

St Helens Borough Local Plan Examination
Matter 3 Hearing Statement on behalf of
Peel L&P (Participant ID RO1959)

May 2021

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1. Issue 1: PDL and Housing Densities

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

1.1 No. The LP seeks to maximise brownfield development to meet housing needs by identifying a land supply which draws first on developable sites within the defined urban area of the Borough before drawing on non-brownfield resources where needed¹.

1.2 There is a need to allocate significant land for employment development on greenfield Green Belt sites due to the evidenced requirement for large scale logistics development in the Borough (See Matter 2) and the physical attributes which sites must possess to accommodate this development, including proximity to motorway junctions, size and topography – typically at least 5 ha and flat.

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

1.3 Yes. The standards are expressed as a minimum but do not preclude higher density proposals where the context justifies this and the market is capable of delivering at a higher density.

¹ See SHLAA Examination Document HOU002 and Housing Need and Supply Background Paper Examination Document SD001.

2. Issue 2: Green Belt and Exceptional Circumstances

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?

2.1 No. The Strategic Aims and Objectives of the LP seeks to deliver the regeneration and balanced economic growth of the Borough. The provision of sufficient housing and employment development is a critical means by which this will be achieved. To adopt a strategy of limited or nil Green Belt release would have a catastrophic impact on the LP's effectiveness.

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

2.2 Yes. The Council has undertaken a thorough process of exhausting non-Green Belt sites to meet the identified development needs, including applying appropriate qualitative and quantitative criteria which sites must meet having regard to the needs of different development sectors. The alternative of not releasing Green Belt land would result in the LP being under-equipped to achieve its Strategic Aims and Objectives.

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

2.3 See responses to Q1 to Q4 above. The Council has exhausted all reasonable opportunities to maximise the use of land in the urban area before considering Green Belt sites. However, in respect of housing, the Council has overstated the realistic and likely yield from land within the urban area, which is evidenced further through Peel's statement under Matter 5.

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

2.4 No. The methodology is flawed, which is most effectively demonstrated by the Assessment's appraisal of Peel's land at Haydock Green (corresponding to Green Belt Sub-Parcel 053_A in the Council's Green Belt Review (GBR)²). This is shown at Figure 1 below.

² Examination Document SD020

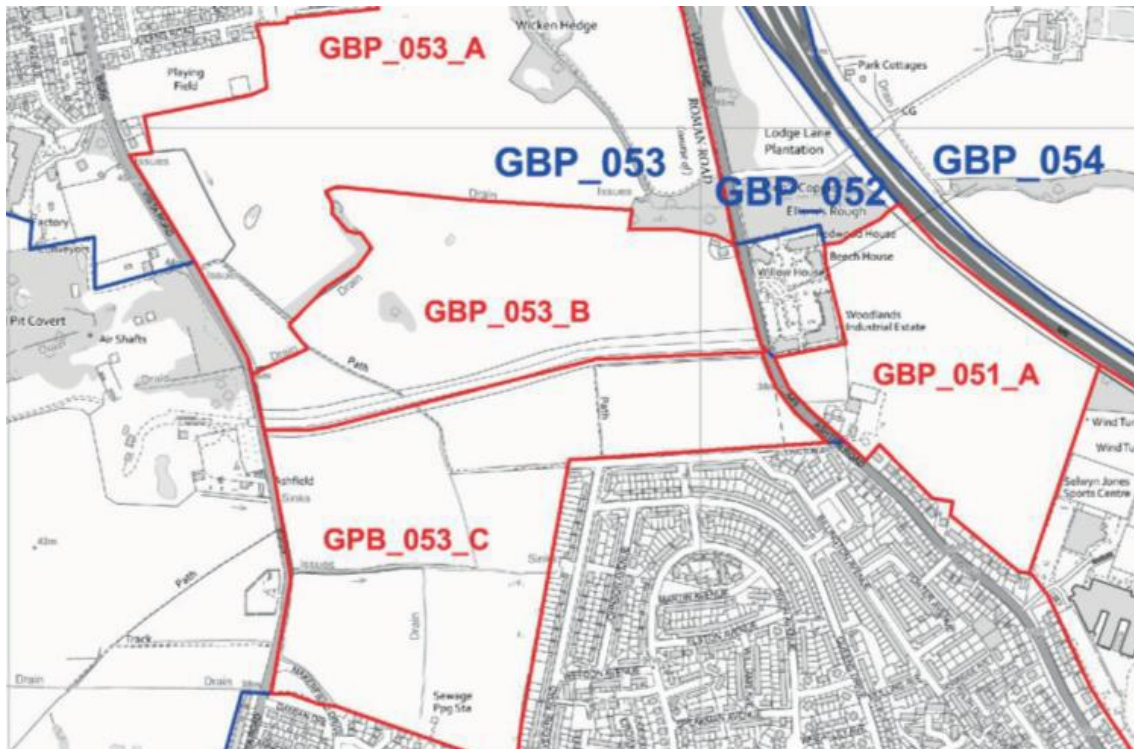


Figure 1: Green Belt Sub-Parcel 053_A (alongside 053_B and C)

Approach to assessment in respect of Green Belt Purpose 1

- 2.5 The GBR fails to consider the characteristics of land beyond parcels and sub-parcels and the extent to which this may affect the likelihood of sprawl beyond them being ‘unrestricted’ in form, cognisant of the definition of unrestricted sprawl adopted in the GBR³. This is particularly important where parcels are sub-divided, as they are in the case of Parcel 053 which is split into three.
- 2.6 In the case of sub-parcel 053_A, immediately beyond its only weak boundary to the south is sub-parcel 053_B which is approximately 250m in depth (north to south). The southern boundary of Parcel 053_A is therefore only 250m from the strong boundary formed by the southern boundary of Parcel 053_B, providing a high level of containment by strong boundaries when the sub-parcels are considered together.
- 2.7 On account of this, any sprawl beyond the southern boundary of sub-parcel 053_A would very evidently be **restricted** (i.e. not unrestricted) by a strong boundary just beyond its weaker southern boundary. For this reason, Peel considers that Parcel 053_A makes a ‘low contribution’ to Purpose 1.

³ Examination Document SD020 paragraph 2.18

Approach to assessment in respect of Green Belt Purpose 3

- 2.8 The distinction between land characterised as urban fringe and that characterised as countryside is used by the GBR to grade parcels in respect of Purpose 3 and thus is significant to the outcome of the GBR⁴.
- 2.9 The GBR limits its interpretation of urban fringe to land which contains development already. This approach takes no account of the location of the parcel in relation to the urban area and is significantly influenced by it. The term urban fringe can only reasonably apply to land which is physically proximate to and has a relationship with urban area.
- 2.10 In this context, it is untenable to suggest that sub-parcel 053_A is anything other than the urban fringe and so making a low contribution to Green Belt Purpose 3 (scored as 'high' in the GBR⁵). Sub-parcel 053_A is located at the intersection of the M6 motorway and the A580, marking the gateway to the urban area of St Helens with existing major commercial development focused around the junction. The presence of this strategic road infrastructure and the level of activity associated with its operation are felt within the site being both visible and audible and having a strong bearing on its character as a result. This parcel should have been given a 'low contribution' score in relation to Purpose 3.

⁴ Examination Document SD020 Paragraph 2.27

⁵ Examination Document SD020 Appendix C page 304

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

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

3.1 When a GBR is justified, the Framework directs that the amended boundaries should be fixed so as to 'endure' and that there isn't a need for a further review in the short to medium term⁶.

3.2 In the reasonable anticipation of development needs at least remaining at a similar level immediately beyond the plan period, and particularly given the limited non-Green Belt land available in the Borough, further land outside of the urban area will undoubtedly be needed to meet needs during the next plan period (after 2035 at this point). In this context, the Framework advocates the designation of safeguarded land during the current plan period so the redefined Green Belt can endure beyond 2035. The principle of releasing land from the Green Belt and its designation as safeguarded land is fully justified.

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

3.3 Insufficient land is proposed to be safeguarded particularly in respect of employment⁷.

3.4 On the Council's calculation of employment land need, and on the basis that the LP should identify sufficient safeguarded land to cover ten years after the plan period (to 2045 at present), based on a number of precedent LPs, 98.9 ha of land should be designated as safeguarded to meet needs beyond the plan period. The LP proposes only 85.88 ha of safeguarded land, some 13 ha short of the requirement.

3.5 Peel's Matter 2 Statement sets out a case for the employment land requirement being based on a higher rate of historic take up. Based on the requirement increasing to 290ha, as per Peel's Regulation 19 submission, this would result in a consequential increase in the safeguarded land requirement to 126.10 ha based on the ten year rule, as suggested above. This would be some 40.22 ha more than proposed.

3.6 A more positive approach to the LP would justify increasing the safeguarded requirement to cover 15 years after the plan period increasing the safeguarded land requirement further.

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

3.7 See response to Questions 13 and 15.

⁶ Framework paragraph 136

⁷ See paragraphs 4.14 to 4.20 of Paper 1 of Peel's Regulation 19 submission in respect of employment land

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

- 3.8 No. Policy LPA06 should include a provision to enable safeguarded land to come forward during the plan period if needed. In the context of their removal from the Green Belt, such sites would not be subject to a footnote 6 designation and there may be circumstances in which their early development would be sustainable in context of paragraph 11 of the Framework. A policy approach which is permissive of the early release of land which the Council has already been identified as suitable for development in principle would be an important tool in getting the LP 'back on track' if it under-delivers and in protecting against speculative development (including on Green Belt sites).
- 3.9 The restrictions imposed by Policy LPA06 are not in the spirit of positive and effective planning and could place an unnecessary constraint on the delivery of the plan. A form of words should be added to the policy to provide greater flexibility in the unexpected event that safeguarded sites do need to be called upon during the plan period.

4. Issue 4: Compensatory improvements to the Green Belt

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

4.1 There is limited evidence to indicate that the Council has considered the specific compensatory measures which would be taken by individual sites and indeed whether such compensatory measures are achievable by reference to the land holdings of the Council and owner/developer of the allocation in proximity to the allocations. This is a deficiency in the process of considering candidate allocations.

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?

4.2 In respect of each allocation, the LP should outline, the types of compensatory improvements proposed and where these would be located. The relevant allocation policy would need to be clear that development will only be permitted where a compensation proposal and timeframe for its delivery is confirmed.

5. Issue 5: The spatial distribution

Q13: Is the spatial distribution of development within the plan justified?

- 5.1 See section 9 of Paper 1 of Peel's Regulation 19 submission⁸.
- 5.2 Yes in respect of employment development but no in respect of housing⁹.
- 5.3 The LP seeks to meet the need for logistics development during the plan period and acknowledges that there are specific locational parameters, related to this market and its operation, which need to be applied to the process of site selection. This is highly influential to the selection of sites for employment allocation. The focus on Junction 22 and 23 of the M6 and the M62 Corridor for this type of use is appropriate and fully justified in this regard.
- 5.4 The LP's intended spatial strategy is one of *'balanced growth close to employment opportunities with a longer term aspiration to deliver a garden suburb'*. This strategy originates from an assessment of options through the Sustainability Appraisal process and is presented in the SA as the spatial strategy taken forward into the LP¹⁰ and which the LP should therefore reflect. The LP identifies seven spatial areas to which development will be directed on the basis of the spatial strategy.
- 5.5 Peel estimate that just 6.4% of housing will be delivered in the defined spatial area of Haydock and Blackbrook¹¹ in the context of this area accounting for 12.6% of the current population of the Borough¹². This is not reflective of a balanced spatial strategy as the LP intends. By contrast, 76% of housing is directed to the St Helens Core Area which currently accounts for 58% of the resident population of the Borough. This imbalanced is illustrated through Figure 2.

⁸ Examination Document SD008.23

⁹ See paragraphs 9.1 to 9.50 of Paper 1 of Peel's Regulation 19 submission (Examination Document SD008.23)

¹⁰ St Helens Local Plan 2020-2035 Submission Draft Sustainability Appraisal: SA Report (January 2019) Table 4.2 (Examination Document SD005)

¹¹ Estimates by Peel based on the trajectory presented within Examination Document SD025

¹² Population estimates, ONS (2019)

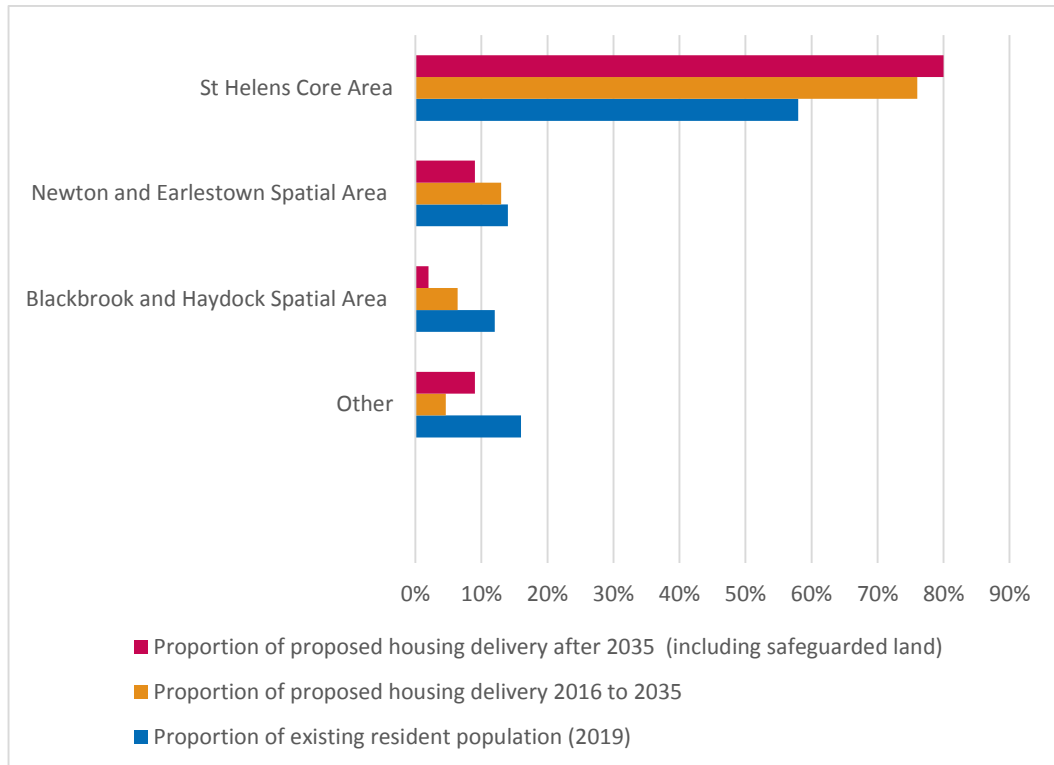


Figure 2: Distribution of proposed housing relative to existing population by Spatial Area¹³

- 5.6 Figure 2 illustrates that this imbalance is even more apparent when one considers delivery beyond the plan period (i.e. from allocations which will consider to deliver after 2035 and safeguarded sites which are also likely to be developed after 2035) with Blackbrook and Haydock accounting for 2% of the planned delivery after 2035 and St Helens Core Area some 80%.
- 5.7 This conflict is further evident by reference to the distribution of housing in relation to employment areas and employment allocations. The LP is intended to deliver a spatial strategy which achieves balanced growth close to employment opportunities¹⁴. This means a spatial integration of employment and housing to promote sustainable travel and ensure the benefits of employment development are maximised.
- 5.8 Figure 3 considers the distribution of existing employment and proposed employment against proposed housing delivery. Blackbrook and Haydock account for 17%¹⁵ of existing jobs and some 42% of employment development allocations (including safeguarded land) based on Tables 4.1 and 4.7 of the LP. Yet this spatial area will accommodate only 6.4% of housing during the plan period and accounts for only 2% of the post-plan period housing delivery. The effective integration of housing and employment has not been achieved as intended. The distribution of development does not represent a sustainable strategy.

¹³ Population estimates, ONS (2019)

¹⁴ St Helens Local Plan 2020-2035 Submission Draft Sustainability Appraisal: SA Report (January 2019) Table 4.2

¹⁵ Business Register and Employment Survey (BRES) (2019)

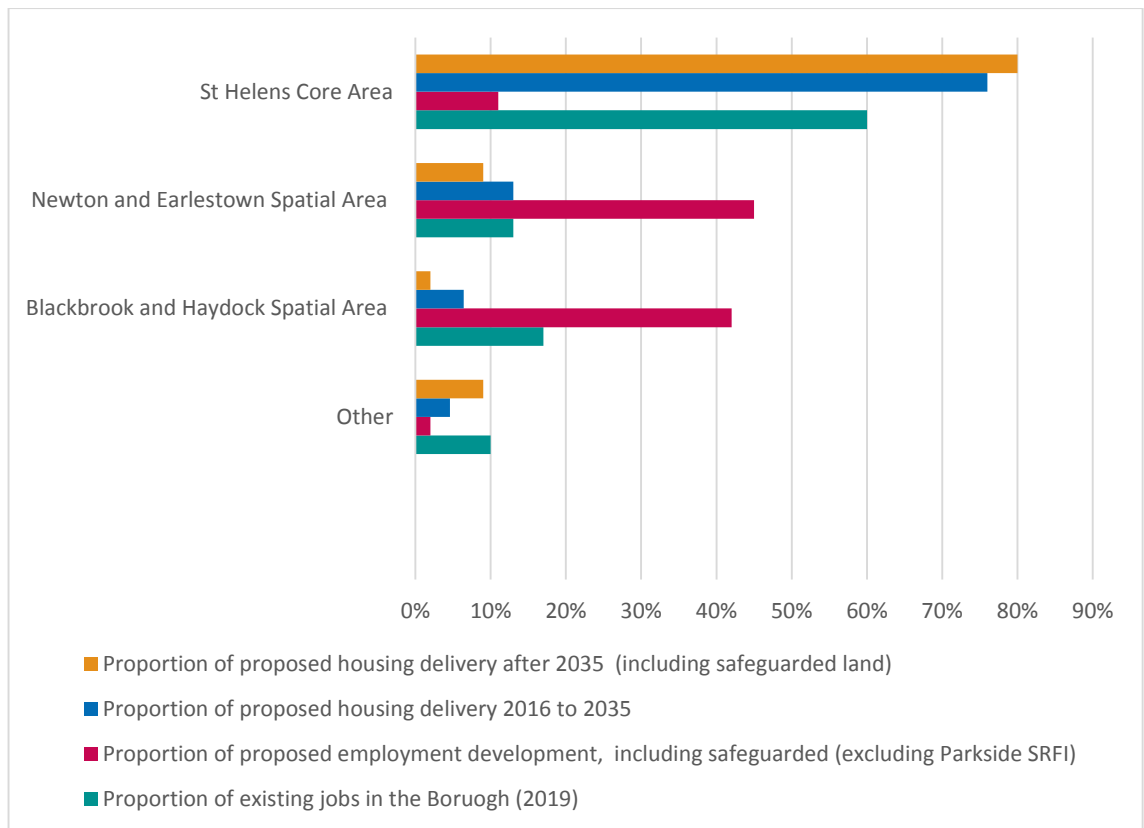


Figure 3: Distribution of housing relative to existing employment and proposed employment allocations by Spatial Area¹⁶

5.9 Given the above analysis, the Council’s decision to release additional land from the Green Belt on the edge of the St Helens Core Area (plan period and safeguarded), at the expense of sites in settlements along the M6 corridor, is unsupportable and needs to be addressed to achieve an effective spatial integration of housing and employment.

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

5.10 No. See Q13. A failure to effectively integrate housing and employment allocations will promote unsustainable transport choices with resultant adverse impacts in relation to CO2 emissions.

¹⁶ Business Register and Employment Survey (BRES) (2019)

6. Issue 6: Site selection

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

- 6.1 No. The deficiencies in the LP outlined in response to Q13 and 14 stem from an inadequate approach to appraising and selecting sites for release from the Green Belt for housing development.¹⁷
- 6.2 The process of site selection has been primarily driven by the Council's Green Belt Review (GBR)¹⁸. A Green Belt impact filter is applied at the start of the site assessment process (Stage 1) in the GBR to determine which sites progress for further assessment (Stages 2 and 3).
- 6.3 A site's Green Belt context is an important consideration but this binary process means that where sites have other positive attributes in accommodating development these are not taken into account. The process is overly rigid. It is not cognisant of that the fact that a site's sustainability as an allocation requires a balanced assessment of all dimensions of sustainability as they apply to that site. Green Belt impact alone cannot dictate the process. Such an approach is in conflict with paragraph 138 of the Framework.

Assessment of Haydock Green (Green Belt sub-parcel 053_A)

- 6.4 This flaw is illustrated by reference to Peel's land at Haydock Green (Green Belt sub-parcel 053_A) which does not proceed to an assessment of its development potential at Stage 2 on account of its claimed Green Belt contribution. This approach fails to reflect the obvious benefits this site provides in the context of the LP's objectives and its evidence base. In this case, the development of this site for housing or logistics is capable of accommodating the diversion of the southern arm of the A49 at no cost to the public sector, as needed to deliver an upgrade to Junction 23 of the M6. Delivering such an upgrade is a stated objective of the LP (See Policy LPA07). The need for the diversion of the A49 away from Junction 23 to facilitate an upgrade to the junction is detailed in Examination Document TRA007 (the Junction 23 Study)¹⁹. This identifies the routing of the A49 through Haydock Green as the optimum solution for achieving this.
- 6.5 The diversion of the southern arm of the A49, along with an equivalent in respect of the northern arm of the A49 through the Haydock Point scheme, is an essential step in facilitating an upgrade to Junction 23, without which such an improvement is unlikely to be realised, in turn undermining the delivery of the LP. This diversion can be delivered through the development of the Haydock Green site, representing a significant investment by the development also at no cost to the public sector. There is no other viable means of delivering this diversion. Peel's submission to Matter 4 will

¹⁷ Paper 1 of Peel's Regulation 19 Submission (Examination Document SD0008.23) paragraphs 9.40 to 9.50

¹⁸ Examination Documents SD020 and SD021

¹⁹ See page 40 which confirms that '*...significant improvements at the junction hinge on the diversion of Lodge Lane (the A49) away from the gyratory carriageway, either in isolation or in conjunction with another junction improvement scheme.*'

illustrate how this can be achieved through the development of the site for residential uses.

- 6.6 This is a unique benefit of the Haydock Green site. That this benefit is not taken into account as part of a comprehensive assessment of the site's overall credentials as an allocation highlights a critical flaw in the site assessment process. Very simply, the process adopted by the Council is ill equipped to identify which sites are the most sustainable for allocation when all dimensions of sustainability are considered in the round and on a comparative basis. In the specific case of Haydock Green, it will mean a key objective of the LP, relating to the future upgrade of Junction 23, will not be achieved.

Assessment of Haydock Point North (Site 2ES)

- 6.7 Further, the GBR is now nearly three years old. As a result, the evidence base on which the Council is reliant to underpin the conclusions in the Review is out-of-date. It requires an immediate update. This deficiency is highlighted by reference to Site 2ES (Land North East of Junction 23 M6). This site has been subject to an outline application for the development of c167,000 sq m of logistics and manufacturing floorspace made by Peel in 2017 (planning application P/2017/0254/OUP). Peel submitted an appeal against the Council's failure to determination this application in the statutory timeframes in July 2020. The appeal was called-in by the Secretary of State and an Inquiry was held in February 2021. A decision is expected by 19th July 2021.

- 6.8 The justification for not selecting this site for allocation during the plan period is set out at pages 47 and 48 of the Green Belt Review (Stage 3 of the site assessment process). Amongst the reasons given, the Review refers to:

- Ecological impacts
- Air quality impacts
- Highway impacts and the need to consider the development in the context of future improvement works at Junction 23

- 6.9 The Council continues to rely on the Stage 3 appraisal to justify the selection of sites for allocation. However the above issues have now all been resolved through the aforementioned application and appeal. It is common ground between Peel and the Council that there are no ecological, air quality or highway grounds reasons why the site should not be developed in the short term. Further it is common ground that the development will not jeopardise the Council's aspiration for future improvements to Junction 23 of the M6, that the development can provide benefits in facilitating the future delivery of a strategic upgrade to Junction 23 (as an aspiration of Policy LPA07 of the LP) and that, irrespective of any such future upgrade, the development will enhance the operation of the junction against the baseline²⁰. The known and up to

²⁰ See Appendix 1 extracts from Statements of Common Ground between the Appellant and St Helens Council

date position in relation to the above claimed areas of impact is clearly contrary to what the GBR concludes and the basis on which the site is not selected for allocation.

- 6.10 The Council's appraisal of this site, upon which it continues to rely, is now out of date. The basis on which Site 2ES was selected not to be allocated is now unsound as a result and an immediate update to this evidence base is necessary to allow a fair assessment of this site alongside others. These deficiencies mean the approach adopted by the Council to site selection has not been robust, positive or justified.

7. Issue 7: Policies LPA03 and LPA01

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

7.1 Peel does not intend to provide a response to this question at this stage but reserves the right to make further comments at the relevant hearing.

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

7.2 Peel does not intend to provide a response to this question at this stage but reserves the right to make further comments at the relevant hearing.

**Appendix 1: Extracts from selected statements
of common ground in relation to
appeal
APP/H4315/W/20/03256871
(Haydock Point)**

Extracts from Inquiry Core Document CD 25.3: Statement of Common Ground between the appellant and the Council – Ecology

Paragraphs 4.1 to 4.12

4.1 The scheme will be of benefit to, or have no effect on, most ecological features. The scheme will benefit the following features:

- Grassland
- Woodland and Trees
- Native Hedgerows
- Ditch habitats
- Bats
- Birds of Conservation Concern (other than farmland birds)
- Water vole

4.2 The scheme will have a negative effect on farmland birds on the site itself, but an offsite compensation package has been agreed which will take the form of either management of a dedicated area of land for wintering lapwing (which will also benefit other farmland bird species), or through providing a contribution to St Helens Council specifically to allow them (or an appropriate body) to manage habitats elsewhere to benefit lapwing.

4.3 Neither Natural England nor St Helens Council's ecological advisers MEAS in their consultation responses have raised any objections to the proposals. A walkover of the site undertaken on 21st August 2020 has confirmed that the conditions have not materially changed since 2019, and the conclusions of the Environmental Statements and Addendums remain valid.

4.4 During the consultation period for the 2017 ES, MEAS advised that more information be provided on lapwing and golden plover use of the site and that the potential for impact on the Mersey Estuary be investigated.

4.5 The additional winter bird survey and desktop research provided the information required by MEAS and confirmed there is no likelihood of significant effect on the Mersey Estuary SPA/Ramsar site.

4.6 The scheme has been thoroughly assessed and its design has been informed by the ecological mitigation hierarchy, where avoidance of adverse effect is preferred to the need for mitigation or compensatory measures.

4.7 The proposal is compliant with all relevant biodiversity legislation, policy and guidance.

4.8 No Natural England licence would be required in respect of bats, as no roosts would be disturbed. No evidence of badgers are found on the site.

4.9 The proposed conditions and obligations that MEAS recommended in their consultation response letter of 24th July 2020 are suitable for the site.

4.10 At the time of making the Environmental Impact Assessment there was no requirement to

assess the scheme using a metric such as the DEFRA Biodiversity Metric 2.0. There remains no statutory or locally-adopted policy requirement to use such a metric.

4.11 An assessment of biodiversity net gain was made by reference to the net effects of the scheme on features of ecological importance assessed through EIA, and as described in paragraphs 4.1- 4,2 above, the number and importance of features that would benefit is greater than those that would be adversely affected.

4.12 MEAS advised in their consultation response letter of 24th July 2020 that there is no requirement to use the DEFRA Biodiversity Metric 2.0 as the application site comprises predominantly arable land of negligible ecological value, and use of the metric on this occasion would be unlikely to significantly alter the proposed ecological mitigation and compensation measures.

Extracts from Inquiry Core Document CD 25.6: Statement of Common Ground between the appellant and the Council – Air Quality

Paragraphs 2.1 to 2.2

2.1 The Appellant and the LPA are agreed that;

1. The majority of the Council's administrative area has good air quality and meets national air quality objectives which have been derived by Government based on medical and scientific evidence of how each pollutant affects human health;
2. There are locations within the Council's area where the annual mean objective for nitrogen dioxide (NO₂) is not met but these areas are close to major roads;
3. There are no identified areas within the Council's area where short -term (i.e. daily, hourly, or 15-min means) air quality objectives are exceeded;
4. The general overall trend in local air quality within the Council's area is decreasing levels of NO₂ and particulate matter over the last five years. Three of the four Air Quality Management Areas in the Council's area now have levels of NO₂ below the annual mean air quality objective at the nearest sensitive receptors.
5. Appropriate legislation, policy and guidance has been considered within the air quality assessment detailed in Chapter 11 of Volume 2 of ES Addendum 2;
6. The methodology used in undertaking the air quality assessment detailed in Chapter 11 of Volume 2 of ES Addendum 2 and the air quality appendices within Volume 3 of Addendum 2 is appropriate;
7. The baseline air quality data used within the assessment in Chapter 11 of Volume 2 of ES Addendum 2 and detailed in Volume 3 of Addendum 2 are appropriate;
8. The air quality dispersion model, including the inputs, its verification and calibration, described in Chapter 11 of Volume 2 of ES Addendum 2 and Volume 3 of Addendum 2, the results of which have been used within the assessment, is appropriate;
9. The receptor locations selected within the air quality assessment, detailed in Chapter 11 of Volume 2 of ES Addendum 2 and Volume 3 of Addendum 2, are appropriate;
10. The significance of the impacts of the development on local air quality as set out in Chapter 11 of Volume 2 of ES Addendum 2 has been judged properly and in accordance with guidance issued by the Institute of Air Quality Management;
11. The impact of the development on local air quality will not be significant, although the proposed development would result in an increase NO₂ and PM₁₀ in some locations but there would be no exceedance of levels set out in DEFRA guidance during the operational phase of the proposed development, nor would there be a significant impact overall; and
12. Dust impacts from construction works can be mitigated by appropriate controls within an agreed Construction Environmental Management Plan.
13. The operational phase of the proposed development would have some

adverse effects on air quality in certain locations. However, the proposed development would not cause any exceedances of standards set out in DEFRA guidance or have a significant effect overall. There would be no conflict with Policy CP1 of the St Helens Core Strategy or paragraph 181 of the NPPF because impacts have been minimised and mitigated.

2.2 In summary, we are agreed that there are no air quality reasons why the development should be refused planning permission. Furthermore, the proposed development is not expected to cause a significant impact during construction or operational phases.

Extracts from Inquiry Core Document CD 25.8: Statement of Common Ground between the appellant and the Council – Highways

Paragraphs 33 to 36 in relation to the proposed development's impact on the highway network, including Junction 23

33. A package of mitigation works has been agreed for M6 J23 that will be brought forward to support the development proposals at the appeal site. The principal elements of the proposed package of mitigation works are summarised below and shown in Drawing VN60647/P-09 Rev H at the rear of this document:

- Widening of A580 eastbound and westbound approaches to provide additional ahead lanes for traffic entering the junction;
- A significant increase in the length of the left turn lanes provided for the A580 westbound approach;
- Additional road space and stacking capacity for right turning traffic for the area beneath the M6 bridge piers with the additional ahead lanes on the A580 approaches feeding traffic directly into these reservoirs; and
- Partial closure of the northern A49 arm of the junction to restrict southbound traffic from entering the junction but continuing to permit northbound traffic exiting the junction.

34. The partial closure of the northern A49 arm is achieved by creating the new link road through the appeal site between the A49 and the A580. This removes the signal stop line on the circulatory carriageway, which has a short stacking space, and removes conflicting traffic movements from the A49 (N). The proposals benefit the operation at M6 J23 by removing the A49 (N) phasing from the signal timings of the junction, together with removal of some traffic movements. This allows the reallocation of the green time otherwise associated with the A49 (N) stopline to other areas of the junction better able to accommodate demand. Additionally, the diversion of the A49 (N) through the site will form a key element of wider potential improvements to M6 J23 which is discussed in further detail below.

35. It is agreed that the proposed package of mitigation works at M6 J23, even with the introduction of traffic from the appeal site development, would lead to a superior level of operational performance when compared with a future baseline without the appeal development coming forward. It is therefore agreed that the proposed improvements at M6 J23 will provide operational capacity for the development, some improved operation and safety benefits for other road users as a result.

36. The design of the mitigating works has been subject to an independent RSA1. It is agreed that the design of the junction is reflective of the outcomes of the audit and that there are no known safety issues that would arise from the proposed works at the junction. The removal of the A49 connection with constrained stacking space would also improve highway safety by reducing vehicular conflicts and blocking back through adjacent signals. The removal of the A49 (N) arm would also provide the opportunity for additional benefit for active travel movements through the northern part of M6 J23.

Paragraphs 37 to 53 in relation the future improvement of Junction 23

37. SHBC in partnership with HE and Wigan Metropolitan Borough Council commissioned WSP to undertake a study of options for improvements at M6 J23, which involved the setting up of a Junction 23 Steering Group. This work has culminated in WSP producing a report entitled *M6 Junction 23 Haydock Island Capacity Feasibility Study (June 2019)* which from the outset states that due to existing and forecast congestion issues at the junction that *“it is considered essential that the junction’s capacity is improved to manage the existing traffic flows and to facilitate the projected development growth anticipated in the area”*. This clear necessity to improve capacity at M6 J23 in

the long term is agreed and is a key priority for SHBC in the near future, included as a priority in the Submission Draft of the St Helens Local Plan (Policy LPA07: Transport and Travel).

38. The study commission was to undertake a junction improvement study of M6 J23. An objective of the study was also to advise the preparation of the St Helens Local Plan 2018-2033 (including the Infrastructure Delivery Plan), stating this may ultimately lead to the development of a future major transport scheme with the partner organisations.

39. The Study considered a range of options with four options being taken forward for more detailed assessment. The four options tested as part of the study into improving the capacity and operational performance of M6 J23 are described below:

- Option A – diversion of A49 arms of J23 to provide two signal junctions with the A580 to the east and west of the junction;
- Option B – reallocation of straight ahead lanes and realignment of right turn lanes;
- Option C – combination of Options A&B;
- Option D – diverging diamond interchange (includes Option A).

40. The modelling conclusions for Option A identify the diversion of the A49 arms as a permanent solution with clear benefits for the junction. The report concludes that in isolation, or in conjunction with other schemes, it is considered fundamental to improving the junction in the medium to long-term. By removing high-volume traffic movements from the junction, further space would be available to accommodate traffic on the gyratory and the performance of the junction would be considerably improved.

41. With respect to Option B, reallocation of straight ahead lanes and realignment of right turn lanes, the initial modelling work identified that this would not give any significant improvements in performance as a stand-alone scheme and would not represent a significant long-term betterment for the junction. A key reason for this is that the conflicting movements and limited stacking space for vehicles where M6 slip roads, A49 Lodge Lane, the circulatory section of the roundabout and the straight-ahead lanes on A580 coverage, would always constrain any attempt to improve the operational performance of the junction. These conflicting vehicle movements would continue to present a safety hazard at the junction for both vehicles, pedestrians and cyclists, which would be difficult to resolve.

42. In this respect, the WSP study states: *“The Steering Group resolved that to achieve any significant level of improvement, and which ever additional option for improvement was taken*

forward, A49 Lodge Lane should be diverted on both sides of the junction, removing the connections with the existing roundabout. New junctions would have to be constructed with A580 at a likely distance of 400m to 600m from M6 J23.”

43. The WSP report further concluded that: *“This study has revealed that any significant improvements at the junction hinge on the diversion of Lodge Lane away from the gyratory carriageway, either in isolation or in conjunction with another junction improvement scheme.”* Whilst diversion of the A49 Lodge Lane is considered essential for the improvement of the junction, the report states there are options to keeping the outbound traffic lanes away from the junction as this would not affect traffic signal operation, would reduce the detour from the A49 and could simplify new junctions with the A580.

44. It is agreed with SHBC that, based on the outcomes of this study the wider capacity and safety improvements to M6 J23, whichever option is selected will necessitate the diversion of the A49 arms away from the junction.

45. At the present time, there is no formally agreed scheme and no identified funding for the wider improvements to J23, apart from the funding to be provided by Peel in relation to the A49 (N) diversion as an essential element of the wider J23 proposals. As recommended by the J23 Study, further work will be required to develop Option C (ROSAL) and Option D (Diverging Diamond) to go with the essential proposals to divert the A49 arms. The development of the preferred option for the improvement to the Haydock Island Junction will require agreement by SHBC and Highways England to take forward to business case stage and to progress funding bids. To secure entry onto any funding programme a review of the existing optioneering and a revisit of that process would be required. Detailed cost estimates for the chosen preferred option will be required to support the business case.

46. Areas outside of the highway boundary will require planning consent. The A49 (N) diversion will secure planning approval as part of the Haydock Point development approval to allow delivery of this element of the scheme in the short term. Given these processes, it is agreed that the wider J23 scheme is unlikely to be delivered in the short term.

47. The proposed vehicular access arrangements and the link road between the A580 and A49 access junctions have been designed with cognisance of the emerging future scheme at M6 J23, with the Appellant working with both SHBC and HE to develop a scheme that would fit with and form part of a wider package of improvements for the junction. The infrastructure improvements would become adopted highway. It is agreed that the Appellant’s proposals would allow the A49 diversion on the north-east quadrant of the junction, forming an essential element of delivering wider capacity and safety benefits at M6 J23.

48. At the request of SHBC, a 10 metre off-set strip is provided along the full length of the site’s southern and western boundaries as well as 50m back from the proposed A580 and A49 site access junctions. It has been agreed that this area of land will be safeguarded should this be required to deliver future improvements at the M6 J23.

49. It is also agreed that an area of land within the north-west corner of the appeal site will be safeguarded to facilitate the potential for a future re-alignment of the A49 and replacement of the proposed access roundabout as part of the wider M6 J23 improvement proposals. This strip will be safeguarded and, if required, transferred to the Council by means of a Section 106 obligation.

50. The WSP Junction 23 Study has indicatively costed the diversion of the A49 Lodge Lane in the north-east quadrant of the junction through the Appeal site at £11.8 million. The appeal site development would deliver this diversion, representing a significant contribution to overall highway improvement scheme costs of £34.8m to £37.8m. These figures exclude land costs, with the land for the highway infrastructure to be dedicated by the Appellant. It is therefore agreed that the Appellant's development proposals, including delivery of the accesses and link road infrastructure, and the provision of safeguarded land, will provide a substantial contribution to potential wider improvement proposals at M6 J23.

51. The A49 diversion forms part of the agreed access and mitigation strategy associated with these development proposals. This strategy was amended from the original highway access strategy which was a single access point from the A580 and no A49 diversion and link road. The scheme was amended to the current proposals on being advised by SHBC and Highways England of the outputs from the J23 Study work. The currently proposed highway improvements have allowed the application to proceed with the agreement of SHBC and Highways England, and at present this application would not proceed without this aspect being included.

52. An alternative alignment for the diversion of the northern A49 arm has been considered in the J23 Study. Both alignments require land controlled by Peel. The alternative requires Peel land plus additional third party land and is significantly more expensive excluding land costs than the option to be delivered by the Haydock Point development. The proposed alignment to be delivered by Peel provides the most cost effective and direct option identified to date.

53. Given the potential for wider improvements to come forward at M6 J23 as set out in the WSP study, the S.106 Agreement sets out the ability for SHBC to request that the Appellant makes a financial contribution of £1.85 million towards improvements at M6 J23 rather than implement the mitigation works. It is agreed that this would represent an appropriate contribution to the potential wider improvement proposals at M6 J23.

Paragraphs 68 and 69 Summary

68. It is agreed between the parties that there are no highways or transport reasons for refusal of the proposed development, the subject of this appeal, subject to relevant planning conditions and obligations.

69. It is agreed the proposed development would provide an essential aspect of potential future wider strategic improvements to capacity and safety at M6 J23, a key gateway into St Helens and the North West Strategic Road Network, as identified by the J23 Study (noted earlier in this SoCG). This clear necessity to improve capacity at M6 J23 is included as a priority in the Submission Draft of the St Helens Local Plan (Policy LPA07: Transport and Travel). The access arrangements and associated link road accord with the future improvements and contribute to them at no cost to the public purse. The A49 diversion forms part of the agreed access and mitigation strategy associated with the development proposals, allowing the development to proceed with agreement from SHBC and Highways England.

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