



Murphy Group (RO: 1953)

SHLEIP MATTER 3

Spatial Strategy and Strategic Policies





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TYPE OF DOCUMENT (VERSION) PUBLIC

PROJECT NO. 62261804

DATE: MAY 2021

WSP

8 First Street

Manchester







M15 4RP

Phone: +44 161 200 5000

WSP.com



QUALITY CONTROL

Issue/revision	First issue	Revision 1	Revision 2	Revision 3
Remarks				
Date	30/4/21	7/5/21		
Prepared by	Matthew Hard MRTPI	Matthew Hard MRTPI		
Signature				
Checked by	Doug Hann MRTPI	Doug Hann MRTPI		
Signature				
Authorised by	Doug Hann MRTPI	Doug Hann MRTPI		
Signature				
Project number	62261804	62261804		
Report number	Hearing Statement Matter 3 – Thursday 27 May 2021	RO 1953 Murphy Group Hearing Statement Matter 3		
File reference				

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INTRODUCTION



1 INTRODUCTION

- 1.1.1. WSP¹ has prepared this Hearing Statement on behalf of Respondent ID RO 1953: Murphy Group². An introduction to Murphy Group is provided for context in **Appendix A**. A plan showing its land holdings in St Helens and adjacent to St Helens is provided for context in **Appendix B**.
- 1.1.2. The Regulation 19 representations are contained from page 222 onwards in SD00821. The representations sought to re-designated 1HS (owned by Murphy Group) as an additional housing allocation.
- 1.1.3. It responds to some of the Inspectors' questions relating to Matter 3.
- 1.1.4. The answers below conclude that:
- There are exceptional circumstances for releasing land from the Green Belt;
 - The Green Belt assessment has followed a robust methodology, but there has been bias in its judgements, such that GBP_025_A has been safeguarded (1HS) rather than allocated;
 - The plan is not effective or positive because strategic sites won't deliver the requisite number of homes in the plan period, resulting in a shortfall;
 - For the plan to be effective and positive, land currently safeguarded at HS1 needs to be allocated;
 - Alternatively, flexibility should be added to the plan by designating some land as Plan B sites that can be brought forward in specific circumstances without waiting for a plan review; and
 - The plan is not consistent with national policy because neither it nor its evidence base consider let alone specifies how compensatory improvements to remaining Green Belt land will be secured or delivered.

¹ Indigo Planning made representations at the Regulation 19 consultation on behalf of Murphy Group. Indigo Planning has since been acquired by and become part of WSP.

² Murphy Group is also known as J Murphy & Sons.



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QUESTIONS



2 QUESTIONS

2.1 ISSUE 1: PREVIOUSLY DEVELOPED LAND AND HOUSING DENSITIES

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

2.1.1. No

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

2.1.2. Yes

2.2 ISSUE 2: GREEN BELT AND EXCEPTIONAL CIRCUMSTANCES

3. *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)?*

2.2.1. No. Whilst the presence of Green Belt is one consideration and is not an insignificant one. It does not warrant restricting development having regard to footnote 6 of the NPPF. Paragraph 60 of the Framework and PPG explains exceptional circumstances can warrant departure from LHN, including as per PPG economic and social considerations. Once a level of development has been established, the spatial constraints and availability of land is then considered.

2.2.2. With SD005 and SD20 both concluding that land can be removed from the Green Belt, and the Council's objective to promote employment growth and address affordability, the Council is justified in not restricting the overall scale of development.

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

2.2.3. Yes. Provision of new housing, and indeed jobs, is perfectly capable and in this instance does constitute exceptional circumstances. Please see **Appendix C** for Town Legal's Advice Note on this matter.

2.2.4. If land wasn't released from the Green Belt for allocations, the supply would be reduced by 1,656 homes. With the plan aiming for 9,234 homes being delivered to 2035, the supply would drop to 7,578 homes. Across the 19-year plan period (2016 to 2035) this would equate to 399 dpa, which is 35 dpa fewer than required by the LHN.

2.2.5. There are therefore clear exceptional circumstances.

5. *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?*

2.2.6. The quantum of Green Belt release is supported by proportionate evidence. However, some caution is required in considering the densities achievable on brownfield land and in urban areas, as such sites should still need to provide good levels of amenity space and other social infrastructure that could reduce developable areas.

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

2.2.7. The Green Belt review within the draft Greater Manchester Spatial Framework (which covers Wigan) is broadly comparable, but only covers the equivalent of St Helens' Stage 1 assessment. It assesses against four of the purposes (not purpose 5) and is more nuanced in its State 1 assessment.

2.2.8. The West Lancashire Green Belt and Knowsley Green Belt review were broadly comparable.

2.2.9. Halton's Green Belt review contained more stages but had slightly different protocols for decision-making and a more simplistic assessment against the purposes.

2.2.10. Warrington's Green Belt review was more nuanced and is the only neighbouring authority to consider against all five purposes.

- 2.2.11. The St Helens methodology is itself robust, but the application of the methodology has been inconsistent. The Green Belt assessment introduces subjectivity that unfairly influences its conclusions.
- 2.2.12. For example, GB_025_b is deemed to have strong boundaries to all sides, whilst GB_025_a is only “partially” well contained despite having, in St Helens’ view, strong boundaries on all sides apart from only “in-part” of the northern boundary. It is not clear which part of the northern boundary is judged not strong, given Leyland Green Road is the northern boundary to the promoted site and Down Brook is the northern boundary to the Green Belt parcel. **Appendix D** to this Statement provides expert analysis from Hankinson Duckett Associates, with paragraph 5.2.12 demonstrating why both parcels should have been judged as a low contribution to purpose 1.
- 2.2.13. A similar misjudgement has been identified in **Appendix D** in relation to purpose 2, seemingly based on parcel GB_02_a having its boundary as Down Brook rather than Leyland Green Road, despite the promoted site and proposed safeguarded land being confined to the southern side of Leyland Green Road.
- 2.2.14. Further comment on the language used within Stage 2B review is provided in **Appendix D**, including:
- Incorrect assertion that GB_025_a is more open than 025_b;
 - Incorrect judgement that a more western extent to the site boundary is problematic;
 - Arbitrary commentary that 025_a is at risk of being constructed in isolation, phasing of development would be controlled through development management and would logically commence at the eastern end of both parcels;
 - Weight being attached to the inaccurate conclusion of the HRA regarding pink-footed geese;
 - The term “scattered buildings to the west” for 025_a compared with “pockets of development along its western boundary” for 025_b implies bias towards the latter;
 - Reference to a high number of unlikely significant effects for 025_a compared with a high number of positive effects for 025_b emphasises the latter site in a more positive manner, when given their adjacency, their sustainability credentials ought to be very similar if not identical.

2.3 ISSUE 3: THE PRINCIPLE OF SAFEGUARDED LAND BEING IDENTIFIED TO MEET LONGER-TERM DEVELOPMENT NEEDS

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

- 2.3.1. Safeguarded land is an established and defined concept and as such the principle is justified but the real question is whether the extent of safeguarded land is necessary. The Plan needs to be robust and capable of meeting unexpected contingencies such as delivery failure or slippage on one or more sites. It also needs to consider that the housing requirement is a minimum figure not a target. A robust strategy is one which plans for some headroom and would provide flexibility to ensure the Plan is not vulnerable.
- 2.3.2. We consider the amount of land proposed to be safeguarded is at the expense of sufficient flexibility within the plan itself. More land should be allocated or at the least reserve sites identified so that there is flexibility to address housing shortfalls without the need for a formal plan review.
- 2.3.3. 6,384 new homes are allocated across seven large strategic sites, of which 3,429 are due to be delivered in the plan period. Any delays to delivery, which are more likely on larger sites, would place the housing trajectory at risk, and could be detrimental to the Council's 5YLS and HDT.

Commentary on strategic allocations

- 2.3.4. For 480 homes to be delivered on site 4HA by 2035, assuming 50 dpa (ie two housebuilders developing simultaneously), the first homes will need to be delivered in 2026. Given the amount of masterplanning across multiple ownerships (some of whom have not promoted the land for development), and the infrastructure planning and implementation needed, is ambitious.
- 2.3.5. Assuming planning permission is granted in 2022 and construction starts in 2023, Site 5HA would need to be built out at 36 homes per annum to have 427 delivered by 2035. This is more than the typical 30 dpa for volume housebuilders. An average build of 30 dpa would result in a shortfall of 67 homes.
- 2.3.6. Site 6HA is already behind schedule. The ES that accompanied P/2020/0083/OUEIA assumes a construction period of 10-15 years, outline permission gained in 2020, a start in late 2020 and first completions in 2021. The application remains undetermined. A S106 obligation will need to be negotiated post any resolution to grant which with multiple owners will not be straightforward. If permission is granted in 2022 and reserved matters are approved in 2023, commencement of development is unlikely until 2023.
- 2.3.7. Site 9HA has the benefit of outline permission for up to 352 homes, granted in June 2018. The first application for reserved matters (294 homes) was not submitted until April 2021 (two months before the expiry of the permission). 56 fewer homes are now proposed than within the proposed allocation.
- 2.3.8. Site 10HA originally received planning permission in 2007; 14 years later there are still no homes on site. The local plan assumes 802 homes to be delivered by 2035; at an average delivery of 50 homes per annum (based on two housebuilders building out), construction would have needed to start in 2019. With no live permission, it is doubtful that homes will begin to be completed until at least 2026. As a result, no more than 450 can realistically expect to be delivered by 2035. This results in a shortfall of 352 homes.

Solution A

- 2.3.9. With 475 homes unlikely to be delivered on 10HA, 6HA and 5HA, this needs to be addressed by 'upgrading' some safeguarded land to allocations, such as 1HS.

Solution B

- 2.3.10. Alternatively, a new tier of site should be defined to help buffer the Council's position. Plan B sites (which have been used as a concept in the West Lancashire Local Plan, for example) are a form of reserve sites which can be introduced and brought forward in certain circumstances, without triggering a new plan review in order for safeguarded land to be reviewed, allocated and delivered. This is a swifter, more flexible mechanism that would help with any HDT Action Plan if delivery rates dropped.
- 2.3.11. A new policy would be required to govern such sites which would need to be identified on the Policy Map. The new policy should read:

2.3.12. *Planning permission for development on Plan B sites listed below and as shown on the Policies Map will only be granted in the following circumstances:*

- ***A failure to pass the Housing Delivery Test within the previous 12 months; or***
- ***A housing land supply fewer than five years.***

Planning applications for Plan B sites must be submitted in full and must demonstrate ability and intent for new homes to be completed within two years of permission being granted.

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

- 2.3.13. It is important to ensure there is sufficient land allocated for residential development within the plan period for the plan to be sound. Bringing some safeguarded land such as 1HS forward to be delivered in the plan period would be the most sustainable way of doing so. The second-best way would be to amend the designation of some safeguarded sites such as 1HS to a Plan B site (see answer to Q7 above). These options would result in a reduction of safeguarded land, but an increase in the amount of land to be allocated.

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

- 2.3.14. Yes, 1HS is a correct location to be released from the Green Belt. The site ought to be allocated rather than safeguarded.

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

- 2.3.15. The policy is mostly consistent. The inconsistency is that paragraph 139 d) says that permission should only be granted following an update to a plan which proposes the development, compared with LPA06 bullet 2 stating that proposals for development of safeguarded sites in the plan period will be refused (WSP emphases). The framework encourages permission not to be granted; the local plan demands that permission be refused. For consistency and therefore soundness, the policy should be amended.

- 2.3.16. If the policy remains as worded and no additional sites are allocated to provide sufficient headroom, the plan must introduce a new designation of Plan B or reserve sites that can be granted permission



in circumstances where land supply or housing delivery have dropped below required standard, as set out in response to Q7 above.

2.4 ISSUE 4: COMPENSATORY IMPROVEMENTS TO GREEN BELT LAND

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

- 2.4.1. No. The plan fails to comply with PPG Paragraph: 003 Reference ID: 64-003-20190722 or Paragraph: 002 Reference ID: 64-002-20190722. This issue has not been adequately addressed in the evidence base.
- 2.4.2. PQ47 in SHBC001 outlines three ways: enhancement of Bold Forest Park, masterplanning of strategic sites and compliance with other policies. The plan remains vague on this point and is unlikely to deliver sufficient improvements.
- 2.4.3. Firstly, of the land being released from the Green Belt, only site 4HA is specifically required to improve Bold Forest Park. It is unlikely that sites at the other end of the borough eg at Garswood will be able to legitimately contribute to enhancement of Bold Forest Park, given their distance and the constraints of CIL Regulation 122.
- 2.4.4. Any enhancements to Bold Forest Park are unlikely to benefit the communities and environments of other parts of the borough compared with localised improvements to Green Belt associated with each housing allocation.
- 2.4.5. Secondly, not all sites being released from the Green Belt are strategic sites and therefore aren't subject to the masterplanning policy under LPA05.1.
- 2.4.6. Thirdly, in respect of the strategic allocations, Policy LPA05.1 requires masterplanning of "the whole site", but compensatory improvements should be to the remaining Green Belt land and not to the site itself that has been removed from the Green Belt.
- 2.4.7. Fourthly, the other policies referred to by the Council in PQ47 serve their own purpose and aren't worded to provide compensatory improvements to the remaining Green Belt. They are applicable to all developments and not just to the land being released from the Green Belt.
- 2.4.8. Finally, the preparation of the plan has not considered what sites could best deliver compensatory improvements and what sites will rely on developer contributions. Any developer contributions in this regard would fall within bullet iii) of LPA08 Section 3, ie towards the bottom of the developer contribution hierarchy and therefore more prone to being discounted for viability reasons. Developer contributions also hands the responsibility for the improvements to the LPA or to third parties.
- 2.4.9. There's no consideration of whether the plan will deliver improvements to offset the impact of removing land from the Green Belt. The plan's evidence base should have assessed the potential for different parcels / sites to facilitate compensatory improvements.
- 2.4.10. Safeguarded site 1HS would provide for compensatory improvements and is to be one of few where this can be guaranteed, by virtue of the landholder owning additional land in the vicinity of the site. The accompanying Masterplan (**Appendix E**) shows areas for improved environmental quality along Down Brook and improved and new PROWs that would improve public access to the Green Belt.

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



- 2.4.11. The Council should have better evidence on potential compensatory improvements and how they can be secured, ahead of deciding upon its proposed allocations. There is not a fulsome consideration of the factors set out in PPG Paragraph: 003 Reference ID: 64-003-20190722.
- 2.4.12. To ensure the plan is deliverable, the Inspectors should be satisfied that the proposed allocations that release land from the Green Belt can deliver compensatory improvements. Site 1HS can do this, as well as providing for significant green infrastructure on site and retained and improved public access through the site, if it was allocated for new housing.
- 2.4.13. **The plan is unsound because it is inconsistent with national policy in this regard.**

2.5 ISSUE 5: THE SPATIAL DISTRIBUTION

13. Is the spatial distribution of development within the Plan justified?

- 2.5.1. The size and sustainability of a settlement are only two factors in the complex process of future planning. These matters are added to considerations such as the constraints of Green Belt, local environmental matters, infrastructure requirements, societal needs, and historic patterns of development.
- 2.5.2. As St Helens is a relatively small borough in terms of its area, there will be clear pressures that dictate the distribution of development. As a Green Belt authority, checking urban sprawl and preventing the coalescence of towns is an obvious constraint.
- 2.5.3. Garswood can withstand 507 homes across 1HA and 1HS in the plan period, as supported by the Council's own Green Belt review. There is sustainable access to existing and proposed employment sites, including outside of the borough, including South Lancs Industrial Estate (which is proposed to be expanded), Haydock Cross/Haydock Industrial Estate, Stone Cross/Golborne and Florida Farm North – **Appendix F** shows these. It has good schools with surplus (see government data in **Appendixes G and H**) – schools receive central government funding based on pupil numbers and not capacity - and it has rail connections to both Wigan and St Helens; it also has many bus connections. New development at 1HS will provide allotments that have been identified in SHBC003 as being social infrastructure long sought after in the parish and ward. New development at 1HS can help sustain local facilities and can turn the adjacent playing pitches, play area, community centre and medical centre into the heart of the existing and new community. It creates a new town green, surrounded by community uses and homes for all sectors of society.
- 2.5.4. In the past 20 years, planning permission has been granted for no more than 40 homes in Garswood, eight of which within the permission granted to Murphy Group in late 2020. All other permissions were small proposals, for example infill plots or replacing one home with two. It is highly likely that none of these new homes provided affordable housing.
- 2.5.5. The spatial distribution is therefore justified in this regard, albeit Garswood can accommodate an additional allocation in a sustainable manner.

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

- 2.5.6. It has had regard, but not sufficiently so. SD028 paragraph 3.7 emphasise the importance of a modal shift to sustainable transport, but the spatial distribution has had insufficient regard to how this shift can best be managed; accessibility by public transport has not influenced the distribution adequately.

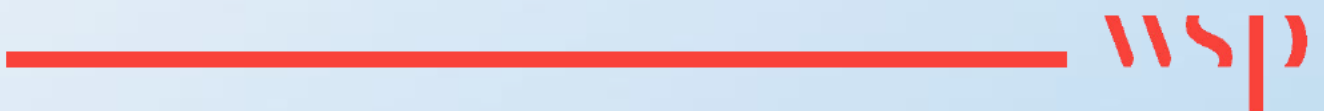
2.6 ISSUE 6: SITE SELECTION

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

- 2.6.1. The methodology of the Green Belt review has been appropriate, but the judgements therein have not been robust.
- 2.6.2. The spatial distribution is founded on solid principles, but insufficient regard has been had to promoting development where well-served by public transport and the impacts on climate change that this would have. The ability of at least 1SH to provide compensatory improvements in the GB has also been ignored.
- 2.6.3. **With considerable uncertainty on the delivery rates associated with strategic sites, the plan will not be robust and effective without additional land being allocated and a new policy with Plan B sites being included in reserve.**

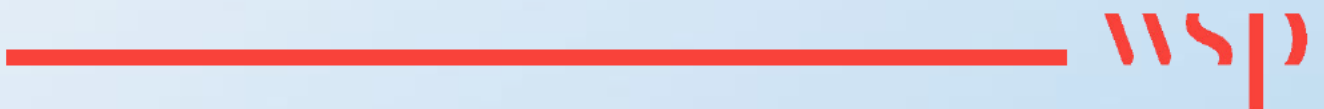
Appendix A

INTRODUCTION TO MURPHY GROUP



Appendix B

PLAN OF LANDHOLDING



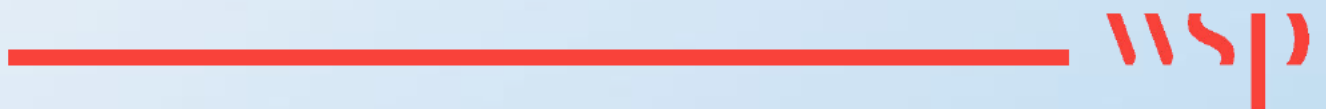
Appendix C

TOWN LEGAL ADVICE NOTE



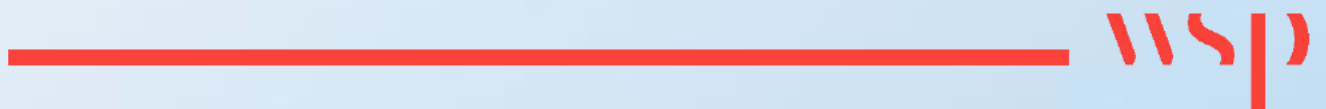
Appendix D

LANDSCAPE AND GREEN BELT STUDY



Appendix E

CONCEPT MASTERPLAN



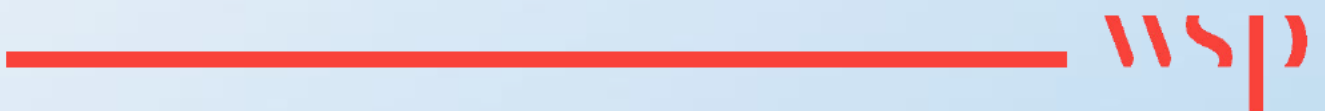
Appendix F

LOCAL EMPLOYMENT SITES



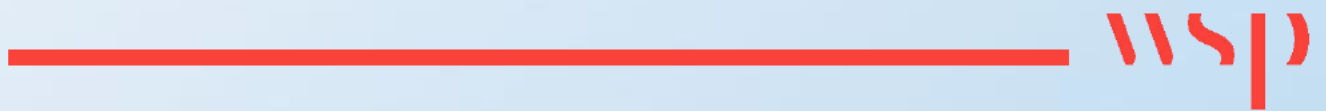
Appendix G

RECTORY ROAD PRIMARY SCHOOL



Appendix H

GARSWOOD PRIMARY SCHOOL





8 First Street
Manchester
M15 4RP

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