and social exclusion – (only applicable to employment / retail)	Non-employment site	
SA19. Reduce need to travel	162m from Bus Stop. High frequency service	
SA20. Access to services	Residential site 4.3km from a convenience store or supermarket	The site is in a sustainable location as demonstrated in the Development Statement submitted in support of Matter 4. Lovell disagrees with the Council's assessment that the

		<p>site is 4.3km from a convenience store or supermarket. There is a general store approximately 0.6km to the east of the site on Feeny Street and a Texaco Garage with Spar store approximately 0.8km to the east of the site on the B5419. Notwithstanding this, Lovell does not consider that the distance to a convenience store or supermarket is a substantial measure of sustainability and that distance to other facilities and services should be taken into account. For example, a number of community and recreational facilities are available in proximity to the site that could be utilised by future residents including the King George V playing fields, located approximately 0.6km to the east, which include a children's playground and a number of sports pitches. The Shining Lights Community Centre, located approximately 0.2km to the east of the site offers indoor sports, arts and crafts and holiday club for children. Sutton Manor Woodland, located approximately 1km to the east of the site offers an extensive network of trails suitable for walking and cycling and includes a piece of public art known as the 'Dream' sculpture.</p>
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