

CPRE COMMENTS ST HELENS BOROUGH LOCAL PLAN 2020—2035 EXAMINATION

Session 11 – 09.30 Tuesday 22 June 2021

Matters 10 & 11

10 - Infrastructure and Delivery

11- Monitoring and Implementation

These matters consider infrastructure, including transport and Green Infrastructure, developer contributions, viability and Monitoring and Implementation.

Policies to be covered by Matters 10 & 11: LPA08, LPA09, LPA02 Appendix 2: Definition of Infrastructure, Appendix 4: Monitoring Framework

Main Evidence Base

SD013 – St Helens Borough Local Plan 2020-2035 Infrastructure Delivery Plan (IDP) 2020, October 2020

SHBC001 – SHBC002 Council responses to Inspector’s preliminary questions

SHBC003 – Background Paper on Open Space

MON001 – 2018-2019 Annual Monitoring Report, 2019

VIA001 – EVA, December 2018

SD004 – Consultation Statement – Appendices 21 and 22 (responses to comments on EVA)

TRA003 - Local Plan Transport Impact Assessment (TIA)

LOC009 – Ensuring a Choice of Travel SPD

Issue 1: Definition and scope of infrastructure required

In INSP002, we identified that ‘Appendix 2: Definition of Infrastructure’ contains some categories that, in our view, do not comprise infrastructure and would not be expected to be supported by developer contributions as required by Policy LPA08. The Council have responded and suggested an MM to delete Appendix 2.

The IDP supports the implementation of the Local Plan and sets out what level of new or improved infrastructure will be required to deliver the growth proposed. Policy LPA08 sets out how new development will be supported by infrastructure delivery and funding.

The TIA identifies that the development of sites allocated in the Plan will result in additional traffic growth that is forecast to impact on the highway network at some locations. The forecast models indicate that the impact can be mitigated by a combination of measures (highway infrastructure projects, modest changes in travel behaviour and lower cost improvements across key junctions). Additionally, the TIA identifies no specific highway safety concerns as a consequence of additional traffic on the network arising from the development proposed in the LP.

1. In general terms will Policy LPA08, the IDP and other policies of the Plan, including allocation policies, ensure that necessary infrastructure is delivered and in a timely fashion?

CPRE has no comments at this time but reserves the right to comment during the hearings in response to matters raised.

2. Will the mitigation measures identified be sufficient to address the highway impacts identified?

CPRE has no comments at this time but reserves the right to comment during the hearings in response to matters raised.

3. Is the Council satisfied that the LP proposals would not have an unacceptable impact on highway safety or the residual cumulative impacts on the road network would not be severe (see SHBC001 – PQ65)?

CPRE agrees proposals should not have an unacceptable impact on highway safety.

4. How will the Council work with infrastructure and service providers (including the Liverpool City Region, Merseytravel, Highways England, developers, landowners and neighbouring authorities) to identify and address any impacts of proposed development, including through the use of contributions and through the implementation of highway improvement schemes?

CPRE hopes new development will enable a modal shift to bus and rail to reduce the car dependence of St Helens in the future.

The Council have agreed to an MM to Policy LPA07 1 (a) so that the policy is clear that rail improvements will form part of the infrastructure necessary to achieve the Council's strategic priorities.

Policy LPA07 1 e) identifies that the Council will secure the delivery of a number of rail projects to achieve the strategic priorities listed in part 1 of the policy. These include a new station at Carr Mill and the proposed Skelmersdale Link Road. There is a development brief for the proposed new station at Carr Mill and the site is currently the subject of a planning application for residential use and this seeks to safeguard land for a new station (referenced in SHBC001).

5. How will the Plan help to deliver these projects?

CPRE hopes new development will enable a modal shift to rail via the abovementioned projects.

6. Is it clear from the wording of Policy LPA07 how a decision maker should react to development proposals for these rail projects (in line with paragraph 16 d) of the Framework)?

CPRE has no comments at this time but reserves the right to comment during the hearings in response to matters raised.

Issue 2: Developer Contributions

The Council accept that viability is a challenge in parts of the Borough (SHBC001). The Plan seeks to achieve an appropriate level of developer contributions through a zonal approach to affordable housing (Policies LPA02 and LPC02). However, a zonal approach is not used for other infrastructure. That said, Policy LPA08 recognises that economic viability will be an important consideration in assessing proposals.

The Council has stated (SHBC001) that the intention is to provide flexibility in requiring developer contributions to take account of viability constraints. Essentially, it appears that decisions on developer contributions, apart from affordable housing, would be made on a site by site basis with developers needing to undertake site specific viability appraisals.

7. How is the strategy in relation to developer contributions to be implemented by the LP (see SHBC001 – PQ69)?

CPRE believes that securing adequate developer contributions is important to the long-term sustainability of places in the future. We welcome additional clarity of implementation via the local plan.

8. Is the approach set out in Policy LPA08 effective and does it strike the right balance between flexibility and certainty for applicants?

CPRE has no comments at this time but reserves the right to comment during the hearings in response to matters raised.

Issue 3: Viability

The delivery of the LP, particularly the allocations, will depend on whether sites are viable. The policies of the LP may impact on viability. Whether specific sites are deliverable or developable has been considered under Matter 4. However, this issue provides an opportunity to consider whether overall the EVA and its assumptions are robust. The EVA concludes that:

‘the overall scale of obligations, standards and policy burdens contained in the Local Plan are not of such a scale that cumulatively they threaten the ability of the sites and scale of development identified in the Plan to be developed viably.’ (Paragraph 7.37)

9. Does the EVA make realistic assumptions about land values, sales values, finance, profit and development costs?

CPRE believes that securing adequate developer contributions is important for the long-term sustainability of places in the future. The Local Plan policy must ensure developers cannot renege on agreed contributions after approval as it erodes faith in the planning system to deliver.

Issue 4: Green Infrastructure (GI)

Policy LPA09 deals with GI. Policy LPC05 refers to open space. Policy LPC06 refers to the hierarchy of wildlife sites. Policy LPC07 refers to Greenways. These areas comprise GI and are identified on the Policies Map (See SHBC001 – PQ70). The Council agrees that the proposed Greenway that would run through the Bold Forest Garden Suburb should also be shown on the Policies Map (Matter 4 refers).

The Council have suggested MMs to the Policy LPA09 regarding the definition of GI. This seeks to clarify that GI comprises a network of multi-functional natural assets located in a range of areas. However, the reasoned justification as amended at paragraph 4.33.2 would seek to include rural areas around the towns in the definition.

10. Is the inclusion of rural areas in the definition of GI justified?

Yes

11. How would rural areas be defined?

Areas outside of settlement boundaries?

12. Are the definitions of GI contained within the Plan consistent (criteria 1 of policy LPA09, paragraph 4.33.2, GI in the Glossary to the Plan at Appendix 1)?

13. Is the definition of GI consistent the Framework?

Policy LPA09 sets a high bar regarding loss of Green Infrastructure, specifically ‘development that will result in the loss.... will be refused.’

CPRE thinks it is appropriate to resist loss of Green Infrastructure given the widespread degradation of the natural environment across all types of natural capital assets as reported by the *State of Natural Capital Annual Report, 2020* of the National Capital Committee. This is despite the introduction of the Government’s *25 Year Environment Plan*. The impact of leaving the European Union on environmental standards is not yet fully understood, the Government has made commitments to maintaining the same standards, therefore the Local Plan should apply policies appropriate to conserving and enhancing local green infrastructure. The NPPF is a material consideration.

14. Is this policy justified and consistent with national policy?

Policy LPA09 sets out exceptions where loss of GI might be acceptable. The Council have agreed that further clarification could be provided in the form of MMs to Section 4 of Policy LPA09.

15. How would it be demonstrated that appropriate protection or retention of GI assets cannot be achieved?

CPRE welcomes the notion of the Biodiversity Net Gain Matrix being established by Defra but is concerned that mature woodland is assigned a relatively low score and grassland higher. Although

there may be justification it is possible St Helens could lose many mature trees and grass sown in replacement.

Given the problems of the climate emergency the Local Plan needs to ensure enough GI for carbon sequestration, and a step change in more planting. New planting needs to survive too. There are local examples (anecdotally at Florida Farm) where promised new trees either did not survive, or failed to be implemented at all, and this type of failure to secure agreed ecological or landscape mitigation erodes trust in the planning department and in the planning system generally to yield good outcomes.

16. What mitigation, other than compensatory provision, would be required?

17. How could Section 4 of Policy LPA09 be modified to provide greater clarity on where the loss of GI might be acceptable to ensure that the policy is effective and consistent with national policy?

On site mitigation is important. Off site should be discouraged with a onerous requirement applied or the network of green space and infrastructure will be weakened contrary to policies.

Policies LPC05 and LPD03 together deal with the protection and provision of open space, the open space typologies being referred to in paragraph 7.3.3. In view of the importance of open space to achieving the Council's spatial vision and strategic objectives, we requested a background paper on Open Space, Sport and Recreation, summarising the findings of the documents OPE001 to OPE005 and any other relevant evidence.

A background paper has been prepared and submitted as requested (SHBC003). The paper concludes that, whilst the Borough has a variety of open space, sport and recreation facilities and sufficient provision in some typologies, there are some deficiencies with current provision of open spaces as well as for some sports such as swimming.

18. Will the policies of the Plan, including LPC05 and LPD03, ensure sufficient protection and provision of open space?

CPRE supports adequate provision of open space, particularly informal space for recreation and biodiversity.

Policy LPD003 only requires open space on residential developments of 40 dwellings or more. It is noted that the EVA considered the impact of the 40-dwelling threshold but did not test a lower threshold, of say 10 dwellings, in terms of its impact on viability.

19. Is the threshold of 40 dwellings for the provision of open space positively prepared, justified and consistent with national policy?

CPRE has no comments at this time but reserves the right to comment during the hearings in response to matters raised.

Section 1 of Policy LPD03 and paragraph 7.3.11 imply that open space may only be required within new residential developments if there are existing deficiencies in the area, albeit that 1. b) of the policy qualifies this to an extent.

The Council have agreed to an MM to Policy LPD03 and paragraph 7.3.11 to ensure that it is clear that even if there is sufficient open space in an area in quantitative terms, larger residential developments would be expected to provide certain typologies of open space such as play areas for children and young people along with amenity greenspace.

Paragraph 8.9.5 indicates that the requirements for open space in Policy LPD03 are in addition to any requirements for outdoor sports facilities. Reference is then made to Policies LPA08 and LPC05. We note that neither policy includes specific standards for outdoor sport provision but that Table 7.1 refers to the Council's Playing Pitch Strategy and Action Plan as a basis for assessing the need for outdoor sport provision. This reflects the advice of Sport England that a quantitative standard for outdoor sports is not appropriate.

The Council have also agreed to MMs to Policy LPD03 to ensure that it refers to all open space typologies, including outdoor sports facilities, and is specific about how provision for all typologies is to be achieved (e.g. for outdoor sport it would be through contributions to enhance existing facilities or through the provision of new facilities as informed by the Playing Pitch Strategy and Action Plan (as per paragraph 7.3.12). Some of the reasoned justification for Policy LPC05 (paragraphs 7.3.11 and 7.3.12 and Table 7.1) would also be moved to the justification for Policy LPD03.

In terms of new provision for outdoor sport, including addressing shortfalls, it is noted that the requirements for strategic housing allocations within Policy LPA05.1 and Appendix 5 are not specific as to what provision should be made for outdoor sport and recreation. The recommendations of the Playing Pitch Strategy and Action Plan (OPE005) date from 2016 and new evidence has recently been commissioned by the Council that will supersede this document. Rather than translating the requirements from the study into requirements for the strategic housing allocations, the Council therefore consider that it would be better to rely on the relevant policies in the Plan. This would require developers to refer to the latest evidence of outdoor sports space to understand the potential contributions that will be required.

20. Is this approach justified and effective?

CPRE has no comments at this time but reserves the right to comment during the hearings in response to matters raised.

21. Is it clear from the policies in the Plan what level of new provision for outdoor sport, strategic housing allocations will be expected to provide?

CPRE has no comments at this time but reserves the right to comment during the hearings in response to matters raised.

22. Will the recently commissioned update to the Playing Pitch Strategy and Action Plan be able to inform the policies and proposals within this Plan?

CPRE has no comments at this time but reserves the right to comment during the hearings in response to matters raised.

Issue 5: Parking standards and vehicle charging points

Section 9 of Policy LPA07 refers to parking standards being included in a review of the Ensuring a Choice of Travel SPD, June 2010 (LOC009). However specific requirements for parking standards and vehicle charging point are not specified in the Plan.

The Council have indicated that the provision of vehicle charging points was subject to viability testing in the EVA. The EVA also assessed parking provision for new development on the minimum standards set out in Appendix 3 of the Council's existing Ensuring a Choice of Travel SPD (2010) (LOC009).

The Council has indicated that an update for this SPD is planned but that it will not be completed until after the Local Plan is adopted.

23. Is the policy effective and clear without the inclusion of the requirements for parking and vehicle charging point (possibly as an Appendix)?

CPRE has no comments at this time but reserves the right to comment during the hearings in response to matters raised.

24. Should the LP be more prescriptive in requiring charging points having regard to Section 9 of the Framework and the evidence base (EVA)?

CPRE has no comments at this time but reserves the right to comment during the hearings in response to matters raised.

25. Could the requirements set out in the existing SPD be referred to if the intention is to keep any future updates broadly similar?

CPRE has no comments at this time but reserves the right to comment during the hearings in response to matters raised.

Issue 6: Monitoring and Implementation

Appendix 4 to the Plan contains a monitoring framework. In response to preliminary questions, the Council indicated that it would put forward modifications to the monitoring framework in relation to five-year housing land supply, safeguarded land, targets and/or triggers for action/potential action, and contingencies.

26. Taking into account any modifications, is the Plan clear in indicating how the Plan's policies and proposals will be monitored?

CPRE advocates effective monitoring to ensure local plan policy performance is regularly updated and accessible to the public. Refinements to policy can occur at update periods.

Understanding how many net jobs are achieved, taking account of those displaced jobs from St Helens or elsewhere, against those purported at applications stage is of particular local interest. This is due to recent developments being seen as failing to realise claimed jobs, such as at Florida Farm.

The jobs density of development should also be recorded as the public benefit from large scale incursions in protected Green Belt with associated harm is considered to be negative in terms of the overall planning balance. In the future it would be helpful to the public to evidence what new developments do deliver.

Enforcement of planning conditions, and appropriate response when harms arise from development, such as at Florida Farm should be accountable to the public. Neighbouring residents report of being besieged by anti-social behaviour from the operation of the large warehouses and from lorry drivers 24/7. The building occupiers, Council and other regulators Environment Agency are failing the local community and as a consequence the health and wellbeing of local residents is being negatively impacted upon and the quality of life eroded. This is clearly a poor planning outcome and should not be tolerated in the future. The local plan should not cause further problems as being experienced at Florida Farm.

27. Will the indicators in the monitoring framework be effective in monitoring the success of the Plan's policies and proposals?

CPRE believes it is important to have suitable indicators to monitor performance in terms of the local plan success. The amount of development secured on previously developed land, reductions in carbon emissions and improvements in biodiversity and other natural capital assets should be recorded. We hope implementation of the local plan will tackle inequalities and improve the quality of life for the people and wildlife of St Helens.

Paragraph 33 of the Framework and the Local Planning Regulations require that policies in LPs should be reviewed to assess whether they need updating at least once every five years. Notwithstanding these requirements, there may be a need, due to a significant change in circumstances, to update the LP before five years.

28. Is the LP clear as to when a need to update the Plan before five years would be triggered, for example, for reasons relating to the delivery of housing?

CPRE believes regular refreshes of local plans to ensure the policies are achieving stated outcomes is important. Local Plans should be alert to changing circumstances. Regular updates means a positive and precautionary approach can be applied.

29. Is the Plan clear as to which SPDs will be updated and prepared to provide guidance on the implementation of the Plan?

CPRE has no comments at this time but reserves the right to comment during the hearings in response to matters raised.