

# **EiP Statement**

## **St Helens Delivery and Allocations Local Plan**

### **Tritax Symmetry Ltd**

#### **Representator ID RO1965**

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**Our ref** 41962/06/SPM/MG  
**Date** 7 May 2021

#### **Subject Matter 3 – Spatial Strategy and Strategic Policies**

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#### **1.0 Introduction**

- 1.1 Lichfields is instructed by Tritax Symmetry Ltd [Tritax] to make representations on its behalf to the St Helens Borough Local Plan 2020-2035 [SHLP].
- 1.2 This Statement has been prepared in response to the Matters, Issues and Questions raised by the Inspector for the Matter 3 Examination in Public [EiP] hearing session and specifically in relation to questions set out within the Inspector's Preliminary Views on Matters & Issues Document published in January 2021.
- 1.3 A separate representation will be submitted in respect of Matter 4: Allocations, Safeguarded Land and Green Belt Boundaries ahead of the deadline on Friday 21<sup>st</sup> May. This document should also be read alongside our previous submissions on the SHLP [Representator ID RO1965].
- 1.4 These representations are made in the context of Tritax's interest in land to the west of Omega North, St Helens [Local Plan Site Reference: 1ES]. Site 1ES is currently located within the Green Belt but is proposed to be released from the Green Belt and safeguarded to meet future development needs for St Helens beyond the plan period (which is now proposed to end in 2037).
- 1.5 Our previous submission in 2019 (in response to the consultation on the SHLP Submission Draft document) argued that the site was suitable for development in the short term and should be allocated for development in the short term. Whilst we maintain that this is the case, it should be noted that Tritax supports the current strategy which seeks to release the site from the Green Belt and thus acknowledges its suitability for development and ability to meet employment land needs for the borough of St Helens in the future.
- 1.6 In light of the above, we are not seeking to comment on the proposed spatial strategy and strategic policies as part of this representation. However, in respect of Matter 3, the Inspector raised two questions within the Preliminary Views on Matters & Issues Document published in January 2021 which relate directly to site 1ES. The Council subsequently published a Response to Inspectors Preliminary Questions Document which include a response to the two relevant questions. This representation deals with each of the two questions in turn having regard to both the question itself and the Council's response.

- 1.7 Where relevant, the comments made are assessed against the tests of soundness established by the National Planning Policy Framework [the Framework] and the Planning Practice Guidance [PPG].

## 2.0 PQ45: Quantum of Safeguarded Land

- 2.1 PQ45 (as referred to by the Council) was set out at Paragraph 52 of the Inspector’s Preliminary Views on Matters & Issues Document and stated:

*Paragraph 139 of the Framework indicates that, where necessary, Plans should identify areas of safeguarded land to meet longer-term development needs. Policy LPA06 identifies 85 ha of safeguarded land for employment and safeguarded land for over 3000 dwellings. How has the quantum of land to be safeguarded been determined?*

- 2.2 An extract of the Council’s response is enclosed to this representation at Enclosure 1. Firstly, it should be noted that we support the Council’s approach to seeking to safeguard land to meet employment land needs for the borough beyond the current plan period. It is considered that the identification of safeguarded land accords with the Framework [§139] and will provide greater certainty over the Green Belt boundaries beyond the plan period.
- 2.3 As set out by the Council, neither the Framework nor the PPG provides guidance on how Local Planning Authorities [LPA] should determine the proportion of land to be safeguarded to meet future development needs beyond the plan period. In the absence of any specific national guidance, we concur with the Council’s own conclusion that it is reasonable and necessary to designate safeguarded land.
- 2.4 Notwithstanding the above, as set out in our previous submissions, we are of the view that Site 1ES is in fact likely to be suitable for development in the short term. Further details to support this will be provided in our forthcoming response to Matter 4. It should also be noted that a number of the employment sites proposed for allocation in the short term [Sites 1EA, 7EA and 8EA] that were subject to early planning applications and resolutions to grant from the Council have been called in for determination by the Secretary of State [SoS].
- 2.5 On this basis, we believe that a policy mechanism should be introduced into the SHLP which would allow for the early release of safeguarded employment sites to come forward as ‘Plan B’ sites. The purpose of this would be twofold. Firstly, it would help ensure flexibility and account for the potential non-delivery of committed sites, for example, if a fundamental issue arose in relation to any of the sites subject to call in by the SoS. Secondly, it would help protect the Council’s employment land position in the event that their employment land supply position deteriorates or if a fundamental economic or policy shift occurs before the end of the proposed plan period requiring additional employment land to come forwards in the short to medium term.
- 2.6 We have included below a suggested update to Policy LPA06 which would accommodate for the above:

### *Policy LPA06: Safeguarded Land*

- 1 *The sites identified as Safeguarded Land on the Policies Map have been removed from the Green Belt in order to meet longer term development needs beyond the Plan period. Such Safeguarded Land is not allocated for development in the Plan period. The future uses that the sites are safeguarded for are listed in Tables 4.7 and 4.8.*

- 2 *Planning permission for the development of the safeguarded sites 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 **or in the event that evidence is presented that overwhelmingly demonstrates that a safeguarded site should be allocated for development before the end of the current plan period. Such instances could include the failure of an existing allocation to come forward, new evidence indicating that land needs have increased or in the context of housing, a failure to demonstrate a 5-year supply of deliverable sites.** In any other scenario proposals for housing and employment development of safeguarded sites in the Plan period will be refused.*
- 3 *Other forms of development on Safeguarded Land will only be permitted where the proposal is:*
  - a *necessary for the operation of existing permitted use(s) on the land; or*
  - b *for a temporary use that would retain the open nature of the land and would not prejudice the potential future development of the land for the purposes stated for each site in Tables 4.7 and 4.8.*
- 4 *Development on any other site that would prevent or limit development of Safeguarded Land for its potential future uses identified in Tables 4.7 and 4.8 will not be permitted.*

### **3.0 PQ46: Clarification in Relation to Site 1ES**

- 3.1 PQ46 (as referred to the Council) was set out at Paragraph 53 of the Inspector’s Preliminary Views on Matters & Issues Document and stated:  
  
*We would like clarification on whether site 1ES ‘Omega North Western Extension, Bold’ is being safeguarded to meet any unmet future need for employment land arising from Warrington BC. We also note the consultation response from Warrington BC regarding this site that due to its scale and possible access arrangements, they do not consider that the site could contribute to Warrington’s future employment land supply. Considering the above, is the safeguarding of site 1ES justified and consistent with national policy?*
- 3.2 An extract of the Council’s response is enclosed to this representation at Enclosure 1.
- 3.3 We strongly support the Council’s position that Site 1ES is proposed to be safeguarded to meet future employment land needs for St Helens not Warrington. As per our commentary above in respect of PQ45, it is necessary for the Council to identify areas of safeguarded land to meet longer-term development needs well beyond the plan period in order to accord with the Framework [§139]. Just because the Omega South site [Site 1EA] is identified to meet employment land needs arising in Warrington in the short term, does not mean that the same is the case in respect of Site 1ES. In our view, the safeguarding of this site to meet future employment land needs for St Helens is essential to ensuring that the SHLP meets the four tests of soundness required by the Framework [§36].
- 3.4 It is noted that Warrington Borough Council [WBC] submitted representations to the consultation on the SHLP Submission Draft document advising that they do not consider the site suitable to meeting future employment lands for Warrington. However, for the reasons set out above this is not considered to have any bearing on the safeguarding of the site which is required to meet future needs for St Helens.

- 3.5 In terms of the perceived issues raised by WBC around the site access and highways impacts on Junction 8 the M62, these will be further addressed in more detail in our subsequent response to Matter 4. However, it is considered that any issues associated with third party ownership constraints can be overcome and that the site will ultimately be available for development in the relative short term.
- 3.6 Our previous representations to the SHLP Submission Draft document were accompanied by a Preliminary Traffic and Transport Statement which was located at Appendix A. This document included preliminary evidence that demonstrated that whilst the development could have a marginal impact on the operation of Junction 8, none of these impacts would be significant. Furthermore, there is already a series of committed or potential improvements that have been identified that either individually or collectively would result in a significant increase in capacity at Junction 8 and the surrounding local highway network. It is likely that these measures would be sufficient to accommodate any additional traffic arising from the development of Site 1ES. However, any future planning application would be accompanied by a detailed Transport Assessment and Tritax would engage fully with the Council, WBC and Highways England to ensure that any impacts of the development were robustly mitigated.
- 3.7 We strongly endorse the Council's response to PQ46 that any issues associated with access are not insurmountable and therefore that the site is considered developable. We would also add that the initial evidence we have provided in respect of traffic impact demonstrates that there are also unlikely to be any insurmountable issues in this regard. On this basis, the proposed safeguarding of Site 1ES fully accords with the Framework in respect of the tests of soundness [§36] and safeguarding land [§139].

**Enclosures**

- Enclosure 1: The Council's response to PQ45 and PQ46

## **Matter 3: Spatial Strategy**

***PQ44. In dealing with density, the Framework requires that minimum density standards should be used for town centres and other locations well served by public transport. In this respect there is no distinction between 3. b) and 3. c) of Policy LPA05 as both aim for 30 dwellings per hectare (dph). Taking into account paragraph 123 of the Framework, should sites falling within b) seek a higher density? (MM). Are there any implications for other policies and proposals within the Plan if higher densities are applied to sites falling within 3. b) of Policy LPA05?***

All new housing development should be at a density compatible with the site and its location, and with the character of the surrounding area. It is assumed that higher densities will be appropriate in locations which are accessible by public transport and are in or a district or local centre. Policy LPA05 encourages the use of higher densities in appropriate locations, for example on sites that are close to town or district centres or to public transport facilities. The density as set out in section 3. B) (30 dph) is a minimum. Due to the urban and rural nature of the Borough, a 30dph will be acceptable and in keeping with the existing built development in some local centres, whilst other parts of the Borough (in locations of existing denser development) will require a higher density.

It is intended that this policy approach will enable the Council to review proposals on a case-by-case basis in order to ensure that the appropriate densities are secured. The proposed LPSD provides indicative densities to enable greater discretion and capacity to consider the local character. In addition, the anticipated capacities of the proposed housing allocations as set out in Policy LPA05 (Table 4.5) are informed by consideration of suitable densities having regards to local character and sustainability. The stated capacities of each site listed in the table are indicative and do not represent either maximum or minimum figures. The actual capacity will also be determined having regard to the acceptability of specific proposals in relation to relevant national and local policies. The SHLAA (paragraph 3.47, Figure 3.9) also sets out the rationale for anticipated densities for sites.

On reflection, the Council considers that criterion 3b could be changed to capture 'all other 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'. Therefore, criterion 3c could be deleted.

Increasing the density numbers for sites falling with 3b of Policy LPA05, may impact slightly on the number of sites required to meet housing requirements, but there would still be a clear need for Green Belt release to meet housing needs.

***PQ45. How has the quantum of land to be safeguarded been determined?***

NPPF Paragraph 139 requires that when local planning authorities define Green Belt boundaries, they, where necessary, identify areas of safeguarded land to meet longer term needs stretching well beyond the Plan period. However, national

planning policy and guidance does not set out how local planning authorities should determine what amount of land beyond the Plan period would be deemed adequate.

In the absence of national guidance, the Council have sought to use a practical and balanced approach to the designation of safeguarded land. Being mindful of the uncertainties that are inherent with calculating longer term needs and the need to demonstrate exceptional circumstances to justify the release of Green Belt land, the Council have not sought to identify a specific employment land need figure for post 2035. The Council have instead identified a reasonable amount of land to be safeguarded in order to meet future development needs. Policy LPA06 identifies 2 sites to be removed from the Green Belt and safeguarded in order to meet longer term development needs beyond the Plan period:

- Site 1ES: Omega North Western Extension, Bold (29.98 ha); and
- Site 2ES: Land north east of Junction 23 M6, south of Haydock racecourse, Haydock (55.9 ha).

The estimated combined capacity of 1ES and 2ES safeguarded for employment use is 85.88 ha. Of these sites, site 1ES would form an extension to Omega North (but would meet employment land needs in St Helens), whilst site 2ES would form an easterly expansion of Haydock Industrial Estate, albeit on the opposite side of the M6.

While the Council have not used a specific methodology for calculating post Plan period needs, the Plan period housing requirement is considered a reasonable basis to measure the provision of safeguarded land against. When projecting forward the housing requirement of 486 dwellings per year, the estimated combined capacity of the sites safeguarded for housing of 2,641 dwellings equates to 5.4 years of housing supply. If you remove the cap of 500 dwellings applied at site 3HS by Policy LPA06 (based on highway capacity issues), then the safeguarded sites provide for 6.4 years of housing supply.

***PQ46. We would like clarification on whether site 1ES 'Omega North Western Extension, Bold' is being safeguarded to meet any unmet future need for employment land arising from Warrington BC. We also note the consultation response from Warrington BC regarding this site that due to its scale and possible access arrangements, they do not consider that the site could contribute to Warrington's future employment land supply. Considering the above, is the safeguarding of site 1ES justified and consistent with national policy?***

Site 1ES is safeguarded to meet future need for employment land arising in St Helens not Warrington. Site 1ES would form an extension of the current Omega North strategic employment site which is located in Warrington but borders St Helens.

As referenced above, it is recognised that Warrington Council have identified potential access issues with the site and suggest a new access from the M62 would be required to serve the site. St Helens Council accept that there could be potential feasibility issues with access, as access would have to be gained through third party land. The Council also recognise that any potential impacts on Junction 8 of the M62 would have to be considered and the subject of agreement with Warrington Council and Highways England. However, current access issues are not considered insurmountable and therefore the site is still considered developable. The safeguarding of the site is therefore justified and consistent with national policy.

***PQ47. 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. How does the Plan intend to deliver compensatory improvements as there do not appear to be any relevant policy provisions?***

The Council's strategic compensatory improvement to offset the impact of removing land from the Green Belt is the implementation of the Bold Forest Park AAP (2017) (LOC004). The BFP Area Action Plan (AAP) forms part of the St. Helens Development Plan and provides a framework for the development of the BFP area. BFP occupies an area of 1,800 hectares of Green Belt land in the southern-most part of St Helens Borough, The Forest Park is 2 miles from St. Helens Town Centre and well served by public transport, providing a sustainable and accessible recreational resource for residents to enjoy. In that sense, the Council already has a borough-wide initiative to provide a very large semi-natural greenspace recreational resource in the Green Belt.

In addition, 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.

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.

For example, in regard to sites 4HA & 5HA, the Council will seek compensatory improvements to the Bold Forest Park, for which both these sites lie within. Site 4HA is expected to provide additional tree planting and a choice of foot, bridleway and cycle routes through the site and this must include new provision in line with the relevant policies of the Bold Forest Park AAP. While site 5HA is required to provide good connectivity to the Park and assist in providing access and utility services to a new visitor's car park and centre.