

EiP Statement

St Helens Delivery and Allocations Local Plan

Bericote Properties Limited

Representor ID RO1656

Our ref 41575/12/CM/AMCL
Date 7 May 2021

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

1.0 Introduction

- 1.1 Lichfields is instructed by Bericote Properties Limited [Bericote] to make representations on its behalf to the St Helens Borough Local Plan 2020-2035 [SHBLP].
- 1.2 This Statement has been prepared in response to the Matters, Issues and Questions [MIOs] 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 4 – Allocations, Safeguarded Land and Green Belt Boundaries
 - 3 Matter 6 – Employment Land Supply, Employment Policies and Town Centres.
- 1.4 These Matter Papers representations should be read in conjunction with previous submissions on the SHBLP [Representator ID RO1656] as well as those made on other Matters listed above.
- 1.5 **These Matters Papers have been prepared in the context of Bericote’s Florida Farm site [Local Plan Allocation Site Reference: 2EA] on which hybrid planning permission (ref. P/2016/0608/HYBR) was granted on 27th April 2017. The outline element secured permission for the erection of 2no. commercial/industrial buildings providing up to 135,000sq. m of employment floorspace (B2/B8 uses with up to 10,000 square metres of office accommodation). Reserved matters approval has been secured for Unit 1 (34,114 sq. m) and Unit 2 (48,634 sq. m) and both buildings are now completed and occupied by Amazon and Kellogg’s respectively.**
- 1.6 Although Unit 1 and 2 have been completed and occupied, the full development potential of the Florida Farm site has not been reached. The EIA undertaken as part of the hybrid planning application assessed the environmental effects of up to 135,000 sq. m. of employment floorspace and only 82,748 sq. m of B2/B8 floorspace was delivered as part of the reserved matters approvals. The full quantum of development that could be achieved on the site has therefore not been realised. A residual parcel of land on the site (gross site area of 2.26ha) remains available and it is Bericote’s intention to bring forward a non-strategic employment development on the site, within the boundary of Allocation 2EA.
- 1.7 Bericote is therefore concerned that Allocation 2EA is proposed to be removed from the Plan as a Main Modification. This reason for this appears to be due to the Inspector coming to a view

that the site has been completed and the Council not clarifying the position as set out above. Bericote therefore strongly oppose the removal of Allocation 2EA from the SHBLP.

1.8 This statement expands upon **Bericote's** previous representations made throughout the Local Plan preparation process in light of the Inspector's specific issues and questions. This statement also directly responds to the suggested removal of Allocation 2EA from the Local Plan.

1.9 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 Bericote considers that St Helens Borough Council [SHBC] has complied with the Statement of Community Involvement [SCI] regarding 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 an SCI (November 2013) for examination as part of the evidence base. The 2013 SCI is a revised version of the Council's initial SCI (January 2007) and has been prepared in the context of changes in guidance and legislation to ensure that the legal requirements for community involvement are 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 Bericote 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?

- 2.5 The Liverpool City Region [LCR] Spatial Development Strategy [SDS] is currently in the early stages of preparation. A recent consultation ran from 10th November - 1st February 2021 which was focused on the overall vision for the SDS and sought views on policy topic areas and potential suggested policy approaches. This consultation represented the second public engagement on the SDS, following an initial consultation exercise in 2019.
- 2.6 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. The SDS will also not allocate sites or alter Green Belt boundaries. As part of the LCR Statement of Common Ground [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.
- 2.7 Furthermore, as set out in **the Council's response to the Preliminary Matters, Issues and Questions (PO20)**, the Council considers that the proposed SHBLP will align with the SDS, and there have been no indication, as a result of engagement with the SDS process, that this position is likely to change as the SDS preparation continues.
- 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?*
- 2.8 Bericote does not foresee any negative implications arising for the SHBLP from the pause in the preparation of **Warrington Borough Council's [WBC] Local Plan**. WBC is proposing to release Green Belt to meet its own development needs. Therefore, no capacity has been identified to accommodate any of the employment needs arising from adjoining authorities including SHBC. Similarly, WBC have not identified a need for SHBC to accommodate any of their own need relating to employment development¹.
- 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?*
- 2.9 Bericote considers that SHBC have provided sufficient evidence to demonstrate that it has cooperated effectively with neighbouring authorities on strategic employment matters. The Duty to Cooperate [DtC] Statement (SD009) submitted for examination details the steps taken **by SHBC to explore whether any of St Helens' employment land needs can be met elsewhere**.
- 2.10 **Appendix II of the DtC Statement sets out details of the Council's** cooperation undertaken on each strategic matter. This includes Strategic Matter 3 (the amount and type of land needed for employment development in St Helens relative to nearby authorities within and outside the Liverpool City Region). The Council has comprehensively detailed how the co-operation with adjoining authorities has been carried out **and how this has informed the Council's approach**. Cooperation has been carried out through preparation of the following key evidence:
- 1 Liverpool City Region Strategic Housing & Employment Land Market Assessment (SHELMA) 2018.
 - 2 The LCR Spatial Planning Statement of Common Ground 2019 (agreement box 3, page 11).

¹ St Helens Duty to Cooperate Statement (October 2020) (para. 5.4)

- 3 The Warrington Borough Statement of Common Ground 2019 (agreement point 3 and 9 on pages 10 and 14 respectively).
- 4 Warrington Proposed Submission Version Local Plan 2017-2037 (March 2019) (Policy DEV4 – page 48).
- 5 Greater Manchester Spatial Framework (revised draft - **January 2019**) (section on “**A Prosperous Greater Manchester**” – pages 94 to 110).
- 6 Existing and/or emerging Local Plan documents for other neighbouring districts.

2.11 Bericote considers that there is sufficient evidence to demonstrate that St Helens has cooperated effectively with adjoining authorities based on the outcome of the communication, consultations and joint working exercises set out above. SHBC has demonstrated that exceptional circumstances exist to justify the release of Green Belt sites to meet development needs and is therefore unable to accommodate the needs of neighbouring local authorities.

2.12 It has been determined that none of the neighbouring authorities have identified a need for SHBC to accommodate any of their employment development needs, and no spare capacity has been identified in any neighbouring local authority areas to accommodate any of the employment development needs arising in St Helens. 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.**

Q7. 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?

2.13 **The Council’s response to the Preliminary Matters, Issues and Questions (PQ37) states that the** principle of adding further requirement to the baseline demand was due to a recognition that St Helens was likely to have an increased regional role in the Liverpool City Region [LCR], emerging from increasing capacity at the Port of Liverpool and the intended SRFI at Parkside. Given the nature of these emerging assets it was considered that the growth in demand would likely be for large-scale warehousing and for manufacturers attracted to improved logistics assets in the region.

2.14 A report titled Liverpool City Region Areas of Search Assessment (August 2019) (SUB003) was commissioned by the Liverpool City Region Combined Authority, on behalf of St Helens and the 5 other constituent authorities of Halton, Knowsley, Liverpool, Sefton and Wirral Councils (and Associate Member of the Combined Authority West Lancashire Council). The report was commissioned to undertake a series of site assessments in respect of potential future strategic distribution and warehousing requirements. The Report represented a Stage 2 study to update and build on the work previously undertaken in the Stage 1 Study (LCR SHELMA Large Scale B8 Site Supply Assessment, June 2018 – SUB002).

2.15 The Stage 2 report (SUB003) provided an update to the current supply position within the LCR, and assessed this against the demand scenarios considered in the 2018 SHELMA. As identified in Table 6 (Strategic B8 Supply / Demand Balance) of the Stage 2 report, when comparing the **level of supply with the ‘Do Something’ scenario, a residual** employment land requirement of 89.97ha was presented across the City Region.

2.16 **Bericote assume that the findings have been accounted for in the Council’s decision making** process, though it is not made explicitly clear by SHBC whether the findings of this report have influenced St Helens decision to pursue an uplift in the employment requirement. It is therefore

up to the Council to provide clear evidence that this collaboration between St Helens and other strategic policy-making authorities has supported the decision to pursue an uplift.

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?

- 2.17 A Sustainability Appraisal [SA] has been submitted in support of the SHBLP (SD005). The SA has been prepared 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. Bericote 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.
- 2.18 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.
- 2.19 **The SA includes an appraisal of the reasonable 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 topic areas contained within the report. Bericote considers that this is an appropriate approach to the methodology of the SA and so the environmental, social and economic effects of the SHLP have been adequately assessed.
- Q13: Does the SA meet statutory and legal requirements in relation to the assessment of reasonable alternatives?*
- 2.20 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.
- 2.21 The SA submitted for examination includes an appraisal of alternative options for the spatial strategy, site options and policies. As such, Bericote 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?*
- 2.22 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.
- 2.23 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.

- 2.24 Bericote considers **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 employment as a minimum.**
- 2.25 The retention of the 36.67ha Site 2EA is therefore essential, given that it has been assessed in its entirety as delivering employment development for the Plan period. This is addressed in further detail below.
- Q16. Has the SA informed the site selection process?*
- 2.26 It is clear that the SA has informed the site selection process. Tables 6.1 and 6.2 summaries the site appraisal findings and illustrates the scores of each site against the Site Appraisal Framework criteria (see Q17 below).
- 2.27 Site 2EA was assessed as part of the SA against the framework Criteria and was subsequently **identified within the Council’s preferred approach to site selection** (Figure 6.1 – Site 2EA identified as an Employment Allocation (to be removed from the Green Belt)).
- 2.28 The Councils **response to Inspector’s Preliminary Questions** (SHBC001) and the **Council’s Employment Land Need and Supply [ELNS] Background Paper** (SD022) state that Site 2EA has been fully completed and occupied. This is incorrect. Whilst Units 1 and 2 have been built out **and occupied by Amazon and Kellogg’s respectively, there remains a** residual 2.26ha parcel of land that is available for development. It is Bericote’s intention to bring forward additional non-strategic employment floorspace here, in order to fully maximise the development potential of this sustainable site. The majority of the development is built and occupied and it would therefore be illogical to not allocate the site within the SHBLP.
- 2.29 Delivery of the remaining land within Site 2EA for a non-strategic warehouse unit would make an important contribution to meeting the level of demand currently experienced in the Borough employment development. The fact that planning permission has been granted and implemented for Units 1 and 2 should not mean that the site is removed as an allocation. The entire Florida Farm site has been assessed in the SA and there is remaining land to come forward for employment development.
- 2.30 The SA demonstrates why the proposals in the plan are the most appropriate. As set out in the **SA site selection and the Council’s preferred approach, Site 2EA is a highly sustainable site, and** it is therefore only logical to retain Site 2EA as an allocation. Moreover, the environmental effects of a development totalling of up to 135,000 sq. m. of employment floorspace has already been considered through the Environmental Impact Assessment undertaken as part of the hybrid planning application in 2016 and only 82,748 sq. m of B2/B8 floorspace was delivered as part of the reserved matters approvals.
- 2.31 There are also sustainability benefits to maximising the development potential of the site, not only in terms of making the most efficient use of land, but also the significant socio-economic benefits that would result from additional employment development in this location.

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

- 2.1 **Appendix II of the SA sets out the ‘Site Appraisal Framework’ which has been completed for each site which were considered suitable for development through the Council’s monitoring of its employment land supply. Green Belt Sites were assessed if they made it through Stage 2b of the Green Belt Review. Several sites found to be unsuitable 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.**
- 2.2 The Site Appraisal Framework sets out the criteria for which each site has been assessed against the 20 SA objectives. Bericote consider this approach to be effective in assessing the merits and constraints of all the sites which presented reasonable alternatives, and reiterate that Site 2EA was assessed as being a more sustainable site than other alternatives assessed as part of the SA. It is therefore imperative that it is retained as an allocation.