

**Barton Willmore on behalf of Jones Homes (North West) Ltd (Representor ID  
RO1955)**

**St. Helens Local Plan Examination**

**Matter 3: Spatial Strategy and Strategic Policies**

**Issue 1: Previously developed land and housing densities**

**Policy LPA02 refers to the re-use of previously developed land in key settlements being a key priority. Section 11 of the Framework refers to making effective use of land.**

***Q1 Is there any inconsistency between LPA02 and the Framework in relation to its approach to brownfield land?***

1. In respect of brownfield land, Policy LPA02 states that the re-use of previously developed land in Key Settlements will be a priority, and that a substantial amount of housing will be delivered on such sites throughout the Plan period. The Policy then sets out that the delivery of development on brownfield sites will be encouraged by setting lower thresholds for developer contributions to reflect higher build costs and lower sales values typically associated with such sites.
2. Section 11 of the Framework encourages the redevelopment of suitable brownfield land within settlements for homes. However, it does not advocate a sequential approach to the development of land that sees previously developed land prioritised over greenfield land; such an approach would not, therefore, be consistent with the Framework. We do not consider that Policy LPA02 (3) can be interpreted as prioritising previously developed land over greenfield land, but instead is rightly encouraging the use of previously development land in the most sustainable locations, such as the Key Settlements. Our Client welcomes the emphasis in the Spatial Strategy to Key Settlements being the focus of growth in the Borough throughout the Plan period and beyond.

**Section 3 of Policy LPA05 sets out the densities that housing development should aim to achieve depending on where the site is located. In response to preliminary questions the Council has suggested a MM to the policy (SHBC001 – PQ44).**

***Q2 Would Section 3 of Policy LPA05 ensure that optimal use is made of sites as set out in paragraph 123 of the Framework?***

3. As written, part 3 of Policy LPA05 states that new development should optimise the amount of housing developed on a site, and prescribes a series of minimum targets a) 40dph on sites

adjacent to St Helens or Earlestown Town Centres, b) 30dph on sites that are within or adjacent to a district or local centre or in other locations that are well served by frequent bus or train services; and c) at least 30 dph on other sites that are within an existing urban area). The policy goes on to state that lower densities will only be considered where it is required to deliver a clear planning objective.

4. In response to the Inspector's preliminary questions, the Council has suggested merging points b) and c) above meaning that all urban sites will be expected to achieve a minimum of 30dph unless within or adjacent to either St Helens or Earlestown Town Centres, where minimum densities of 40dph will be required.
5. Whilst our Client considers that the amended policy (as set out in PQ44) has the intention of achieving the efficient use of sites as per paragraph 123 of the Framework, and welcomes the degree of flexibility afforded by the policy with regard to lower densities, they are of the view that the Plan should avoid imposing specific requirements for residential sites at a borough-wide level, because this may prevent otherwise sustainable sites from being delivered, or could potentially lead to the inappropriate development of sites in order to reach fixed targets. Our Client considers that the density of housing should be site specific, having regard to the character, constraints and opportunities of each site and its surroundings, in addition to identified local housing needs.
6. Our Client would therefore request that part 3 of Policy LPA05 be amended, to remove specific targets and provide a more general wording, to the effect that development proposals will demonstrate that the density of the development has optimised the land available. This would allow the policy to be more closely aligned with the Framework with regard to proposed densities, which, at paragraph 123, intends such density controls to be associated with situations where there is an existing or anticipated shortage of land for meeting identified housing needs.

## **Issue 2: Green Belt and Exceptional Circumstances**

**The Framework requires that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified. The Council, in seeking to meet its housing and employment needs, suggest that sites on the edge of settlements which are currently Green Belt, are required. In proposing such release, the Council suggests that there are insufficient sites within built-up areas.**

***Q3 Does the presence of Green Belt provide a reason for restricting the overall scale of development proposed by the Plan (paragraph 11. b) i of the Framework)?***

***Q4 Have, in principle, exceptional circumstances been demonstrated for the alteration of Green Belt boundaries?***

7. It is noted that point b)i. of paragraph 11 of the Framework provides that strategic policies should, as a minimum, provide for objectively assessed needs and the unmet needs of neighbouring authorities unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area. Footnote 6 confirms that the Green Belt policies of the Framework are relevant to this consideration.
8. It is also noted, however, that paragraph 136 of the Framework provides that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation and updating of Plans.
9. Therefore, the new Local Plan provides for an opportunity to assess the performance of the Green Belt, and review its boundaries in the context of the requirement for new housing and employment land. Notwithstanding our Client's position on the Borough's housing requirement (discussed in other Statements) it is clear that the Council will not be able to meet all of its development needs on brownfield sites and in existing settlements alone, and that exceptional circumstances exist to warrant a review of the Green Belt, particularly in the context of the Council's Vision and growth ambitions.
10. The Council's Green Belt Review (SD020 and SD021) demonstrates that there are land parcels currently in the Green Belt that do not necessarily serve Green Belt purposes. St Helens cannot meet its growth ambitions without releasing Green Belt land in sustainable locations over the emerging Plan period, and indeed beyond the Plan period. The extent of Green Belt in the Borough means that slavish protection of its boundaries, for no other reason than its current designation, would stifle the Borough's growth for the foreseeable future. This would be extremely harmful to the Council's regeneration and economic growth agenda. The preparation of a new Local Plan provides the Council with an opportunity to review and strengthen its Green Belt boundaries, whilst also securing its current and future development needs.
11. Furthermore, our Client also notes the provisions of paragraph 137 of the Framework and the exceptional circumstances that are required in order to justify changes to the Green Belt. Building on earlier comments within Matter 2 regarding the proposed housing requirement, it is clear that economic growth in the Borough will be stifled if alterations are not made to Green Belt boundaries. The Council readily accepts that Green Belt land is required in order to deliver the growth and economic prosperity outlined within its Vision; therefore, a failure

to do so would run directly against this Vision, meaning that the Plan would not be positively prepared or effective.

12. It is also important to note that neighbouring authorities are similarly constrained by Green Belt, meaning that it will likely be challenging to accommodate St. Helens' unmet need if Green Belt boundaries were to be retained as they are. The implications of this would be very harmful to aspirations for economic growth, not only for St Helens but also the wider Liverpool City Region, and for providing sufficient levels of market and affordable housing.
13. As highlighted above, the Council's Green Belt Review demonstrates that there is an extensive area of existing Green Belt land that is of reduced significance when assessed against Green Belt purposes and such land would better serve the Borough by being developed and meeting the needs of its residents (as per paragraph 139 of the Framework).
14. Should the housing requirement increase further (noting our Client's position regarding the housing requirement set out in their response to Matter 2) it is considered necessary that additional sites, including areas of Green Belt, will need to be allocated for development over the Plan period, or safeguarded for future development beyond the Plan period. This point is discussed further in subsequent Matter Statements.
15. In summary, our Client does not consider that the presence of Green Belt provides justification for restricting the scale of growth proposed by the Plan, and that there are clear exceptional circumstances that justify the alteration of Green Belt boundaries in St Helens.

***Q5 On the assumption that the housing and employment requirements are justified, has the quantum of Green Belt release been supported by proportionate evidence? For example, has effective use of sites in the built-up areas and brownfield land been fully explored, including optimising the use of such land?***

16. The Local Plan evidence base clearly demonstrates that there is insufficient land available outwith the Green Belt to meet housing and employment needs throughout the Plan period and beyond. In fact, we are of the opinion that the Council has been optimistic in respect of expected housing delivery from non-Green Belt sources of supply over the Plan period (dealt with in our Clients Matter 5 Hearing Statement).
17. Our Client would however reiterate their comments in respect of Q4 above, and note that the Plan should allocate (and safeguard) sufficient land to provide a reliable and flexible supply of housing and employment opportunities to enable it to respond to the evolving LCR SDS and its associated housing and economic evidence base, and in the event that allocated

sites do not come forward at the rate envisaged. Such flexibility would allow the Council to maintain an adequate housing and supply, in line with the provisions of the Framework, throughout the Plan period and beyond, in respect of Safeguarded Land.

18. Our Client's Matter 5 Hearing Statement provides an analysis of a number of proposed Urban Capacity Sites and allocations detailed within the Plan and its evidence base. This highlights a number of issues with some of the proposed sites which has the potential to impede their future delivery, meaning that the Council may fall short of meeting its housing requirement. It is therefore likely that additional sites are required, potentially requiring further review of Green Belt boundaries or of the status of Safeguarded sites.

***Q6 On a Boroughwide level is the methodology for Green Belt assessment robust and reasonably consistent with that used by adjoining authorities?***

19. The methodology that the Council has adopted for the Green Belt Assessment is broadly robust and reasonable. However, our Client does not agree with the outcome of the Council's application of the methodology in a site-specific basis in respect of our Client's land interests at site 4HS (S Land East of Newlands Grange (former Vulcan works) and West of West Coast mainline, Newton-le-Willows), which is dealt with in more detail in our Client's Matter 4 Hearing Statement.

**Issue 3: The principle of safeguarded land being identified to meet longer-term development needs.**

**The Plan proposes removal of land from the Green Belt to provide safeguarded land to meet longer term housing and employment needs (paragraph 139 of the Framework refers). In response to preliminary questions the Council has sought to explain how the quantum of safeguarded land has been determined (SHBC – PQ45).**

***Q7 Are the proposals to identify safeguarded land between the urban area and the Green Belt justified to meet longer-term development needs?***

20. Yes; as per our Client's response to Q4 and Q5 above. The identification of Safeguard Land for future development is justified and fully supported by our Client. Given the extent of Green Belt land in St Helens, it is clear that development needs beyond the Plan period could not be met without the identification of Safeguarded Land.
21. The Framework dictates that a review of the Green Belt boundaries can only be undertaken in exceptional circumstances, through the review or preparation of a new Local Plan. As has been explained above, our Client considers that such exceptional circumstances exist and so

it is prudent for the Council to use these circumstances as an opportunity to secure the land it needs for development both now and in the future, to avoid the need for a further review of the Green Belt on the next Local Plan. Such action also provides flexibility should a change in circumstances arise, whether this be through an uplift in the housing requirement, or a slump in housing land supply owing to sites coming forward slower than initially anticipated, or indeed not coming forward at all. Our Client considers that it is important that the Plan affords sufficient flexibility to secure the early development of Safeguarded Land should a demonstrable need arise.

***Q8 Has enough or too much land been proposed for safeguarding to meet longer-term development needs?***

22. The Council's Housing Need and Supply Background Paper (SD022) indicates that Policy LPA06 identifies that 8 sites are to be removed from the Green Belt, and safeguarded for future development. SD022 also confirms that the Council has not used a specific methodology for calculating post-plan housing needs, but rather has utilised the proposed housing requirement of the Plan as a basis for the calculation (i.e. 486 dwellings per annum) and that this, in turn, provides for a combined capacity of the safeguarded sites of 2,641 dwellings, equating to 5.4 years supply. The document indicates that this figure rises to 6.4 years if a highways related cap is removed from Site 3HS.
23. Paragraph 139 c) of the Framework advises that an adjustment to Green Belt boundaries to identify safeguarded land is with the purpose of meeting longer-term development needs "*stretching well beyond the plan period*" (our emphasis). There is a clear intention that Green Belt boundaries should not need to be reviewed every time a new Local Plan is prepared. Given the extent of constraint from Green Belt in St Helens, identifying only 5-6 years housing supply beyond the Plan period is unlikely to negate the need for further Green Belt review beyond 2037 if growth continues on the current trajectory. We also highlight our Client's position set out elsewhere to effect that the proposed housing requirement of 486 dpa is insufficient in any case to align with the Local Plan's Vision, meaning that additional allocations and Safeguarded Land should be identified.
24. Given the strength of said evidence, and the likelihood that the Council could deliver far more homes than the current housing requirement figure would indicate, our Client considers that the Council should look to provide additional development land, both for allocation within the Plan, as well as land safeguarded for future development, beyond the Plan period. This would provide additional flexibility in the Plan, and would bolster the Council's position should the housing requirement increase (for example if the adoption of the LCR SDS necessitate an

uplift in housing need).

25. Therefore, on the basis of an increased housing requirement, our Client considers that the Plan, as written, does not provide enough Safeguarded Land and should seek to identify additional sites. Our Client's land interest at Newlands Grange, Newton-le-Willows represents a suitable candidate for allocation or safeguarding with an extended boundary to that currently proposed under 4HS, particularly given the planning status of Newton-le-Willows' only proposed housing allocation (7HA), which is discussed further below and within our Client's response to Matters 4 and 5.

***Q9 In general terms is the safeguarded land in the right place to meet longer-term development needs?***

26. Whilst there is a certain amount of distribution of the safeguarded sites across the Borough, our Client does not consider that the sites currently proposed would adequately meet the longer-term development needs of all residents. If it is to do so, then all of the Key Settlements within the Borough should benefit from an element of safeguarded land. This however is not currently the case with the Plan, as written.
27. In terms of Newton-le-Willows, the proposed Parkside East (7EA) and Parkside West (8EA) strategic employment land allocations (Policy LPA04.1) are directly to the east of the settlement and in combination will deliver in excess of 144 hectares of employment land (over 200 hectares when including the proposed Strategic Rail Freight Interchange). Clearly, the Council believes that Newton-le-Willows is a sustainable settlement that is capable of delivering such expansion, and rightly so given its public transport connections, proximity to strategic infrastructure and range of existing facilities. However, despite this significant job growth in the area, the SDLP only proposes a single housing allocation for Newton-le-Willows (Ref: 7HA, for 181 dwellings).
28. Notwithstanding this, proposed allocation 7HA (Newton-le-Willows' only proposed housing allocation), which currently comprises a modern, but now vacant, secure school, is currently subject to a live planning application which will see the site retained as a school, and modified to meet the applicant's requirements (LPA Ref: P/2021/0028/FUL). At the time of writing this application is yet to be determined, but if approved it will essentially cancel the housing allocation, and mean that Newton-le-Willows has no allocated housing sites, despite proposing over 200 hectares of employment space (as detailed above).
29. This will clearly have an impact on both the safeguarded sites and the allocations, and will mean that the Plan will have to be significantly altered to meet the needs of the settlement.

Our Client's land at site 4HS should therefore be allocated in order to address this issue, and ensure that the development needs of Newton-le-Willows' residents is met. Our Client considers that their land interest at Newlands Grange would represent a suitable candidate for allocation, particularly given its high degree of containment, relationship with the existing settlement and given that the Site has already been considered suitable for development, albeit beyond the current Plan period.

30. If the Plan is to truly meet the long-term needs of its residents, then it should meet the needs of *all* residents, and should not leave the most sustainable settlements constrained without room to expand. Accordingly, our Client considers that additional safeguarded land should be provided, particularly within those settlements which do not currently benefit from any. In addition, our Client would stress that further consideration needs to be given to Newton-le-Willows, particularly given the amount of employment land proposed and the potential loss of its only proposed housing allocation.

***Q10 Are the terms of Policy LPA06, particularly in relation to the release of safeguarded land, consistent with national policy?***

31. Part 2 of Policy LPA06 indicates that planning permission for the development of Safeguarded Land for the purposes identified in Tables 4.7 and 4.8 will only be granted following a future Local Plan review that proposes such development. Accordingly, proposals for housing and employment development of Safeguarded Land in the Plan period will be refused. This is considered to be broadly consistent with paragraph 139 of the Framework. It is important that this is monitored regularly and that the Plan includes a suitable mechanism to allow for a review of the Plan (or early release of safeguarded land) should there be a slump in the delivery of housing or should the Council be unable to maintain an adequate supply of housing land.

**Issue 4: Compensatory improvements to Green Belt land**

**Paragraph 138 of the Framework requires that Plans set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements. In response to preliminary questions the Council has sought to explain how the Plan will deliver these improvements (SHBC – PQ47).**

***Q11 Taking into account the Council's initial response, is the Plan clear on how it would intend to deliver compensatory improvements?***

32. As currently written, the Plan provides little detail on the compensatory improvements that it would expect to be achieved in removing land from the Green Belt, and our Client would



recommend that this be clarified within the Plan.

33. Notwithstanding this, our Client notes the Council's response to PQ47, which details a number of compensatory measures, including through the already adopted Bold Forest Park Area Action Plan. The Council also confirms in its response to PQ47 that 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. Our Clients site at 4HS provides a significant opportunity for compensatory improvements, through the provision of a new, strong landscaped edge to the West Coast Mainline and the settlement's southern boundary, alongside measures to provide links to and improve the Willows Heritage Trail and Health Walk, which provides high quality recreation opportunities within the Green Belt. Further details are provided within our Client's Matter 4 Hearing Statement.
34. The Council also confirms that compensatory improvements will also be delivered through policies LPA09, LPA11, LPC07, LPC08 and LPC09.
35. Our Client welcomes the clarification provided by the Council in this regard at PQ47 and would encourage this to also be provided in the Plan itself as a Main Modification. Our Client also welcomes that the Council would seek compensatory measures on a site-by-site basis (as opposed to a blanket approach). Such an approach should also be cognisant of financial viability, in recognition that compensatory measures have the potential to impact on the delivery of development proposals. Our Client would therefore recommend that flexibility is built into the Plan in this regard to ensure that developments are not unnecessarily burdened by such requirements and remain deliverable.
36. We note that Appendix 5 of the Plan details requirements of individual allocated sites, the requirements are largely silent on compensatory measures specifically relating to the removal land from the Green Belt. Our Client considers that such measures should be set out in the Plan, in order to provide certainty going forward on what is required, in order to ensure that the delivery of sites is not delayed by negotiations around the measures sought.

***Q12 On the assumption that the Plan's policies should set out ways that such compensatory improvements would be achieved, what modifications would be necessary?***

37. Please refer to Our Client's response to Q11 above. Appendix 5 to the Local Plan provides the opportunity to identify anticipated compensatory improvements on a site-by-site basis, which would provide developers with the necessary clarity to inform emerging site masterplans and, where necessary, assessments of viability.

**Issue 5: The spatial distribution**

**Policy LPA02 identifies a number of key settlements for the focusing of regeneration and growth. However, concerns have been expressed that the distribution of development through allocations does not reflect the size and sustainability of settlements or that allocations are on the periphery of these key settlements.**

***Q13 Is the spatial distribution of development within the Plan justified?***

38. Our Client agrees with the Council's approach proposed in Policy LPA02 by directing the majority of new development towards the most sustainable areas, which are the Key Settlements, and agrees with the Council that Green Belt land is required in order to meet the Borough's development needs (notwithstanding our Client's position on the housing requirement). It is noted that paragraph 4.6.3 of the Plan details the Key Settlements, where development should be focused, and the Other Settlements, which only have limited opportunities for development.
39. Our Client considers that the spatial distribution would be better expressed as a settlement hierarchy, which would incorporate a greater degree of justification for the extent and distribution of new housing within each settlement, reflective of its sustainability. The Plan is currently lacking in this respect and instead relies mainly on the allocations and windfall development.
40. It is also noted from Figure 4.1 of the Plan (the Key Settlements Plan Diagram), that the majority of development over the Plan period is directed towards the south of the Borough, with very few sites allocated in the north. It is also noted that the current strategy leaves significant settlements with very few (if any) housing allocations, examples being Billinge and Newton-le-Willows. This is not sustainable and it is not reasonable to assume that the development needs of these Key Settlements to be met by windfall development alone. In the case of Newton-le-Willows, this would be exacerbated by the potential loss of proposed allocation 7HA (as detailed above).
41. Newton-le-Willows is settlement with an extensive range of local facilities and two train stations; it has excellent access to the local and strategic road network and is the proposed location for significant employment land allocations. We do not consider that the proposal

for only a single housing allocation (7HA for 181 dwellings) is justified and reflective of the settlement's role. Notwithstanding that the delivery of 7HA is highly questionable, additional land should be allocated and on this basis our Client objects to the proposed spatial distribution of development in the Plan.

***Q14 Has the spatial distribution had regard to the impacts on climate change, including CO2 emissions?***

42. Our Client has no comments to make in this respect.

**Issue 6: Site Selection**

**Paragraph 4.6.10 of the Plan summarises the approach to the selection of sites to be removed from the Green Belt to meet development needs. The GB assessments referred to under Issue 2 are an important part of this process but other factors such as accessibility, infrastructure and deliverability have been taken into account (see also paragraphs 6.24 – 6.28 of SD026 and SD020).**

***Q15 Taking into account the range of factors considered in site selection, has the Council's approach been robust, positive and justified?***

43. Our Client is generally supportive of the approach the Council has taken in the selection of sites, notwithstanding their previous comments in relation to the spatial distribution of development sites and the requirement for additional sites to be allocated at Newton-le-Willows, as well as the extension of the site boundary at 4HS. The latter is covered in our Client's Matter 4 Hearing Statement. Consequently, whilst the methodology and overall approach is considered to be appropriate, the conclusions on individual site assessments are not necessarily robust and justified.
44. The Plan confirms that sites have been identified on the basis of their scope to be developed whilst minimising harm to the overall function of the Green Belt, and their suitability for development in other respects. The criteria used have included their physical suitability for development, accessibility by sustainable transport modes to services and facilities, levels of existing or potential future infrastructure provision, their economic viability for development, and the impact that their development would have on the environment.
45. Our Client's earlier representations, and other Hearing Statements, urge the Council to consider the allocation and safeguarding of additional sites, particularly in those areas which do not benefit from many (or indeed any) allocations, as well as those areas of highest accessibility (such as Newton-le-Willows) both to redress the balance of sites across the

Borough, but also to provide additional flexibility should there be an uplift in the housing requirement, as has been discussed previously. Our Client would also stress that, as an experienced housebuilder with experience of successfully delivering high quality developments in St Helens, Jones Homes would be capable of delivering sustainable development within the Borough, and make an important contribution to meeting the market and affordable housing needs of Newton-le-Willows and the growth aspirations of the Council as a whole.

#### **Issue 7: Policies LPA03 and LPA01**

**Policy LPA03 sets out development principles that form the basis for more detailed policies of the Plan.**

***Q16 Is Policy LPA03 consistent with national policy and effective?***

46. Our Client has no specific comments to make in relation to Policy LPA03.

**Policy LPA01 (Presumption in Favour of Sustainable Development) seeks to replicate paragraph 11 of the Framework. However, the PPG advises that 'there is no need for a plan to directly replicate the wording in paragraph 11 in a policy'. The Council has agreed to delete the policy. However, it is noted that some representors support the policy.**

***Q17 Is Policy LPA01 necessary for the soundness of the Plan?***

47. Policy LPA01 of the draft Local Plan sets out the Council's approach to sustainable development during the Plan Period. The Plan outlines at paragraph 4.3.2 that the operation of this Policy will be guided by paragraph 11 of the NPPF (as revised in July 2018). This version of the NPPF has now been replaced by the February 2019 iteration and so is inconsistent with the most up-to-date iteration of national planning policy.
48. Whilst the Policy follows the broad thrust of the NPPF, it introduces additional wording and tests which are not present within paragraph 11 of the NPPF. For example, point 2 of the Policy outlines that planning applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise. The material considerations test is no longer included within paragraph 11 of the Framework and in this regard the Policy is inconsistent with the Framework.
49. Furthermore, the Policy does not allow for a balance to be struck between benefits and harm; this is outlined within paragraph 11 of the Framework and again Policy LPA01 is inconsistent

with national policy in this regard.

50. Our Client remains concerned that the principles of sustainability advocated by Policy LPA01 do not accord with those outlined within the Framework, and therefore object to this Policy on these grounds. Our Client considers that the Policy should be compliant with the provisions for sustainable development as outlined within the Framework, but notes that, should this be the case, the Policy would not need to be included within the Plan as it would simply be repeating the contents of the Framework. On this basis, our Client recommends that Policy LPA01 be removed from the Plan in its entirety.