



ST HELENS BOROUGH LOCAL PLAN 2020—2035 EXAMINATION

**LAND WEST OF SANDWASH CLOSE, RAINFORD
(SITE 9EA)**

**MATTER 4
HEARING STATEMENT**

On behalf of English Land Ltd

May 2021

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APPENDICES *separately attached

Appendix 1:	Location Plan (land owned by ELL plus additional access rights)
Appendix 2:	Statement by Gareth Middleton of GRM Property Consultants
Appendix 3:	Letter from DTRE
Appendix 4:	Letter from Sanderson Weatherall
Appendix 5:	Statement by Vectos
Appendix 6:	UCML Utility Statement
Appendix 7:	Feasibility Site Plan (Option 1 – showing 1992 extant permission - 1291/017)
Appendix 8:	Feasibility Site Plan (Option 2 – mixed format)
Appendix 9:	Feasibility Site Plan (Option 3 – mixed small and medium format) *note titled on the plan as Option 2
Appendix 10:	Rainford Industrial Estate Availability Schedule - 8th May 2021

1 Introduction

1.1 Purpose

This Hearing Statement for the St Helen's Local Plan Examination is submitted on behalf of our client, English Land Ltd ('ELL'). It relates to Site 9EA in the Submission Draft (2019) edition, and adjacent land to the north and south.

This Hearing Statement updates the case for Site 9EA and addresses the relevant questions under Matter 4 by reference to the Matters, Issues and Questions ('MIQs').

This Hearing Statement follows our client's previous representations to the Submission Draft (see Examination Library under reference RO1949).

1.2 References

This Hearing Statement is informed by documents in the Examination Library and the evidence appended to this document.

2 Site Context

This chapter outlines ELL's land and its relationship to Site 9EA.

2.1 Site Location & Ownership

The location and extent of ELL's land ownership, and their additional access rights via Sandwash Close, are identified at Appendix 1. ELL's land ownership contains Site 9EA as defined in the Submission Draft (Policies Map). ELL view draft Site 9EA as part of the existing larger area of land that they purchased in a single acquisition in 2015. ELL's land ownership is held freehold under title numbers MS130415 and MS311523.

ELL's land forms part of and abutting the Rainford Industrial Estate which lies less than 1km south-east of Rainford village. Sandwash Close serves the industrial road for the estate, connecting to Mill Lane and the Rainford Bypass (A570). The A570 provides easy access to the motorway network.

2.2 Characteristics & History

ELL's land lies within an existing industrial setting. Part of it is previously-developed and forms part of the Rainford Industrial Estate. The rest of the land (including Site 9EA) is mostly open character but it is surrounded by industrial development on two sides. The land is also bordered on two sides by mature landscaping which means the land is well-contained by all boundaries and has no visual affinity to the wider open countryside.

The northernmost parcel of ELL's land is previously-developed. It extends to approximately 0.6 ha (1.44 acres). It comprises a hardstanding for secure storage and benefits direct access to Sandwash Close. Further along, the client also benefits additional access rights via an access road which was implemented as part of the 1992 extant planning permission to serve industrial development on the central parcel (see below).

The central parcel of ELL's land comprises a cleared site. This extends to approximately 7.4 ha (18.24 acres) and comprises the main developable area of the site. This parcel benefits an extant planning permission (1291/017) for industrial development, approved in 1992, for the erection of an industrial building (6500m²) as phase 1, plus additional phasing for industrial development. Pre-commencement conditions were discharged and material works were carried out. This includes the access road from Sandwash Close (above), surcharging/levelling for the

industrial building, structural planting, and a surface water lagoon in the southern parcel (below). This parcel contains Site 9EA which extends to approximately 6.96 ha (17.20 acres). This parcel also benefits from a policy allocation for B1, B2 and B8 uses in the adopted UDP (1998).

The southernmost parcel extends to Rainford Brook. It extends to approximately c.2.06 ha (4.94 acres). This contains the water storage lagoon associated with the extant permission.

Further details of the site context are referred to in our client's previous representations (RO1949).

3 Client Position

3.1 Updated Client's Position

ELL is broadly supportive of Site 9EA but clarifies their latest position on key issues below.

- **Accessing Site 9EA**

Whilst additional access via Pasture Lane would be ideal, the industrial market has changed significantly over the last 18 months or so. ELL has reflected on current market demand, limited supply, and market interest for Site 9EA. It has also considered the extent of its land ownership, additional access rights, and the feasibility/viability of accessing Sandwash Close. These matters are reflected in the Appendices and evidenced below. On this basis, ELL is now content to access Site 9EA via Sandwash Close.

We note DTRE (Appendix 3) says *"2020 was a record year for industrial property take up with demand coming from 3PLs, SMEs, e-commerce retailers, manufacturers, food processors, pharmaceutical providers and parcel distributors... The chronic imbalance between supply and demand has been heightened by the sustained take up along with their being no new build supply in excess of 5,000 sq ft currently available within St Helens."*

Clearly, market demand has increased and shifted towards smaller and medium size operators. Supply for suitable and deliverable sites is also scarce, especially in this part of the borough. DTRE adds *"The development pipeline is limited due to a lack of fully consented development land. Should large sites such as Parkside, St Helens and Haydock Point be successful in obtaining green belt release this will do little to satisfy ongoing demand for small to medium size industrial units as those sites are earmarked for large, big box distribution development. With upwards of 3 million sq ft of unsatisfied end user requirements for big box logistics space in the North West means those sites will be quickly developed out."*

In addition, the GRM Property (Appendix 2) considers that SME and other small/medium scale operators are more footloose and less reliant on rapid access to the motorway network, as opposed to the 'big box' logistics operators (e.g. Amazon). The conclusion is that smaller format operators can be adequately served from Rainford Industrial Estate because they do not require the same presence and level of access as a 'big box' user. Sanderson

Weatherall (Appendix 4) echoes this sentiment. This is also reflected in the evidence of pent-up demand and chronic supply, and operators expressing an interest to occupy space at Site 9EA over the past 18 months. This is due to a variety of other factors. This is further highlighted by DTRE (Appendix 3).

Crucially, Site 9EA provides a large site area for industrial development. When added to the northern parcel fronting Sandwash Close it presents a developable area of approximately 7.96 hectares (19.65 acres). It is capable of accommodating a range of unit sizes to meet varied format requirements, inclusive of SME operators across Class E, B2 and B8 uses. Please refer to the feasibility plans in the Appendices.

Importantly, Site 9EA is also located on Rainford Industrial Estate. This is a long-established industrial and logistics business location. It connects quickly to the A570 Rainford By-Pass which connects to junction 3 of the M58 motorway to the North and the A580 to the South at Windle Island enabling it to benefit from existing road infrastructure. GRM Property (Appendix 2) adds that *“The good available labour supply in St Helens and wider region also gives further confidence to potential occupiers. This was seen as an exceptionally good opportunity when ELL acquired in 2015 and still applies to this day.”*

In summary, ELL sensibly takes the view that the delivery of Site 9EA no longer requires access via Pasture Lane. ELL and their commercial advisors believe this Site is so fundamentally attractive to meet current market demand and access via Sandwash Close is no longer a barrier to delivery. On this basis, ELL is confident to bring forward development in 2022/23.

For information, Appendices 7, 8 and 9 indicates how ELL’s land can be feasibly and viably developed by accessing Sandwash Close.

- **Permitted Uses for Site 9EA**

Since the Submission Draft (2019) edition was published, the Council has published a number of supporting documents. This includes the Schedule of Changes, October 2020. Under Modification AM016 the Council now promotes Class B1 uses (alongside B2 and B8 uses) within Site 9EA. This modification is welcomed by ELL and is consistent with their previous representations.

However, we note Class B1 is now subsumed into Class E under The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. In effect, Site 9EA should now include Class E uses. This is echoed in the Council's Response to the Inspector's Preliminary Matters and Issues for the Examination (January 2021).

Accordingly, ELL requests Site 9EA permits industrial uses within Use Classes E, B2 and B8.

- **Extension to Site 9EA**

ELL again urges the inclusion of the northernmost parcel (and existing access road) as part of Site 9EA. This is primarily because this can serve access to Site 9EA via Sandwash Close in different ways, as indicated in Appendices 7, 8 and 9. It can also provide much-needed industrial floorspace. This will better reflect the wider development opportunity, and encourage the regeneration of vacant land (fronting Sandwash Close).

4 Site Justification

This chapter summarises the overall case for allocating Site 9EA in light of the latest evidence. This also helps to inform chapter 5.

4.1 Availability

ELL acquired their land and additional access rights (as indicated in Appendix 1) in 2015. Since then, ELL has delayed the submission of a full planning application and full marketing exercise pending the outcome of the Local Plan process. This background is explained in more detail in Appendix 2.

In reality, the Local Plan process has become very protracted. However, current market conditions and the proposed inclusion of Class E uses (alongside B2 and B8 uses) boosts the site's attractiveness for speculative development and potential occupiers.

Depending on the outcome of the Local Plan and confirmation of Site 9EA, a detailed planning application and full marketing exercise will follow. On this basis, ELL expect development and operator lettings/acquisitions will come forward in 2022/23.

4.2 Suitability

Site 9EA is suitable in planning terms for the reasons set out below.

- **Adopted UDP Allocation & Core Strategy**

The land relating to Site 9EA (and adjacent land to the north) lies outside of the Green Belt. Site 9EA is already allocated for industrial development in the adopted St Helen's UDP (1998) under Site 3Ec2 which permits B1, B2 and B8 uses. The industrial allocation was carried forward in the Core Strategy adopted in 2012. Therefore, the suitability of Site 9EA for industrial development is long-established.

The Green Belt designation only affects the southernmost parcel of ELL's land and this remains in the Submission Draft (2019) edition.

- **Extant Permission**

Site 9EA benefits an extant planning permission (1291/017). This was granted in 1992 for the erection of an industrial building (6500m²) as phase 1, plus additional phasing for industrial development across the site. It extends over a site area of approximately 9.9ha and is based on a developable area of approximately 7.3ha.

Pre-commencement conditions were discharged and material works were lawfully commenced in 1992/93 (i.e. new access onto Sandwash Close, surface water storage lagoon, structural landscaping, and raising of site levels).

ELL has access rights via the implemented access road and the scope of the extant permission is very flexible, akin to an outline permission. The plan at Appendix 7 reflects the extant planning permission.

Industrial agents expect this extant permission can be delivered due to its flexibility and evidence of current market demand. This is reflected in the Appendices 2, 3 and 4.

Therefore, the extant planning permission establishes the suitability of Site 9EA.

- **Other Planning History**

The suitability of Site 9EA and adjacent land for employment uses, including means of access, is also well-established by later planning permissions. This includes planning permission P/2006/115 and subsequent renewal of planning permission P/2009/1046 granted in 2010. In addition, a later application P/2012/0043 was granted in 2012 for the erection of an industrial/warehouse unit (15,500m²) for use classes B1/B2/B8.

Therefore, the other planning history supports the suitability of Site 9EA for industrial development.

- **Vehicle Access**

Site 9EA is already accessed via Sandwash Close due to the partially implemented extant permission, as identified in Appendix 1. This is a safe and suitable access to serve Site 9EA, as reflected in the Appendices. Importantly, ELL enjoys rights of access to use this access road and serve the rest of their land to the south.

In addition, ELL owns land fronting Sandwash Close as indicated in Appendix 1. This frontage potentially provides an additional safe and suitable means of access to serve Site 9EA, as an alternative or in combination with the existing access road (as an in/out arrangement). Again, these potential access arrangements are safe and suitable as explained in the Appendices.

Therefore, Site 9EA is suitable in access terms.

- **Submission Draft (2019) Edition and Evidence Base**

The Submission Draft (2019) edition provides the framework for sustainable development and achieving the growth and development of the Borough. This is primarily set out policies LPA01, LPA02, and LPA03. Furthermore, Policy LPA04 sets out the site allocations to meet the future employment needs in the plan period. It states the Council will aim to deliver a minimum of 215.4 hectares of land for employment development between 2018 and 2035 (although we note the Council is also minded to extend the period to 2037 and increase the employment land requirement by 11.6 hectares). Importantly, it relies on Site 9EA in Table 4.1 as an employment site allocation to meet these employment needs. Its boundaries are identified on the Policies Map. Appendix 5 of the same edition also endorses the suitability of Site 9EA.

The site's suitability is also supported by key evidence outlined below.

- i. **Employment Land Need & Supply Background Paper (2020)** - Paragraph 4.18 states that given the current office vacancy rate coupled with the lack of previous demand for office space in St Helens, with larger office occupiers favouring the regional centres of Liverpool and Manchester and the secondary location of Warrington, Site 9EA is suitable for office use (in line with the proposed modification AM016). Paragraph 4.20 states that employment land supply from urban sites have been depleted over time due to higher value uses (e.g. residential take-up), expansion land, or not presently viable or developable sites for speculative employment development without gap funding. Accordingly, three sites from the identified Core Strategy supply of employment land supply are considered deliverable over the Plan period and these have been allocated for employment development in the Local Plan. This specifically includes Land to the West of Sandwash Close, Rainford (Site 9EA). Appendix 1 of the Paper identifies Site 9EA as suitable future land

supply which is deliverable within the plan period between 2022 and 2030, and acknowledges the extant planning permission (1291/017). Appendix 2 of the Paper states Site 9EA is available and likely to be suitable for employment land within the plan period. In summary, this context clearly reflects the Council's confident view that the site presents the opportunity to support businesses and can provide job opportunities in the plan period.

- ii. **Employment Land Needs Study – Addendum Report (2019)** - Table 8 – Employment Capacities within key St Helens Local Plan Preferred; states Site 9EA is suitable for B2/B8 uses and can generate 681 (FTE) jobs in the plan period.

- iii. **Sustainability Appraisal: SA Report (2019)** - Paragraph 4.2.13 acknowledges Site 9EA can meet local employment needs in the north of the borough where there is otherwise little alternative growth. In addition, the SA Topics chapters comment positively on the site's suitability. In summary, it says:
 - The current road network (via Sandwash Close) is able to cope with additional traffic without causing congestion.
 - There are no background air quality issues locally, and trips generated would not have a particular effect on other AQMAs within the Borough.
 - The site is distant from groundwater source protection zones, and therefore negative impacts on groundwater are unlikely.
 - The site lies within an existing industrial setting and although it has an open character it is not particularly important to the surrounding built form which is largely low quality / industrial in nature.
 - The site is not used for recreational purposes, and its development would not be likely to create amenity issues.
 - The site can provide jobs for local residents, which would be positive for wellbeing.

- The site presents the opportunity to support local businesses, and can provide job opportunities for residents living in the north of the Borough.
 - The site has an extant planning permission, so neutral environmental effects are predicted.
 - The site has an extant planning permission which means it could potentially come forward in the absence of the Local Plan in any event.
- iv. **Habitats Regulations Assessment Addendum (2020)** - Table 8: Assessment of St. Helens Local Plan Employment Site Allocations; says Site 9EA is located over 15km from Mersey Estuary SPA/Ramsar and will have no likely significant effects.
- v. **Infrastructure Delivery Plan (October 2020)** - Table 4 states Site 9EA raises no objections on infrastructure grounds.
- **National Planning Policy Framework (NPPF) (2019)**

The suitability of Site 9EA is consistent with relevant policies contained in the NPPF. The reasons are:

- i. **NPPF paragraphs 20, 80, 81, and 82** - Site 9EA is aligned with policies LPA02, LPA03 and LPA04 in the Submission Draft version which correctly sets out an overall strategy for the pattern, scale and quality of development and makes sufficient provision for (inter alia) employment development.
- ii. **NPPF paragraphs 133, 134, 136, 137 and 138** – As outlined above, Site 9EA is not currently designated as Green Belt. The NPPF is clear that Green Belt boundaries should only be altered where ‘exceptional circumstances’ are fully evidenced and justified through the preparation of local plans. There are no exceptional circumstances advanced by the Council or any other party to justify designating the site as Green Belt (for compensatory reasons or due to other factors). Furthermore, there are very good and compelling reasons why the land should not be designated as Green Belt (or any other open space designation) given the following key reasons:

- The land enjoys the benefit of an extant planning permission for industrial development which is deliverable. Once developed, in accordance with Appendix 7, the land cannot be kept permanently open and would therefore not fulfil Green Belt purposes.
- The land is not needed for Green Belt purposes. It is bordered by industrial development on two sides and well contained by mature landscaping on its other boundaries. It does not form part of an extensive area of open land. As above, it also benefits an extant permission which is deliverable. Therefore, it is not required to: i) check the unrestricted sprawl of large built-up areas; b) prevent neighbouring towns merging into one another; c) assist in safeguarding the countryside from encroachment; d) preserve the setting and special character of historic towns; and e) assist in urban regeneration.
- The land is clearly needed for employment purposes to provide new employment floorspace and associated jobs in the plan period, and help ensure the Borough's future economic prosperity, as reflected in the Submission Draft (2019) edition and supporting evidence produced by the Council.

4.3 Developability

Site 9EA is developable in the plan period. This is due to the factors outlined below and in the Appendices.

- Ownership and Control** - In 2015 English Land Ltd acquired all land within Site 9EA and adjacent parcels (north and south), including additional access rights from Sandwash Close. ELL therefore controls all land that is necessary to develop the site.
- Extant Planning Permission** – There are no barriers to fully implement the extant planning permission, in either planning or market terms.
- Market Demand and Viability** – The current high demand and chronic supply of employment land in the borough, and site-specific credentials of Site 9EA, mean this site is attractive and viable to a wide range of potential operators. GRM Property (Appendix 2) and DTRE (Appendix 3) confirm all feasibility plans at Appendices 7, 8 and 9 are feasible and viable in market terms. In addition, DTRE considers ELL's land is suitable for:

- Local SME's seeking to expand and grow within St Helens
- Regional based manufacturers and supply chain companies
- National and regional logistics / distribution companies (3PL'S)
- National and regional parcel delivery companies
- Major occupiers already located within the region

5 Matter 4 - Questions & Answers

This chapter answers the relevant questions raised in the MIQs under Matter 4. This draws on the preceding chapters and the Appendices. To avoid any confusion with other allocations, the questions and answers below are only tailored to address Site 9EA.

5.1 Q5: Is Site 9EA justified taking into account vacant land/units nearby on Rainford Industrial Estate?

The land relating to Site 9EA already benefits an extant planning permission and this is essentially deliverable. So irrespective of vacant land/units at Rainford Industrial Estate, this site can be lawfully developed for employment purposes.

In addition, the development of this site will not undermine the take-up of vacant land/units at Rainford Industrial Estate. The reasons are:

- The only vacant land within the estate measures 1.44 acres and relates to land owned by ELL. This comprises the northernmost parcel fronting Sandwash Close, as identified in Appendix 1. This land is part of the wider development opportunity which ELL has promoted via the Local Plan process. The potential development of this parcel is illustrated in Appendices 7, 8 and 9. Therefore, the regeneration of this parcel can come forward for industrial development and access associated with Site 9EA following the Local Plan adoption. This will benefit local employment and the economy. It will also re-use brownfield land and enhance the commercial attractiveness of the industrial estate.
- Existing units across the estate are well let. The only vacant unit is being marketed. It relates to Unit 8, Millbrook Business Park, Rainford. The development of Site 9EA will not undermine efforts to re-let this unit because it is comparatively very small, comprising just 4,326 ft² of ground floor industrial accommodation with offices at first floor. It has been marketed since March 2021 and it is understood this has a good level of market interest so far.
- The allocation of Site 9EA (and adjacent land to the north) will significantly boost the supply, choice and flexibility of employment land to allow existing occupiers to expand within the estate if necessary. This will

deter occupiers relocating elsewhere outside of the borough. This will benefit local employment and the economy. In context, DTRE (Appendix 3) advises that the current chronic imbalance between supply and demand in St Helens will worsen as businesses continue to seek sites elsewhere for their production, distribution and warehouse facilities. DTRE are already seeing SME's having to consider buildings outside St Helens to satisfy their expansion requirements.

- Large-scale investment in the industrial estate at Site 9EA will raise the profile of the estate to attract other occupiers, thereby minimising vacancy rates in the future.

5.2 Q6: Can a safe and suitable access be achieved to Site 9EA?

Appendix 5 explains that access via Sandwash Close is safe and suitable in highway terms. Furthermore, the site has an extant planning permission with access via the access road on Sandwash Close, so this can potentially come forward in the absence of the Local Plan allocation.

In market terms, Appendices 2, 3 and 4 explains that access via Sandwash Close will be no impediment to attracting industrial operators. Appendices 7, 8 and 9 indicate how access can be feasibly and viably achieved. We also note that DTRE states: *"With all of the above factors combined with the site being located on the long established Rainford Industrial Estate and the existing vehicular access we are of the opinion that the subject site still has the potential to be not only a significant local site but also a significant regional site within the industrial market and should therefore be brought forward to meet both the employment land requirements of the borough and the operational needs of the industrial industry"*

5.3 Q7: Are requirements for Site 9EA within Appendix 5 (Site Profile) positively prepared and effective?

Please refer to section 3.1 of this statement. In summary:

- Site 9EA can be safely and suitably accessed via Sandwash Close.
- Site 9EA should permit industrial development within Use Classes E, B2 and B8.

- The northernmost parcel of land fronting Sandwash Close and the existing access road shown in Appendix 1 should be included as part of Site 9EA.

5.4 Q8: Is the site area, uses, and net developable area within Tables 4.1 justified and effective?

As explained in chapter 3.1 and above, the site area and developable area should increase by augmenting the northern parcel of land and access road to the north of Site 9EA. DTRE (Appendix 3) comments that when added to the northern parcel fronting Sandwash Close, Site 9EA presents a developable area of approximately 7.96 hectares (19.65 acres).

As explained in chapter 3.1, the industrial uses should include Classes E, B2 and B8.

5.5 Q9: Will infrastructure to support the allocation be delivered at the right time and in the right place?

The adequate infrastructure to support the delivery of Site 9EA is already in situ or can be easily improved as part of the development management process. More specifically:

- **Highways infrastructure**

Site 9EA benefits access from an industrial estate road (Sandwash Close). This in turn connects to Mill Lane and onwards the Rainford Bypass (A570). Appendix 5 demonstrates the site can be safely accessed. Any minor local highway improvements can be delivered within ELL's land or the adopted highway.

- **Ground Conditions**

GRM Property (Appendix 2) confirms ground investigations indicate there are no constraints for industrial development.

- **Utilities**

GRM Property (Appendix 2) confirms that preliminary services searches have been undertaken. They confirm there are no known constraints that would prevent implementation of a suitable industrial scheme across site 9EA and additional land to the north. Please also refer to the Utility Statement (Appendix 6). This confirms there are no known constraints for key utility connections or capacity in the area.

- **Drainage**

The Council's Infrastructure Delivery Plan (October 2020) raises no objections to Site 9EA on drainage grounds. It simply advises the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. These matters can be conditioned accordingly as part of the planning application process.

- **Flood Risk**

Site 9EA is mainly classified as Zone 1. We are aware of the partial flood risk zoning but this EA mapping is only indicative. A detailed FRA would be required as part of a detailed planning application to confirm the actual flood zone definition and to define the extent of the functional floodplain. If necessary, site-specific mitigation measures can be applied at the detailed application stage to avoid/manage flood risk (e.g. site levels/layout design and attenuation ponds). This may include utilising ELL's southernmost land (2.06ha) which extends to Rainford Brook.

Furthermore, the land relating to Site 9EA benefits from an extant planning permission which is unconstrained by flood risk zoning.

- **Other**

The development of Site 9EA will have no impact on public open space, education, healthcare or other infrastructure capacity constraints affecting the area.

APPENDICES

***See separately attached.**