

**St Helens Borough Local Plan Examination**  
Matter 1 Hearing Statement of  
Peel L&P (Participation ID RO1959)

May 2021

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# 1. Issue 2: the Duty to Cooperate

**Q2: Based on the 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?**

- 1.1 Yes. The SDS is at a very early stage in its development. However, the consultation undertaken in 2021 sets a clear direction of travel as to its priorities and ambitions centred on a number of themes. This includes a desire for the City Region's economy to 'punch its weight' on the national and international stage and to build an economy which creates wealth and opportunity for its residents<sup>1</sup>. Other strategic objectives focus on addressing the threat of climate change, creating a healthy population, creating a fair and inclusive society and creating attractive neighbourhoods. These ambitions will inform the tone and content of the rest of the SDS as it is developed.
- 1.2 When one compares these to the priorities of the LP (captured within the seven Strategic Aims,<sup>2</sup>) it is evident that there is a high degree of commonality across the plans insofar as they are developed to date. This strategic alignment ensures the plans will be complementary as these areas of strategic priority form the basis for the detailed content of each. They are following the same path in terms of their ambition and areas of priority.
- 1.3 The SDS and the LP overlap only in relation to areas of strategic focus where, as noted above, they are complementary. The SDS will not allocate land for development, nor will it release land from the Green Belt. Accordingly there is no risk of tension arising from the LP progressing ahead of the SDS or of the LP constraining the SDS by predetermining something which the SDS may need to address.
- 1.4 Further, the authorities collectively developing the SDS have full transparency of the St Helens LP. There is an open dialogue across the authorities to ensure that all respective LPs in the City Region progress in a manner which avoids tension with the SDS. This is reflected in the content of the Liverpool City Region Statement of Common Ground<sup>3</sup>. The ST Helens LP has also been informed by the evidence base for the SDS, including the Liverpool City Region Strategic Housing and Employment Land Market Assessment (SHELMA)<sup>4</sup> to further ensure it is guided and informed by the SDS insofar as it is able (see also response to Q7 and Matter 2 statement).
- 1.5 It is vital that St Helens is able to progress its LP in the short term, and ahead of the SDS based on its current proposed timetable. St Helens has pressing development needs, not least in respect of logistics development, with the existing policy framework provided by the Core Strategy (adopted in 2012) being out-of-date and woefully equipped to deliver development to meet this need. This is reflected in the submission of a number of speculative applications for logistics development on land in the Green

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<sup>1</sup> <https://www.liverpoolcityregion-ca.gov.uk/lcr-our-places/>

<sup>2</sup> SDLP page 13 and 14

<sup>3</sup> Examination Document SD010

<sup>4</sup> Examination Documents SUB001 to SUB004

Belt over the last four years. There is a pressing need for this and more development of this type (see Matter 2 statement).

- 1.6 This development need should be forward planned through an up to date LP to ensure the Borough can meet its development requirements in a managed and sustainable way. It requires a progressive LP to be put in place in the short term. Given the very early stage which the SDS has reached, delaying the LP to allow this to catch up is not a viable option.

**Q5: Is there sufficient evidence to demonstrate that the Council has cooperated effectively with adjoining authorities in exploring whether St Helens housing and employment needs can be met elsewhere or that St Helens does not need to meet the development needs of adjoining authorities?**

- 1.7 Yes. This is explained in the Duty to Cooperate Statement<sup>5</sup>. It should also be noted that all of the Boroughs surrounding St Helens are constrained by Green Belt and faced with significant development pressures to the extent that Green Belt land is likely to be needed in order that their own defined development needs are met (see emerging plans in Wigan, Warrington for example). In the circumstances, there is no credible case for St Helens development needs being met outside of the Borough where this would only serve to increase the release of Green Belt land elsewhere.

- 1.8 Further, the Borough has a significant need for strategic scale logistics development (see Matter 2). This type of development can only be met on sites which possess certain attributes, including being at least 5 ha in size, very close to motorway junctions, open and flat. The locational parameter particularly limits the strategic locations in which this development need can be accommodated. St Helens possess the sites required to meet this need given the motorway connections it benefits from in the eastern part of the Borough. Whilst Wigan and Warrington do benefit from access to junctions on the M6, these Boroughs are already proposing significant areas of Green Belt release in locations suitable for logistics, and indeed St Helens is proposing to accommodate a proportion of Warrington's needs at Site 1EA such is the constraints faced by that Borough.

- 1.9 In the circumstances there is no viable prospect of St Helen's development needs being met outside of the Borough.

**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?**

- 1.10 Yes. The LCR authorities have collaborated in the preparation of housing and employment need and supply evidence across the City Region, recognising shared functional economic and housing market geographies<sup>6</sup>.

- 1.11 As the Council has recognised, this evidence has demonstrated a substantial unmet need for appropriate land to accommodate a growing demand for large-scale

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<sup>5</sup> Examination Document SD009

<sup>6</sup> The Council confirms on page 24 of its DTC Statement (SD009) (October 2020), in the context of the LCR and West Lancashire constituting a Functional Economic Market Area (FEMA), that it '*has had to work collaboratively to ensure that future needs for employment development are met.*'

warehousing from the logistics sector. Peel's response to Matter 2 provides further detail, but in summary the latest sub-regional evidence in the form of the SHELMA and subsequent addendum reports concludes that there is a need to identify 512ha of such land to meet needs to 2043<sup>7</sup>. An assessment of current and emerging land, allowing for the SFRI at Parkside and other proposed allocations in the emerging LP, confirms that there remains a shortfall of circa 90ha across the City Region<sup>8</sup>.

- 1.12 Given the strength of the market demand for large scale warehousing and its recognised growth potential, not least following the Port of Liverpool's designation as a Freeport, the Council's acceptance of the need to contribute towards meeting the sub-regional need is vital and constitutes positive planning. The inclusion of an uplift is all the more important in this Plan given the Council's acknowledgement of St Helens' key role in meeting this need, based on its location. As we observe in our Matter 2 statement, however, we believe that the Council's evidence does not adequately recognise the full scale of the existing shortfall, and in doing so proposes a contribution that is disproportionately small.
- 1.13 The need for St Helens to take a more positive approach within this Plan is enhanced when recognising that there is no plan-led approach to swiftly addressing the City Region's shortfall in the current generation of adopted and emerging Local Plans<sup>9</sup>.

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<sup>7</sup> Table 68, page 166 of the Liverpool City Region Strategic Housing & Employment Land Market Assessment (SHELMA) (SUB001) (March 2018) GL Hearn

<sup>8</sup> Table 6, page 11 of the Liverpool City Region Areas of Search Assessment (SUB003) (August 2019) GL Hearn

<sup>9</sup> Under 'Strategic Matter 3' in the Council's DTC statement (SD009) (October 2020), which deals with the amount and type of land needed for employment development, there is no suggestion that the shortfall in land across the LCR is being planned for by other authorities. Instead, it suggests that the LCR authorities have agreed to work collaboratively to identify the minimum proportions of need for strategic B8 uses to be accommodated in each. This commitment is set out in the Liverpool City Region Spatial Planning Statement of Common Ground (SD010) (October 2019). It is understood that at this time no such apportionment has been agreed or confirmed.

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

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

2.1 No. The SA is required to assess reasonable alternatives as part the process of appraising the environmental impacts of the Local Plan. It must assess these on a fair and accurate basis as part of a comparative process, informed by up to date evidence.

#### ***Employment growth options assessed***

2.2 In respect of employment growth, the SA defines and tests three options. These include Alternative 3, which is defined as the level of growth proposed through the Preferred Options Local Plan. The practical difference between Alternative 3 and the selected growth option (Alternative 2) is that land at Haydock Point (Site 2ES) would be allocated for development during the plan period rather than safeguarded to meet needs beyond. This is acknowledged in the SA which assesses Alternative 3, and benchmarks this against Alternative 2, on the basis of this site's development as the single point of difference between 2 and 3.

2.3 This comparative appraisal is presented in Appendix IV of the SA. It contains a number of now erroneous conclusions regarding the impact of additional development in Haydock which would arise from the allocation of Site 2ES for development during the plan period. This includes in relation to traffic, congestion and air quality. In appraising Alternative 3, the SA concludes:

*'For alternatives 2 and 3, in addition to the effects identified for alternative 1, there would be more prominent effects upon motorway junctions at the M62 (junction 8) and M6 (junction 23). Although impacts on air quality would not be expected to be significant, there could be a general worsening and traffic and congestion would be likely to worsen too (at least in the short to medium term). Consequently, a potential significant negative effect is predicated for alternative 2. **The effects for alternative 3 could potentially be a major significant negative effect in the short term due to the additional pressures at junction 23 compared to alternative 2.**'<sup>10</sup>*

2.4 The final sentence is the singular reason for alternative 3 being given a 'major significant negative effect' score, compared to the 'significant negative effect' score given to alternative 2 in relation to this matter. In light of what is now known about the positive effects on the release of land at Haydock Point for development during the plan period on congestion and the operation of junction 23, the above conclusion is

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<sup>10</sup> Examination Document SD005 Appendix IV page 171

untenable<sup>11</sup>. On a comparative basis, alternative 3 performs better than alternative 2 in respect of this matter, which should be reflected in the score allocated.

- 2.5 This discrepancy arises due to the age of the SA (dated January 2019) and the material changes in circumstances relating to the Haydock Point proposal (at Site 2ES) since this date. This is summarised in Peel's Matter 3 statement. The Council has not sought to update the SA in relation to this matter despite this change in circumstances.
- 2.6 On account of this, the SA is out-of-date. This means that it has not considered reasonable alternatives on an accurate basis, in this specific instance in not being informed by up to date evidence about the impacts of one of the employment growth options. It does not meet the statutory and legal requirements as a result.

#### ***Assessment of sites owned by Peel***

- 2.7 Further, and notwithstanding the above, a number of conclusions drawn within the SA regarding the scoring of Peel's land at Haydock Green (corresponding with Green Belt Site 053\_A and site ID 49 in the SA), Haydock Point North (Site 2ES in the SDLP) and Haydock Point South (part of site 33(E4) in the SA) are also erroneous, having not had proper regard to the prevailing evidence submitted to the Local Plan by Peel. This is explained in detail at paragraphs 5.5 to 5.21 (Haydock Point South), Appendix 6 (in respect of Haydock Green) and paragraphs 3.60 to 3.68 (Haydock Point North) of Paper 1 of Peel's Regulation 19 submission<sup>12</sup>. Further detail is to be provided in Peel's Matter 4 statement in relation to Question 30 of session 5. These further deficiencies in the SA also mean that it has not met the statutory and legal requirements in relation to the assessment of reasonable alternatives.

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

- 2.8 The SA outcomes feed into the Green Belt Review (GBR) (Stage 2) through which sites are selected for release from the Green Belt based on their relative merits and sustainability according to the criteria provided. However, this only applies to some sites (namely those that progress to Stage 2). The SA, as a key piece of evidence, does not inform the Council's decision in relation to a number of sites.
- 2.9 Peel's Matter 3 Statement highlights a number of deficiencies in the approach to site selection through the methodology adopted in the GBR. Specifically this fails to present a full and fair assessment of candidate sites as it prematurely discounts a number before subjecting them to a full appraisal of their merits as allocations on the grounds of their claimed Green Belt contribution being above a given threshold. Such sites are discounted at Stage 1 of the Green Belt assessment process.
- 2.10 By comparison, as the SA is not concerned with Green Belt harm, all sites (proposed allocations and reasonable alternatives), including those prematurely discounted at Stage 1 of the GBR process, are subject to full assessment in the SA. This approach is appropriate and is necessary to ensure the overall sustainability of individual sites can

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<sup>11</sup> See Matter 3 statement, including extracts of Statements of Common Ground to the Haydock Point Inquiry provided at Appendix 1 to Matter 3 which illustrate that the above statement in the SA is not reflective of the Council's up to date position based on evidence made available since the SA was produced

<sup>12</sup> Examination Document SD008.23

be presented in a transparent manner and on a comparative basis through the SA. Green Belt harm is but one consideration in that process.

- 2.11 However, the SA only ultimately informs the process of site selection in respect of those sites which advance to Stage 2 of the GBR. It is apparent that the assessment in the SA has not been taken into account in, and so had no influence on, the decision not to allocate sites which do not advance to Stage 2 of the Green Belt Review on account of their claimed Green Belt sensitivity. This means the evidence base underpinning the selection of sites is incomplete, on account of part of it being seemingly ignored in the process of appraising the merits of sites. The sites selected for allocation cannot be said to be justified on the basis of a proportionate evidence base therefore. The SA is a critical part of this evidence base and so this deficiency renders the LP unsound.

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

- 2.12 Peel does not have any comments on the clarity of the methodology adopted in assessing the merits and constraints of individual sites. However, Peel is of the opinion that there a number of deficiencies in that methodology. This includes that the appraisal process has not had any regard to parts of the Council's own evidence base around transport infrastructure needs which should inform the definition of appraisal criteria.

***Benefits of facilitating improvements to M6 Junction 23***

- 2.13 Peel's Matter 3 statement provides an overview of the Council's evidence base in relation to future improvements to Junction 23 of the M6 motorway, as a strategic priority of the Local Plan. That evidence base includes the Junction 23 Haydock Island Capacity Feasibility Study (2019)<sup>13</sup> which considers the need and options for critical future upgrades to the junction needed over the plan period.
- 2.14 As explained in the Matter 3 statement, the development of sites at Haydock Green (Green Belt site 053\_A) and Haydock Point (Safeguarded Site 2ES) can deliver vital first phases of the proposed improvement to Junction 23 (an aspiration of the LP as expressed through Policy LPA07) at no cost to the public sector whilst reducing congestion and improving the operation of the junction in the baseline. This is achieved through the diversion of the northern and south arms of the A49 through these sites and thus taking these out of the junction. This is a critical first step to achieving a future upgrade to the junction. The ability to deliver such an upgrade, and to therefore achieve an objective of the SDLP, 'hinges' on these diversions as noted by the Junction 23 Study<sup>14</sup>. There is no viable means of achieving this other than via the development of the aforementioned sites (see Peel's Matter 3 statement).
- 2.15 The SA's site appraisal criteria is not sophisticated enough to enable these unique merits of these sites to be given weight in the assessment process, notwithstanding that they represent clear and obvious benefits of these sites over others when considered on a comparative basis and in the context of the LP's objectives. To not identify these benefits in the appraisal of the subject sites and consider these are part of the exercise of comparing the relative merits of sites, represents a significant flaw in

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<sup>13</sup> Examination Document TRA007

<sup>14</sup> Examination Document TRA007 (Page 42)



the process of selecting sites for allocation. The SA, and more broadly the process of site selection, is deficient as a result. To the extent that the LP is underpinned by this process, it cannot be said to be justified by a proportionate evidence base. It is unsound as a result.

#### Providing sustainable access to employment

- 2.16 The SA's assessment of individual sites includes a consideration of proximity to employment opportunities in the context of a sustainability objective to 'Ensure local residents have access to employment opportunities' (Sustainability Objective 14). This objective flows into the Local Plan through the Spatial Strategy which establishes sustainable connections to employment areas as a key focus of the Local Plan.
- 2.17 The SA takes a narrow approach to the assessment of sites against this criteria. Sites are assessed in a binary way based on where they are located in relation to any existing employment site in the Borough. What this approach does not reflect is the size and significance of the employment areas in question. A proper application of this criteria would require sites located close to a large employment area, such as Haydock Industrial Estate, achieving a better score than a site located the same distance to a smaller employment area, such as Rainford Industrial Estate. This approach would reflect the relative scale of employment opportunities in each employment area, which would have a direct influence on the ability of residents living locally to make sustainable transport choices as the ultimate measure of a site's sustainability in respect of Sustainability Objective 14.
- 2.18 This criteria should be applied on a more qualitative basis as indicated. The approach applied means that the assessment process is not able to properly identify the relative sustainability of housing sites against this criteria. This procedural deficiency in the SA results in a distribution of housing sites which is not aligned with the intended spatial strategy of the Local Plan. This is considered further in Peel's Matter 3 statement.

**Q18: How has this assessment informed decisions to allocate, safeguard or omit sites?**

2.19 See response to Q16.

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