St Helens Borough Local Plan – Hearing Submission

Mr Steve Muskett
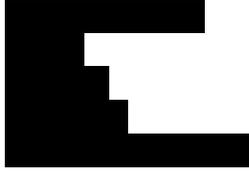
Further to my original submission from 11th March 2019, I would like to add the following comments, observations and objections given the various updates and the responses from the Council to numerous PI questions.

<u>**Matter 3 – Issue 1**</u>
In my initial submission at Section 10, I pointed out that 8HS is 98% best and most versatile land and also that the "appendix-5-sa-scoping-report.pdf" document prepared by LUC states in Para-4.28 that the Local Plan should avoid development on the best and most versatile agricultural land.

In the Final Comments (Section 5) of my submission, I also touched on the subject of Contaminated Land and have carried out further research on that, which I believe connects well with the lack of proving exceptional circumstances for releasing Green Belt Land.

<u>Reference: insp005-response-document.pdf</u>

Question 22. Which is correct and would this affect the SA's assessment of the site?
Answer: *The reference to ALC in Appendix H of the Green Belt Review (2018) (SD020) should also be noted here. It states that "the vast majority of Green Belt land within the Borough is identified as "best and most versatile", consequently, if the Council took the decision to discount all the land within the "best and most versatile", it would not be able to meet its housing and employment needs for the proposed plan period and beyond." It is therefore fair and reasonable to conclude that had the SA identified the presence of grade 2 and 3a on the site, this would not have changed the outcome with regard to the allocation of the site.*

I have no reason to doubt that the vast majority of Green Belt land is classified as the best and most versatile, but have no access to data in order to verify that.

What isn't mentioned by the Council is the fact that there hundreds of hectares of contaminated land within the Borough, a perhaps not surprising figure given the industrial heritage of the area.

What is surprising though, is the Council do not appear to have a strategy to remediate and reclaim that land, instead opting for the easier to route of trying to demonstrate exceptional circumstances in order to use prime Green Belt land.

Let me clarify what I mean by not having a strategy. The Council has a document titled "CONTAMINATED LAND INSPECTION STRATEGY" issued in January 2017, but that is all it appears to be, a document.

It is not a process or mechanism, certainly not one that works, functions and delivers.

There is very clear evidence and data which would back up that statement that it is not a strategy that actually works. St Helens Council have confirmed to me that, since that strategy document was issued in January 2017 to now in 2021, not a single additional site in the Borough has been determined as contaminated nor categorised as not meeting the definition of contaminated land.

In over 4 years, not one further site has been has been processed.

The Council Environmental Health department also stated to me in regard that strategy document, *"The ultimate objective is not about bringing derelict land back into use but assessing land in the context of its current use and ensuring that any unacceptable risks to human health and the environment are identified and removed."*

Having pointed out to them that the Contaminated Land Strategy Review 2017 states the following: *"Part 2A of the Environmental Protection Act 1990, inserted by Section 57 of the Environment Act 1995, and introduced a new regime for the identification and remediation of contaminated land."*

They subsequently changed their statement to me that the regime is to identify land and remediate it; what they'd said previously wasn't what they meant to say?

The strategy document goes on to state the Council's aims, one of which is:
"to assist regeneration, improvement of the environment and protection of the Green Belt through effective links with wider Council and regional policies"

Given I have received mixed messages from Council officers about what the strategy is intended to do, and the fact that no other land has been determined or remediated in over 4 years, how is this aim being achieved?

How is it measured or any Key Performance Indicators (KPIs) being monitored in relation to how the Council performs against its aims and targets?

With not a single further piece of contaminated land identified or confirmed not contaminated, how are they possibly achieving the objective to protect the Green Belt?

Since my discussions with officers, the council website has now been updated. Prior to the update, the website contained a FAQ section which has subsequently been taken down. Amongst other questions, it listed the following:
The Contaminated Land FAQ's on the Council website also details the following:
   1. **What is the purpose of the new Contaminated Land regime?**
   The regulatory regime set out in Part IIA is based on the following activities: *(amongst others)*
   - implementation of remediation
   15. What is the economic impact of this regime?
   - The regime is intended to facilitate the release of contaminated land into productive use
   20. How will the public know what sites are determined to be contaminated land?
   The local authority will hold records, including a public register. This will contain details of all sites determined to be contaminated land, and the remediation carried out. In addition, the Agency will hold its own register containing information about Special Sites. This information will also be held by the local authority on its register.

Again, this cannot be a strategy that is deemed to be working when the answer to question 1 is the "implementation of remediation" and in 4 years, not a single parcel of land has been remediated.

Since the document was created in 2017, the Council cannot advise any further land that has been brought into productive use.
Further to that, the Council are unable to provide any records of land by way of a FOI request. They have no documented list of sites, only 3 on the public register which have been determined.

So whilst it might well be the case that *"the vast majority of Green Belt land within the Borough is identified as best and most versatile"*, that doesn't provide a full picture.

By releasing vast swathes of land from the Green Belt, those thousands of sites and hundreds of hectares of contaminated land or potentially contaminated land, seem destined to remain as such.

The incentive to recover that land is lost because there are easier options available on previously Green Belt sites.

That surely fails one of the 5 purposes of Green Belt, to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

Given the Contaminated Land Strategy has not delivered anything in over 4 years, you have to conclude it is a strategy that doesn't currently work and will be destined to fail even further (if possible), if all of this land is released from Green Belt for immediate allocation and Safeguarded for future use.

In effect, St Helens Council are admitting and confirming they have no real strategy on remediating derelict and contaminated land.

Taking that further, by safeguarding land for use in 15 years times, they are also suggesting they plan to do nothing to improve the situation over the next 15 year period.

With previous Green Belt land sat ready to go for development in 15 years, there is absolutely no incentive to step up to the challenge to remediate current derelict sites.

This then becomes a self-perpetuating problem since developers will be lobbying the Council to allocate safeguarded land during any early plan reviews, meaning that the next Local Plan submission for 2035 will then need to release further Green Belt.

Matter 3 – Issue 2 – Q4
During the initial consultation, the Council failed to provide a significant part of the Green Belt Review, namely the Stage 2B proformas.

Having now seen these, nothing dissuades me from my previous assertion that parcels of land have been pre-selected for allocation or safeguarding, and the determination of such has been reverse engineered in order to give the appearance of a logical and forward approach.

One thing that is consistent throughout the various reviews, is the ability of the Council or consultants to logically and methodically use characteristics and features to negatively grade one parcel of land to the point of being discarded, whilst ignoring those same characteristics and features for another parcel, which result in it being safeguarded.

Just by way of one example, numerous parcels of land are detailed as having potential air quality and noise pollution issues due to their proximity to an A-Road.

None of those A-Roads are as busy as the A580, next to which 8HS predominantly sits.
The Stage 2B proforma for 8HS simply states for Air, Water and Noise Pollution, *"no identified issues"*.

How can that possibly be the case when it sits on a major artery through the Borough and other sites have been discarded, part of those decisions being potential pollution issues on less busy roads?

Again, evidence of pre-selection and the justification documented in reverse to suit that pre-determination.

Matter 3 – Issue 2 – Q5
As part of the Council marketing campaign to residents upon submission of the plan, a video and glossy presentation highlighted that 5234 dwellings would be delivered on Brownfield sites.

When an itemised list of these 5234 was requested, the Council stated that no such list existed.

The figure of 5234 is simply derived from the 7290 required minus the 2056 that Green Belt land will supply.

This again demonstrates they have worked backwards, starting with the total needed and taking away Green Belt supply in an attempt to present a Brownfield First policy, when no such policy exists.

No such policy can possibly exist when the above calculation is carried out and then in conjunction with no potential contaminated land sites being determined since 2017; it is a pure myth.

Matter 3 – Issue 6 – Q15
The Councils approach cannot possibly be deemed robust.

Given that factors are logically used to discard a parcel of land, but then those same factors ignored for another parcel which becomes allocated or safeguarded, it simply cannot be determined to be robust.

It seem obvious that different people have scored different parcels and not been provided with a robust measurement system or criteria in order to score those parcels.

What this leads you to believe and is rather evident, is that the range of factors almost become irrelevant and are there purely to give the illusion of a robust process.

The sites that have made it through the process to be allocated or safeguarded are all likely to be sites that were pre-selected and determined as the sites of choice ahead of time.

What are the chances of operating a process, as the PI questions, with the huge range of factors considered, and that culminating in finding sites essentially in the 4 corners of the Borough?

That is quite simply too much of a coincidence to be random.