

**Appendices to Proof of Evidence**

**of**

**Iain Jenkinson**

**of CBRE**

## Contents

Reference number	Title	Page
Appendix IJ1	St Helens Borough Local Plan up to 2037 Policies Map (Extract) (July 2022)	1
Appendix IJ2	Non Material Amendment decision notice (ref. A/2023/0008/NMA) (02 June 2023)	4
Appendix IJ3	Liverpool City Region & St Helens Office Market Overview, CBRE, September 2021 (Extract)	8
Appendix IJ4	'Changing Rooms! Nearly 9 million bedrooms lost in the UK', Zoopla, February 2022	11
Appendix IJ5	St Helens – Feasibility Study, CBRE, July 2021 (Executive Summary extracts)	18
Appendix IJ6	St Helens Town Centre Residential Market Analysis, CBRE, February 2021 (Extracts)	23
Appendix IJ7	Indices of Deprivation 2019 St Helens Summary Report, St Helens Borough Council	34
Appendix IJ8	Locality Profile – Central St Helens, St Helens Borough Council	62
Appendix IJ9	Growing our Economy. St Helens Cabinet Report (11 January 2017, Item 88)	85
Appendix IJ10	St Helen's Town Centre Development, Appendix 10.1: Socio-Economic Baseline, CBRE Limited (July 2022)	100
Appendix IJ11	St Helens Unitary Development Plan, 2007 (extracts)	118
Appendix IJ12	St Helens Town Centre Regeneration, Consultation Statement, Lexington (January 2022)	125
Appendix IJ13	Sainsbury's Supermarkets Ltd v Wolverhampton City Council and Tesco Stores [2011] A.C. 437	209
Appendix IJ14	Cogent Land LLP v Rochford DC and Bellway Homes Ltd [2012] EWHC 2542 (Admin)	277
Appendix IJ15	No Adastral New Town Ltd v Suffolk Coastal DC and SoS CLG [2015] EWCA Civ 88	305
Appendix IJ16	Report on the examination of the St Helens Borough Local Plan, The Planning Inspectorate (18 May 2022)	328
Appendix IJ17	St Helens Town Centre – 39 & 41 Hall Street (Swan Hotel and Fish & Chip Shop), TEP Technical Note	403
Appendix IJ18	St Helens Town Centre Planning Statement, CBRE Limited (July 2022)	419
Appendix IJ19	Forge Field Society & Ors, R (on the application of) v Sevenoaks District Council [2014]	507

	EWHC 1895	
Appendix IJ20	Equality, Diversity, and Inclusion Strategy, St Helens Borough Council 2022-2025	529

# Appendix IJ1

St Helens Borough Local Plan up to 2037 Policies Map (Extract) (July 2022)

## Legend

	Boundary of St. Helens MBC
	Housing Allocation
	Bold Forest Garden Suburb
	Employment Allocation
	Safeguarded Housing Land
	Safeguarded Employment Land
	Parkside East
	Parkside West
	Waste Site Allocation
	Gypsy & Traveller Permanent Provision
	Gypsy & Traveller Transit Site
	District / Local Centre 1. Billinge, 2. Chain Lane, 3. Clipsley Lane, 4. Dentons Green, 5. Eccleston, 6. Fingerpost, 7. Newton-le-Willows, 8. Newtown, 9. Rainford, 10. Sutton, 11. Marshalls Cross, 12. Rainhill, 13. Thatto Heath
	Central Spatial Area
	Town Centre Boundary
	Primary Shopping Area
	Area of Opportunity
	Oil & Gas Authority Licence Area *
	Mineral Safeguarding Area *
	Potential Junction Improvement (being investigated - extent to be confirmed)

\* for information only, may change as updated outside of the Local Plan process

## Bold Forest Park Area Action Plan (AAP) Policies

	Bold Forest Park AAP Boundary
	Cycle Centre
	Development Opportunity Site
	Recreation Hub

## Main Policies

LPA04, LPA04.1
LPA04, LPA04.1, LPA11
LPA03, LPA03.1
LPA05
LPA05
LPA09
LPA10
LPC15
LPC03
LPC03
LPC04
LPC04
LPC04
LPC04
LPC04
LPC04
LPC04
LPC14 (see appendix 12)
LPC14 (see appendix 12)
LPA06

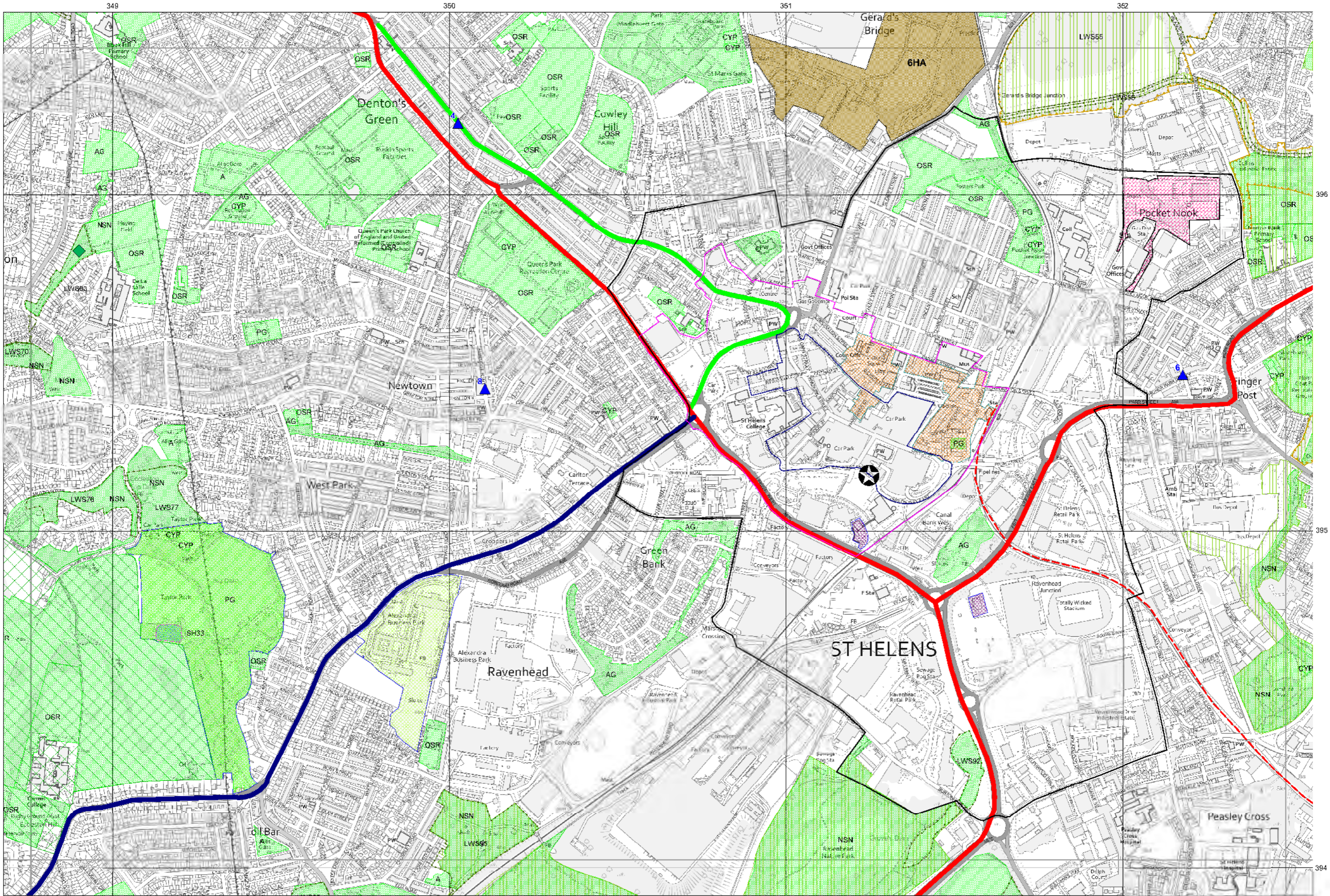
BFP1
BFP INF1
BFP INF2
BFP INF4

## Main Policies

	Park and Ride Location	LPA06
	Central / Junction Rail Link	LPA06
	Proposed Rail Station	LPA06
	Proposed Rail Extension	LPA06
	Strategic Road Network	LPA06
	Key Route Network (non_freight)	LPA06
	Key Route Network (including freight)	LPA06
	Freight Network (non-key)	LPA06
	Slow the Flow *	LPC12
	Urban Intervention Zone *	LPC12
	Flood Water Storage Safeguarding Area *	LPC12
	Green Belt	LPA01
	Scheduled Monument *	LPC11
	Registered Park *	LPC11
	Conservation Area *	LPC11
	Nature Improvement Area *	LPC06, LPC08
	Greenway Network *	LPC07
	Local wildlife Site *	LPC06
	Local Geological Site *	LPC06
	Local Nature Reserve *	LPC06
	Open Space and Outdoor Sports & Recreation Facilities *	LPC05

Parks and Gardens (PG), Natural and Semi-Natural Greenspaces (NSN), Amenity Greenspace (AG), Provision for Children and Young People (including Equipped Play Areas) (CYP), Allotments (A), Cemeteries and Churchyards (C), Outdoor Sports and Recreation Facilities (including Playing Fields, Golf Courses, Bowling Greens, Tennis Courts and Sailing Spaces) (OSR)

	Bridleway	BFP INF6
	Key Walking Route	BFP INF6
	Preferred Road Route	BFP INF6
	Rail Station Links	BFP INF6



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## Appendix IJ2

Non Material Amendment decision notice (ref. A/2023/0008/NMA) (02 June 2023)



CBRE  
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CBRE  
10th Floor  
One St Peters Square  
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Town Planning  
Town Hall  
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WA10 1HP

## SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990

### Notice of Decision on Non-Material Amendment Application A/2023/0008/NMA

**Proposal:** Non-Material Amendment to approval P/2022/0212/HYBR to amend parameter plans & planning conditions.

**Location:** Bound by Corporation Street to the north, St Helens Central and rail lines to the east, St Helens Canal to the south and the town centre, broadly defined by Bickerstaffe Street and Market Street to the west.

### **DECISION: GRANT PERMISSION FOR THE NON-MATERIAL AMENDMENT**

Section 96(a) of the Town and Country Planning Act allows local planning authorities to approve or refuse 'non-material' amendments to planning applications. There is no statutory definition of 'non-material' it is for the local planning authority to judge whether or not the changes have a 'material' impact on development.

This application seeks Non - Material Amendments to the outline aspect of Planning Consent P/2022/0212/HYBR, which was approved on 31st March 2023. The description of development is as follows:

*Hybrid planning application seeking: - Full planning permission and permission for relevant demolition in a conservation area for proposed demolition and site preparation works; and - Outline planning permission for development of a mix of uses, comprising hotel use (Use Class C1); residential units (Use Class C3); commercial, business and service uses (Use Class E(a-g)); local community & learning uses (Use Class F1(b-e) and F2(b)); and Sui Generis uses, with associated access, servicing, parking, public realm and landscaping, with all matters (Access, Appearance, Landscaping, Layout and Scale) reserved for future determination.*

### **PROPOSED AMENDMENTS**

The proposed amendments are shown on the following drawings and area schedule;

MPS\_04\_2212 Rev. M Parameters Plan Maximum Development Heights  
MPS\_04\_2213 Rev. F Parameters Plan Minimum Development Heights  
MPS\_04\_2209 Rev. J Parameters Plan Development Plots  
MPS\_04\_2210 Rev. K Parameters Plan Ground Floor Uses  
MPS\_04\_2211 Rev. K Parameters Plan Upper Floor Uses  
Development Summary Schedule 20.04.23

In summary the proposed amendments are;

- The relocation of the southern plot boundary of Plot 4 further north by 6m, this would reduce the overall size of the plot.



- The reduction in the minimum height in the parameters plan to accommodate lower height ancillary/linking blocks between the primary buildings
- The relocation of 150 sqm of the proposed retail space from Plot 4 to Plot 6 to accommodate a mezzanine within the proposed market

Having assessed the cumulative impact of the proposed alterations, given the precise detail will be fully assessed and considered at Reserved Matters stage, it is considered that they can be treated as non-material amendments to the original planning consent

This notice should be read in conjunction with the original planning permission.

**Signed:** *G.Middleton*

**Dated:** 02.06.2023

On behalf of St Helens Council

If you require any further assistance or clarification please contact:

Development Control Manager	Joe Nanson	<a href="mailto:joenanson@sthelens.gov.uk">joenanson@sthelens.gov.uk</a>	01744 676122
Case Officer	Jill Nixon	<a href="mailto:jillnixon@sthelens.gov.uk">jillnixon@sthelens.gov.uk</a>	01744 676111

## Appendix IJ3

Liverpool City Region & St Helens Office Market Overview, CBRE, September 2021  
(Extract)



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# LIVERPOOL CITY REGION & ST HELENS OFFICE MARKET OVERVIEW

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On the instructions of The English Cities Fund  
(ECF)/ St Helens Council Partnership

**Prepared by Neil Kirkham**

Updated 24<sup>th</sup> September 2021

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## 9 Summary

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At the time of the global financial crisis in 2008, there was an unprecedented supply of office stock across the Liverpool City Region. Speculative development was commonplace across the region and this supply had been supported by increased demand due to buoyant economic conditions for approximately 8-10 years prior to the crash, which in turn led to increased take up figures year on year.

There was also a different market and rules for personal pensions in the 'noughties' which afforded company owners the opportunity of acquiring commercial properties for owner occupation through their pension fund and benefitted greatly in the gearing possibilities afforded to them at the time. This in particular was a significant driver to the delivery of many business park schemes such as Mere Grange in St Helens, which were particularly attractive given the size and offering an occupier 'their own front door'

In addition, many schemes across the region secured grant funding in the form of gap funding from government organisations such as NWDA, it could be said that this funding artificially delivered unviable stock into a market that ultimately could not sustain the supply with demand.

This significant over supply and what transpired to be a long period of limited demand as the country entered recession, had a damaging effect on commercial rental and in turn capital values. With the changing basis of Business rates, meaning holding costs for landlords of vacant properties became highly onerous, rents were discounted heavily and incentives grew exponentially to simply attract an occupier to a property. As a consequence of these conditions, there has been no speculative office developments completed in the Liverpool City Region since 2011.

This lack of supply and improved economic conditions over the course of the last decade, have slowly seen the erosion of supply with increased demand. In turn, rents have steadily risen and incentives in 2020 reached an all time low of approximately 10-15% of a lease term as a rent free period.

Brexit had an impact on demand in 2019 and that was compounded significantly with the global pandemic that ensued in 2020. Many companies have paused all acquisitions as working from home became the 'new normal' and as we move through 2021 into a post vaccine world, many companies are still working through what their workplace strategy is likely to look like in the medium to long term. CBRE research is predicting a more hybrid approach to office workplaces, with employees offer 'choices with conditions' thereby allowing staff to work from home 2/3 days a week, but dictated to on which days they do, enabling companies to reduce footprint accordingly. There is also a train of thought, that if social distancing measures are continued in the workplace and more space allocated for collaboration, then occupancy ratios will return to 2015 levels of 1:15 Sq m, thus counter balancing the reduction in occupancy and a status quo is retained.

Working from home has worked for many, but it is already becoming apparent that productivity and staff's mental and physical well being is deteriorating. It is therefore going to be essential that the office of the future ensure employees are given 'a reason' to come back to the office and there will be a flight to quality and assets that offer flexibility in an inspiring work environment, whilst also meeting 'well' and 'social' requirements of employees in the form of coffee shops/bars, gyms, break out areas, meeting points, cycle stores, lockers and showers.

Activity within St Helens has been limited in recent years, however, that can almost certainly be attributable to the lack of opportunity and provision of good new quality stock. Across the UK regional market, there has been a flight to town and city centre locations over the last 5 years, where all of the above amenity, coupled with good public transport links are readily available. St Helens has bucked that trend with most deals concluding at Mere Grange in the last 24 months. We believe this is a combination of the lack of supply in the town centre, with Century House being 'best in class', coupled with an uncohesive offering of amenity and poor quality public realm within the Town Centre.

It will therefore be imperative that not only the product delivered in the town centre is right, but 'the place' is equally addressed to change perceptions and entice office occupiers back to the town centre.

## Appendix IJ4

**‘Changing Rooms! Nearly 9 million bedrooms lost in the UK’, Zoopla, February 2022**

News and guides > [Property news](#)

# Changing Rooms! Nearly 9 million bedrooms lost in the UK

17 February 2022





**Nic Hopkirk**

Senior Editor

## Share this article

↔ Copy link

**More than four in ten British homeowners transformed their spare bedrooms into offices, gyms, cinemas and more throughout the pandemic. Here's what they did.**

### Key takeaways

- During the pandemic, 41% of British homeowners adapted their home to suit their changing needs, sacrificing around 8.8m bedrooms in the process
- In their place nearly five million new home offices have been created, alongside over one million home gyms
- The average household spent £3,714 adapting their home during the pandemic - that's a national total of approximately £36.5 billion
- Nearly 7 in 10 think employers should contribute to the cost of home offices, but only 30% have

Nearly 9 million bedrooms were lost to home offices, gyms, cinemas and even bars during the pandemic, as the UK adapted to the new normal.

## How have our homes changed?

We surveyed homeowners across the UK to understand how the nation's room requirements shifted - and how our homes changed as a result.

Among those who changed their homes, more than half (53%) said they completely repurposed at least one bedroom, while one in five households (22%) said they changed multiple bedrooms.

Nationally, this equates to a whopping 8,856,000 bedrooms that have been 'lost' amongst the UK's 24m privately owned homes during the pandemic.



With remote and hybrid working now set to be a mainstay for many, almost half (46%) of those who have made changes have created a home office.

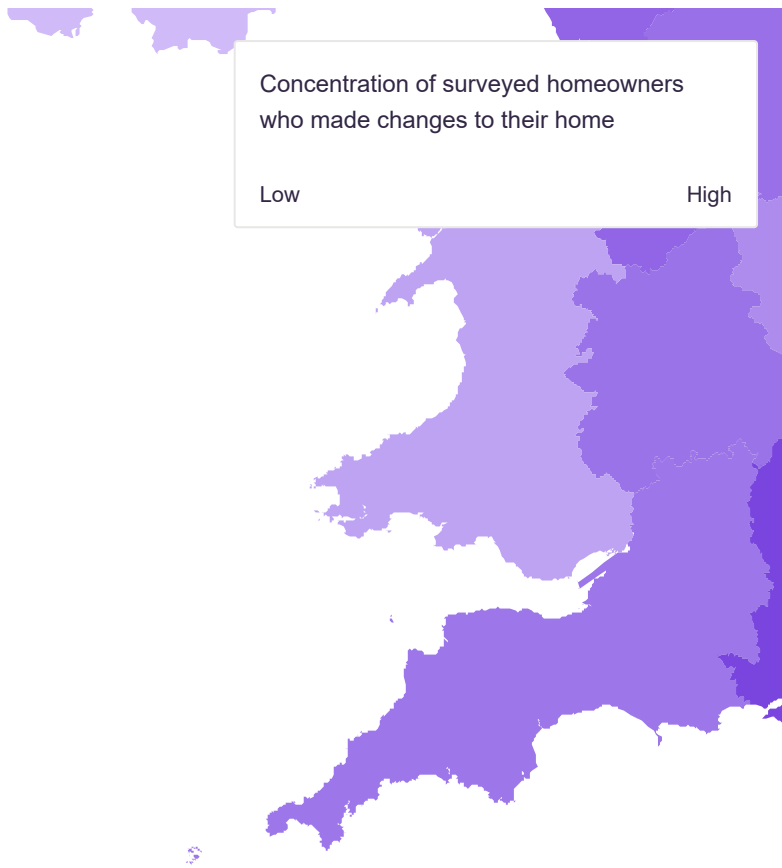
That means more than 4.5m new home offices have emerged across the UK. And over half of homeowners (58%) say they plan to permanently keep them.

### Changing Rooms! Nearly 9 million bedrooms lost in the UK

Here's how our surveyed homeowners across the UK converted their spare bedrooms to reimagine their own four walls.

Select a region:

Whole of UK ▼



©

Research carried out by Opinium  
Research, 28 Jan-3 Feb 2022 amongst  
2,000 UK homeowners.





Alongside home offices, there are plenty of other ways Brits have reincarnated rooms in

their homes since March 2020. Across the UK:

- 1.3m home gyms have been created
- 984,000 home bars
- 900,000 home cinemas or music rooms
- 688,800 dedicated classrooms

## Is your home working too hard?

 **our\_fantastic\_voyage**  
49 followers View profile



[View more on Instagram](#)

---

7 likes

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Add a comment...

If you've had your fill of one room serving multiple purposes, the office/bedroom/storage cupboard, the lounge/aun/plauroom, join the club

[We take a look at the bedrooms that have been working way too hard over the past two years.](#)

## The cost of reincarnation

Repurposing entire rooms doesn't come cheap.

Our research shows that UK homeowners who adapted their homes spent an average of £3,714, with home offices costing on average £1,735, gyms £1,568 and home cinemas £3,841.

Nationally, this is a total of £36.5 billion.

## Home offices: who should pay for them?

Home offices in particular have been one of the more contentious room changes, with many being forced to give up living space in order to simply carry out their jobs.

In fact, 16% of homeowners who created one say they resent giving up space in their home for the benefit of their employer.

Nearly seven in ten (67%) believe that employers should pay all or some of the cost of setting up a home office, with 12% thinking that they should even offer compensation for the space lost.

However, the reality is that just 2% of those who set up home offices say that their employer offered compensation, and only 30% say they made any contributions towards costs at all.

Just 10% covered the full costs.

## An unhappy compromise?

For those who have had to repurpose rooms, more than half (55%) say this has meant they have had to compromise on their space at home, leaving homeowners less happy with the space they have.

Amongst those who have, 28% say they now have less space for guests to stay, 21% say they have less or no privacy and 11% state that their children now have to share a bedroom.

However, this feeling of not being completely happy with your home rises significantly amongst younger homeowners, who are likely to have smaller properties.

More than eight in ten (83%) homeowners under 25 say they are currently having to

compromise with their living spaces.

For many, having to change their home setup during the pandemic has highlighted the need to find somewhere new and better suited to their changed needs.

Of homeowners who have made changes, nearly a third (32%) say that this has made them consider moving home.

Nick Neill, Managing Director at EweMove Sales & Lettings says: 'Although many believe that their employer should contribute to the cost of setting up a home office, it's important to consider other factors, such as reduced commuter costs and the ability to use the time spent commuting on personal endeavours, such as benefitting from a converted gym.

'The rise of open plan living also means that it can be tricky to find space to set up a home office, but it really does present a more flexible property for buyers to consider purchasing if you do decide to sell in the future.

'It's also worth considering a garden office - which could be anything from a glorified shed to a swanky purpose-built luxury cabin.

'Not only can it enable a better work/life balance and space to work outside of the family home, but it will definitely add value to your property and not take it away, which could be the case if you convert a bedroom.'

## You might also be interested in...



### [How parents bend the rules if their home isn't in a school catchment area](#)

12 January 2022



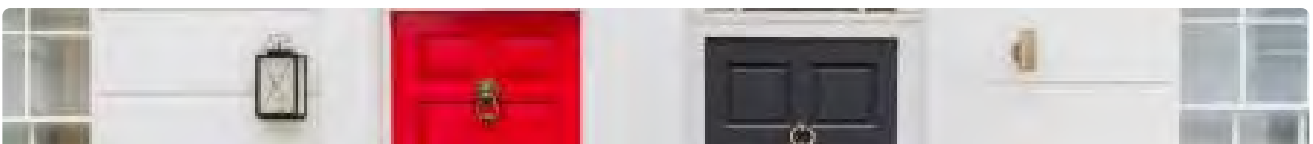
### [The 10 most popular homes for sale](#)

18 April 2023



### [The 10 most popular homes for rent this month](#)

14 April 2023



## Appendix IJ5

St Helens – Feasibility Study, CBRE, July 2021 (Executive Summary extracts)

# ST HELENS – FEASIBILITY STUDY

## PREPARED FOR ENGLISH CITIES FUND

**CBRE**

CONFIDENTIAL | JULY 2021

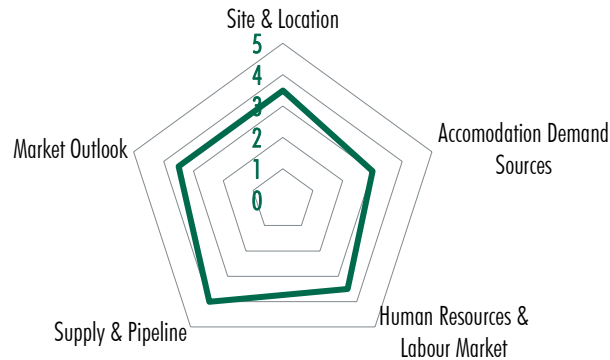


# 01 EXECUTIVE SUMMARY



# EXECUTIVE SUMMARY

## C.O.R.E ANALYSIS



- 5 – Exceptional, current opportunity
- 4 – Good, future opportunity
- 3 – Neutral
- 2 – Medium risk
- 1 – Threat

C.O.R.E provides the reader with a high level overview of CBRE Hotels’ analysis of the threats and opportunities associated with the proposed Hotel scheme. Based on CBRE Hotels’ experience, the impact of specific aspects on the likely success of the hotel has been assessed and a weighted average opportunity score is presented above.

Based on our research and findings, we consider that there is a market opportunity to develop a 125-bedroom Hotel in St Helens. This takes into account the demand characteristics of the local hotel market and the lack of quality hotels in the area. On the following slides, we provide an overview of the key market factors, opportunities and threats on which we have assessed the development opportunity for the proposed Hotel.

- **Site & Location (3.5/5)**

  - In the context of St Helens, the proposed Hotel will benefit from strong visibility, being positioned at the heart of the town’s major mixed-use regeneration. It will be closer to the train station and main leisure demand drivers than the existing hotels in the vicinity. However, it will be less accessible by car than Mercure St Helens and other hotels near the M6. This could make it harder for the Hotel to attract corporate travellers, particularly those who come to visit businesses on the outskirts of town, as well as leisure travellers, who travel by car to attend football and rugby matches at Anfield Stadium and the Totally Wicked Stadium, respectively.
  - St Helens is well-connected with the M6 and the M62, and benefits from direct train services to central Liverpool (Lime Street station). There are, however, no direct trains to Manchester and London. There are also no direct transport links to Liverpool John Lennon Airport, so we expect that car would be the main mode of transport for those visiting the Hotel.
- **Accommodation Demand Sources (3/5)**

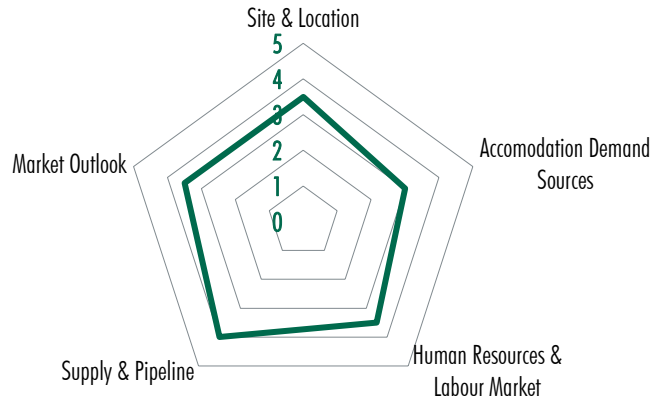
  - St Helens is not a recognised overnight destination. Before the pandemic the town recorded approximately 2.0 million day visitors each year and only 80,000 overnight trips. After Knowsley, it has historically been the second least visited borough in Merseyside, with most travellers coming to visit friends and relatives.
  - In terms of leisure demand drivers, the town’s key attractions are the Theatre Royal, North West Museum of Road Transport and The World of Glass, whereas in the wider area we highlight Haydock Park Racecourse, a popular attraction between May and October. We also expect the Hotel to benefit from some price-sensitive and displaced demand from Liverpool during peak demand periods.
  - St Helens lacks a strong night-time economy and attractions to appeal to higher-spending visitors.
  - In terms of corporate demand drivers, like many similar regional towns, St Helens has historically relied on the retail sector, one of the major employers in the area. The town has also been a major centre for glass making, with Pilkington Glass remaining a key employer. However, overall, there are not many larger employers, especially regarding office-based employment, in the area to support both corporate and conference/events-related overnight demand.
- **Hotel Market Performance (3.5/5)**

  - Selected hotels within a 5-mile radius of the site have performed close to 70% before the pandemic, historically below the wider Regional UK Hotel market average. This is mainly due to weaker demand in the low season (December-March), as in the high season occupancy levels in St Helens were relatively strong (75%-78%). Demand was particularly strong on Tuesday and Wednesday, driven by transient demand, as well as on Saturday (largely leisure), with both periods achieving occupancy rates above 80%. This shows that before the pandemic, the market has been undersupplied during peak demand periods, with hotels displacing demand to properties located further afield.
  - Driven by improved accommodation demand, local hotels were able to improve ADR by 2.0% per annum between 2015 and 2019, albeit growing from a low base.



# EXECUTIVE SUMMARY

## C.O.R.E ANALYSIS



- 5 – Exceptional, current opportunity
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C.O.R.E provides the reader with a high level overview of CBRE Hotels’ analysis of the threats and opportunities associated with the proposed Hotel scheme. Based on CBRE Hotels’ experience, the impact of specific aspects on the likely success of the hotel has been assessed and a weighted average opportunity score is presented above.

- Despite improved occupancy and ADR, we note that the set’s RevPAR in 2019 was approximately 30% below the wider UK Regional Hotel Market. This can be attributed to the overall poor quality of local hotels, but mainly to the price sensitivity of all travel segments.
- **Supply & Pipeline (4/5)**
  - There is a clear shortage of quality hotel supply in St Helens Town Centre, as most properties are located to the west of the site, near Haydock Park Racecourse and the motorway network.
  - There is a material supply of branded hotels within a 5-mile radius of the site, but most are dated and small, and should not pose a competitive threat to the Hotel.
  - None of the pipeline schemes identified are under construction, whereas those in planning or final planning may not materialise, due to the impact of the pandemic on project financing, for example.
- **Investment and Market Outlook (4/5)**
  - We expect the planned regeneration of St Helens Town Centre to have a positive impact on the town’s economic position and raise its profile as a commercial and leisure destination. However, the current plans only comprise one office scheme, which we do not consider sufficient to significantly boost midweek demand in the area.
  - One of the other major projects in the town’s modern history, Glass Futures, will strengthen the town’s status as one of the region’s centres for glass making, potentially attracting more businesses and travellers to the town. We understand the scheme may generate some long-stay overnight demand, partly driven by international visitor.
  - CBRE’s in-house view is that average occupancy levels across the Regional UK market will return to the pre-COVID levels in 2024. As such, the pandemic should not hinder the hotel’s trading ramp-up, as by the time of its opening, we expect both corporate and leisure demand to have recovered.

## Appendix IJ6

St Helens Town Centre Residential Market Analysis, CBRE, February 2021 (Extracts)



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# ST HELENS TOWN CENTRE RESIDENTIAL MARKET ANALYSIS

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**Final Report**

February 2021

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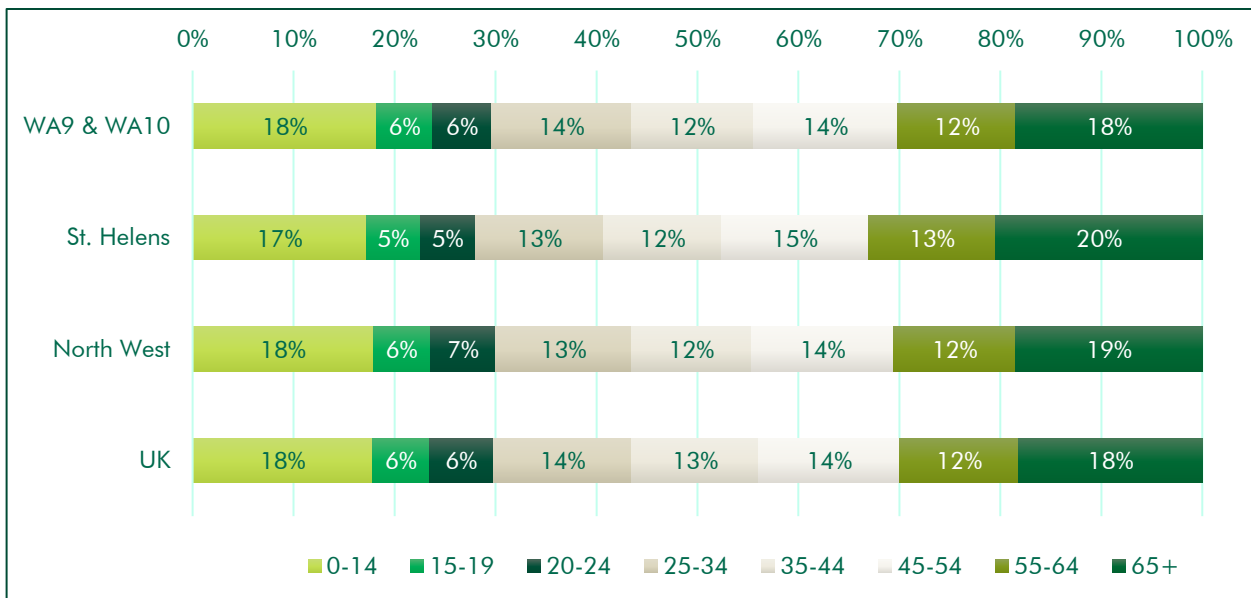
## 2 Demographic and Market Commentary

2.1 This section of the report examines the demographic make-up of St Helens, with key headlines as follows:

- The current **population** of St Helens is 182,971 which represents 2% of the total North West region population (7,433,615).
- The **age structure** of St Helens' population is largely similar to the North West region and the UK overall. However, St Helens has a slightly older generation with 34% of people over the age of 55, compared to 31% in the North West and the UK. Five-year projections show no significant changes to the population structure of St Helens. However, the population of over 55s is expected to increase to 36% and under 34s expected to decrease very slightly from 41% to 40%.
- The **population** of St Helens is projected to increase by 2% (+3,717) from 2020 to 2029. Over the same period, the North West is projected to grow by 3% (+192,020).
- In terms of **Tenure**, owner occupiers represent the largest cohort in St Helens at 66%, this is higher than the North West (63%) and the UK (62%). Over the next five years (2019-2024), the share of owner occupiers in St Helens is expected to decrease to 64% and the share of private renters is expected to increase from 14% to 19%.
- The **employment rate** over the period July 2019 – June 2020 in St Helens was 75%, which is the same as the West Midlands but lower than Great Britain (76%).
- **Earnings** by place of residence (£27,924) are 6% higher than place of work (£26,312) in St Helens. This highlights a slightly more affluent resident population when compared to the commuter population that live in the suburbs.
- Notably, 67% of the population of St Helens earn less than £19,000 and only 2% earn over £50,000.

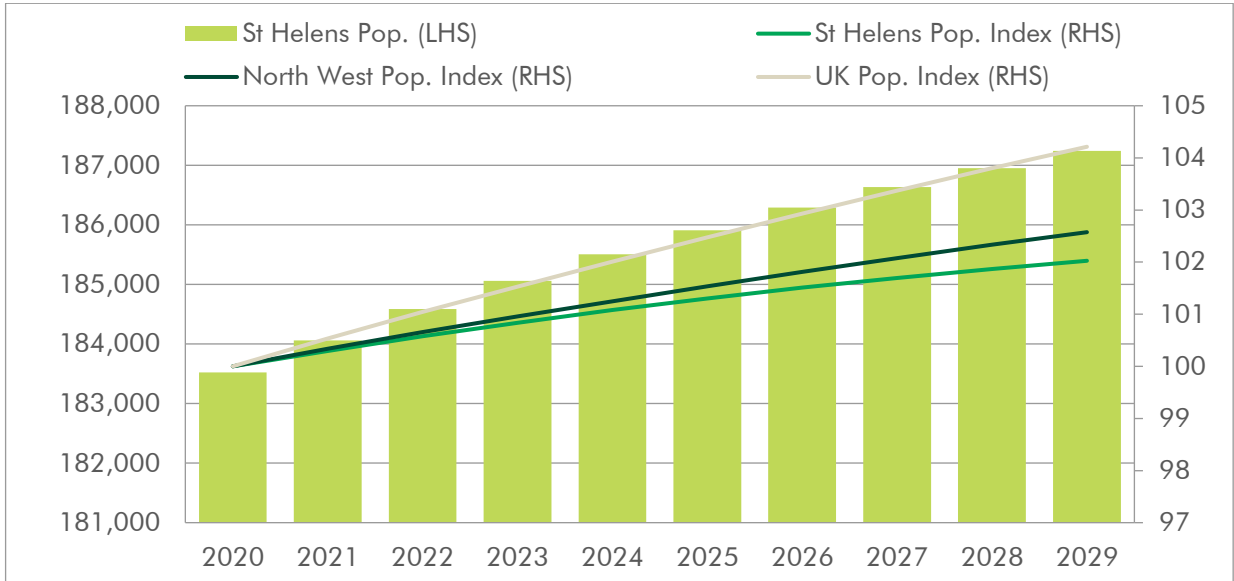
### DEMOGRAPHICS

Chart 1: Population by Age, 2019



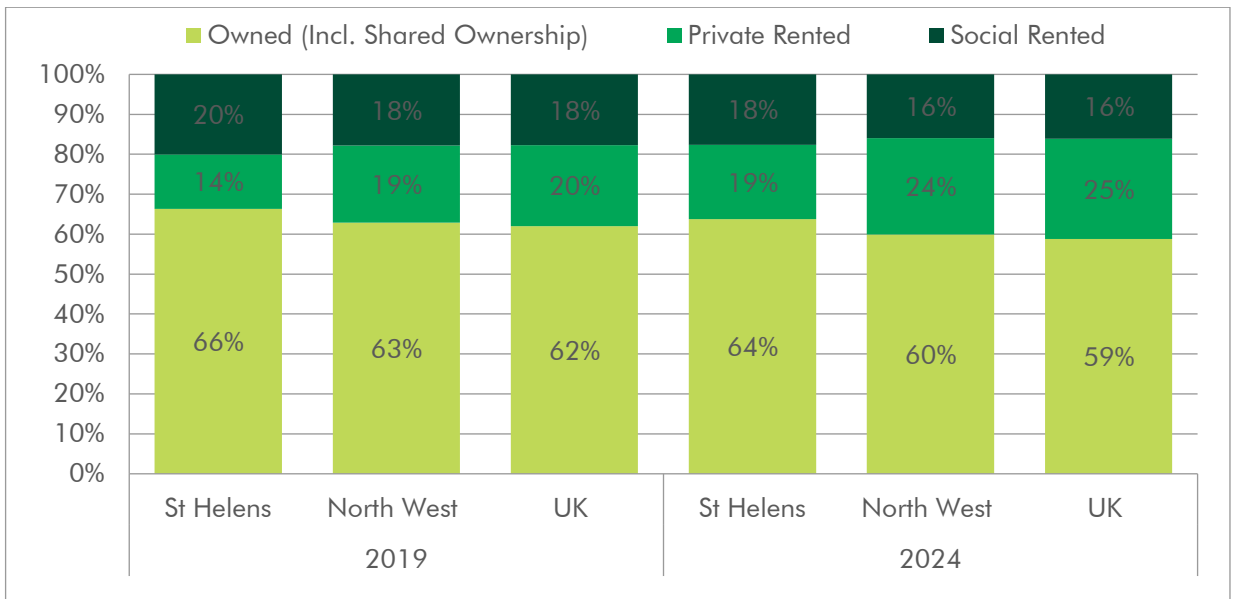
Source: Experian

**Chart 2: Population Projections, 2020 to 2029**



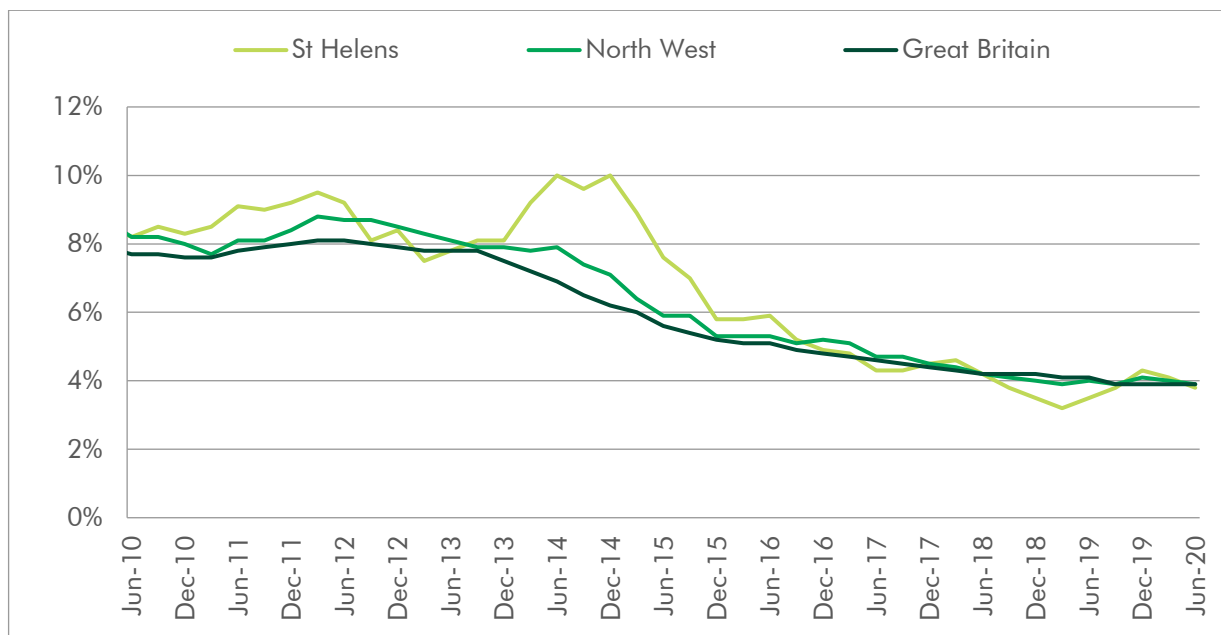
Source: Experian

**Chart 3: Tenure, 2019 and 2024**



Source: Experian

**Chart 4: Unemployment Rate, June 2010 to June 2020**



**Table 1: Employment and Unemployment (Jul 2019-Jun 2020)**

	St Helens	St Helens	North West	Great Britain
In Employment	84,800	75%	75%	76%
Unemployed	3,300	4%	4%	4%

Source: Nomis

**Table 2: Earnings (2020)**

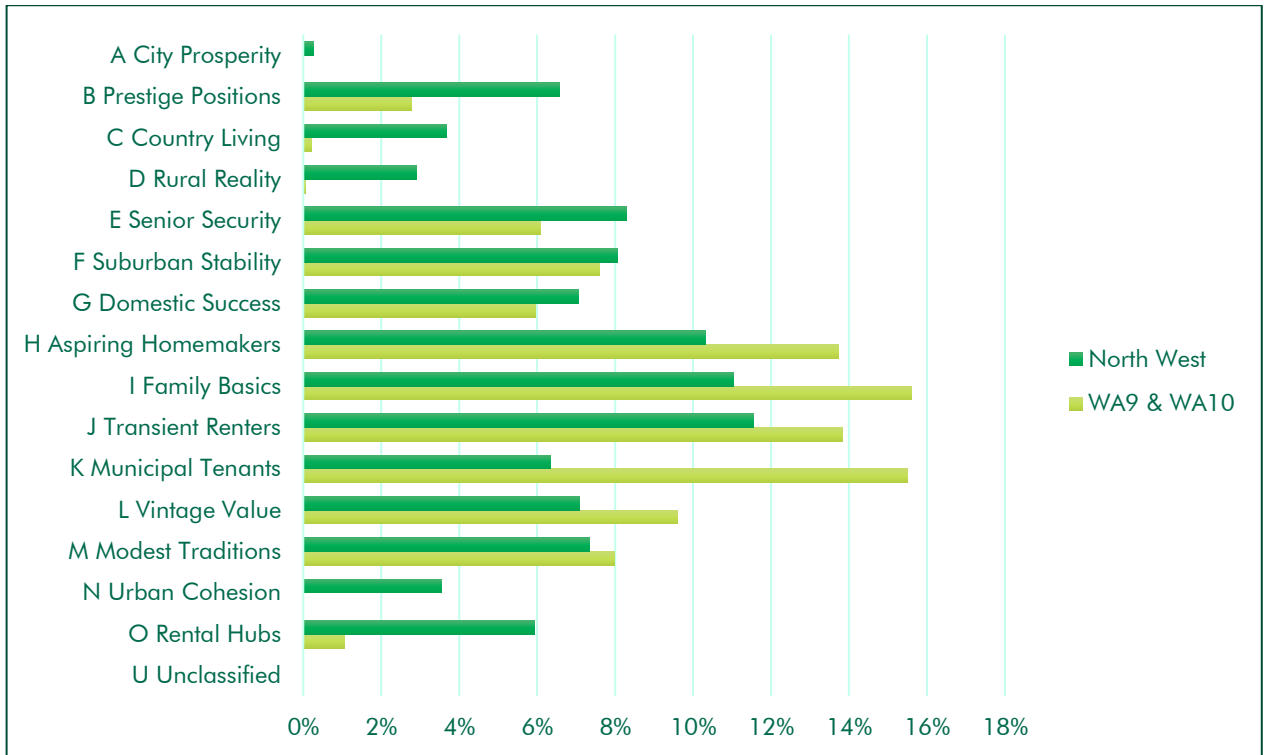
	St Helens	North West	Great Britain
Earnings by place of work	£27,924	£29,120	£30,524
Earnings by place of residence	£26,312	£29,120	£30,498

Source: Nomis

2.1 An assessment of the Mosaic profile (Chart 5) confirms that in comparison to the North West, with St Helens town centre currently there are a higher proportion of:

- Urban renters in social housing
- Younger households settling down in housing priced within their means;
- Families with limited resources;
- Transient renters; and
- Older people reliant on support.

**Chart 5: Mosaic Profile - WA9 and WA10 demographic profile compared to North West**



(Source: Mosaic, Experian Data)

## 3 Planning Policy and Evidence Base

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### LIVERPOOL CITY REGION STRATEGIC HOUSING & EMPLOYMENT LAND MARKET ASSESSMENT (2018)

- 3.1 Liverpool City Region (LCR) Strategic Housing & Employment Land Market Assessment (SHELMA) identifies key points surrounding St Helens economy, which include:
- High proportion of jobs in the Transportation and storage sector compared to all wider geographies.
  - High proportion of jobs in Manufacturing sector, particularly compared to the Functional Economic Market Area (FEMA) geographies affecting the Liverpool City Region Authorities and UK.
  - Low representation in professional services (Information and communication, Financial and insurance, Real estate, Professional, scientific and technical sectors), although the Real Estate sector bucks this trend.
  - Lower proportion of jobs in the Public sector, especially compared to elsewhere in the FEMA.
  - Education and Human health and social care jobs in line with UK average while Public administration and defence below national rate.
- 3.2 The SHELMA identifies the Objectively Assessed Need (OAN) for housing over the period 2012 – 2037 across the City Region and sets out an approach to distribute the City Region’s OAN to each of the local authorities. An increase in the number of dwellings is required to support the projected growth in employment and resident workforce in the City Region (pre-Covid).
- 3.3 St Helens’ projected economic-driven housing need is **855 per annum (p.a.)** between 2012-3027 reflecting jobs growth. Taking account of trends however and a consideration of site options and potential policy interventions available, the Objectively Assessed Need set out for St Helens in the SHELMA is **416 dwellings p.a.**

### ST HELENS STRATEGIC HOUSING MARKET ASSESSMENT (2019)

- 3.4 St Helens’ Strategic Housing Market Assessment (SHMA) considers the housing needed to support the potential growth in the Borough’s workforce. The report also considers the latest data in relation to affordable housing needs, and for older persons and housing mix.

#### Housing Need

- 3.5 The report seeks to update the LCR SHELMA projections but uses a projection period of 2016-33 rather than 2012-37 and takes account of the 2016-based Sub-National Population Projections (SNPP) and the latest mid-year estimates. This identifies a need for approximately **390-400 dwelling p.a.**
- 3.6 The report also considers an economic led housing need which results in a range of housing need of **479-514 dwelling p.a.**

#### Affordable Housing Need

##### Rent Levels

- 3.7 The entry-level costs of private market housing have been established by the Valuation Office Agency data which is identified in Table 3. A household is considered able to afford market rented housing in cases where the rent payable would constitute no more than 40% of the gross income.



**Table 3:** Lower Quartile Private Rents (Source: St Helens SHMA (2019))

Dwelling Type	Year to March Lower Quartile Rents per size per month
Room only	£300
Studio	£250
1 bedroom	£350
2 bedrooms	£425
3 bedrooms	£535
4+ bedrooms	£725
All dwellings	£425

- 3.8 In setting rent levels for affordable housing units, a discount would likely have to be applied to the rents identified in table 3.

#### **Affordable Home Ownership Prices**

- 3.9 The SHMA sets out a suggested price point where there is a likelihood that a reasonable number of households will be able to afford. Table 4 sets out the purchase price for affordable home ownership in the Borough.

**Table 4:** St Helens affordable home ownership prices rate for year to March 2018 (Source: St Helens SHMA (2019))

Size	Sale Price
1-bedroom	£75,000
2-bedroom	£91,000
3-bedroom	£114,000
4+ -bedroom	£155,000

- 3.10 The cost of second-hand housing for sale in St Helens is sufficiently affordable meaning that there is no need for a discounted new build product. However, the Council may accept 'affordable home' ownership to support viability or help diversify stock. The analysis identifies that the majority of additional affordable homes should be of a rented tenure to meet local need.

## Affordable Housing Need

3.11 Net Affordable Housing Need can be seen in Table 5.

**Table 5:** Estimated Annual Level of Affordable Housing Need (Source: St Helens SHMA (2019))

	Per Annum	2016-33
Current Need	74	1,253
Newly forming households	632	10,752
Existing households falling into need	584	9,925
Total Gross Need	1,290	21,930
Supply	1,173	19,943
Net Need	117	1,987

## Technical Housing Requirements

3.12 St Helens has a higher level of disability when compared with the national position and an ageing population meaning that the number of people with disabilities is expected to increase in the future. There is a clear need to increase the supply of accessible and adaptable dwellings, and wheelchair user adapted dwellings.

## Housing Mix

3.13 In terms of housing mix, based on the SHMA and accounting for demographic drivers, the focus of new market housing provision should be on two- and three-bed properties. Table 6 identifies the following as an appropriate mix of affordable and market homes demand.

**Table 6:** St Helens Housing Mix

	1-bed	2-bed	3-bed	4+bed
Market	0-5%	25-30%	50-55%	15-20%
Low-cost home ownership	10-15%	35-40%	40-45%	5-10%
Affordable housing (rented)	30-35%	30-35%	25-30%	5-10%

## ST HELENS CORE STRATEGY (2012)

3.14 St Helens' adopted Local Plan (Core Strategy, 2012) confirms a net housing requirement of 13,680 new dwellings between 2003-2027 (Policy CH 1), with a focus on brownfield development and a minimum density of 50 dwellings per hectare for schemes within the town centre. Developments of 5 or more dwellings are required to deliver a minimum of 30% affordable units, unless a site-specific viability assessment demonstrates otherwise (Policy CH 2).

3.15 To ensure a suitable housing mix, apartments and higher value market housing within the Housing Market Area will be supported to encourage economic development.

---

## ST HELENS DRAFT LOCAL PLAN (2019)

- 3.16 St Helens is in the process of preparing a new Local Plan, which will be formally examined in May and June 2021. Within the Draft Local Plan, a housing need of a minimum of 9,234 net additional dwellings between the period 1 April 2016 to 31 March 2035 (an average of at least 486 dwellings per annum), has been identified (Draft Policy LPA 05). This draft policy also confirms that new development should optimise the amount of housing developed on a site, aiming to achieve at least 40 dwellings per hectare (d.p.h) on sites that are within or adjacent to St. Helens Town Centre.
- 3.17 The threshold for requiring affordable housing has been increased to 11 or more dwellings, with greater sensitivity to reflect the spatial location of the proposed development with a range between 30% delivery as affordable housing on greenfield sites in proposed zones 2 and 3, and **no requirement for affordable housing in the town centre ( Zone 1)** (Draft Policy LPC 02).

## 4 Planning Consents

- 4.1 A review of major and recently consented residential schemes within or adjacent to St Helens Town Centre has been undertaken over the past 15 years, a table and a map providing detail on the sites can be found in Appendix 2.
- 4.2 Over the past 15 years there have been 477 apartments consented within or adjacent to St Helens Town Centre. There have been no affordable dwellings consented in the same period. Table 7 identifies the mix of the consented dwellings.

**Table 7:** Dwelling mix of applications consented since 2005

Dwelling Type	Number Consented
Studio apartments	5
1-bed apartments	203
2-bed apartments	267
3-bed apartments	2
<b>Total</b>	<b>477</b>

- 4.3 The figures are skewed by two large consents by Countryside Properties and Pembroke Homes in 2006 making up 65% of the consented dwellings at Arrivato Plaza and Lower Hall Street. Following the development of 308 apartments there has been no planning consents up until 2017. Post 2017, residential planning consents within St Helens Town Centre has been dominated by office to residential conversions by Nicholson Group and the Crown Building (please refer to Appendix 2).
- 4.4 As identified in table 8, 169 dwellings have been consented since 2017. The vast majority are 1-bed apartments aimed at students and young professionals. 115 of those consented have been via permitted development rights, leading to 100 of those consented being 1-bed properties.

**Table 8:** Dwelling mix of applications consented since 2017

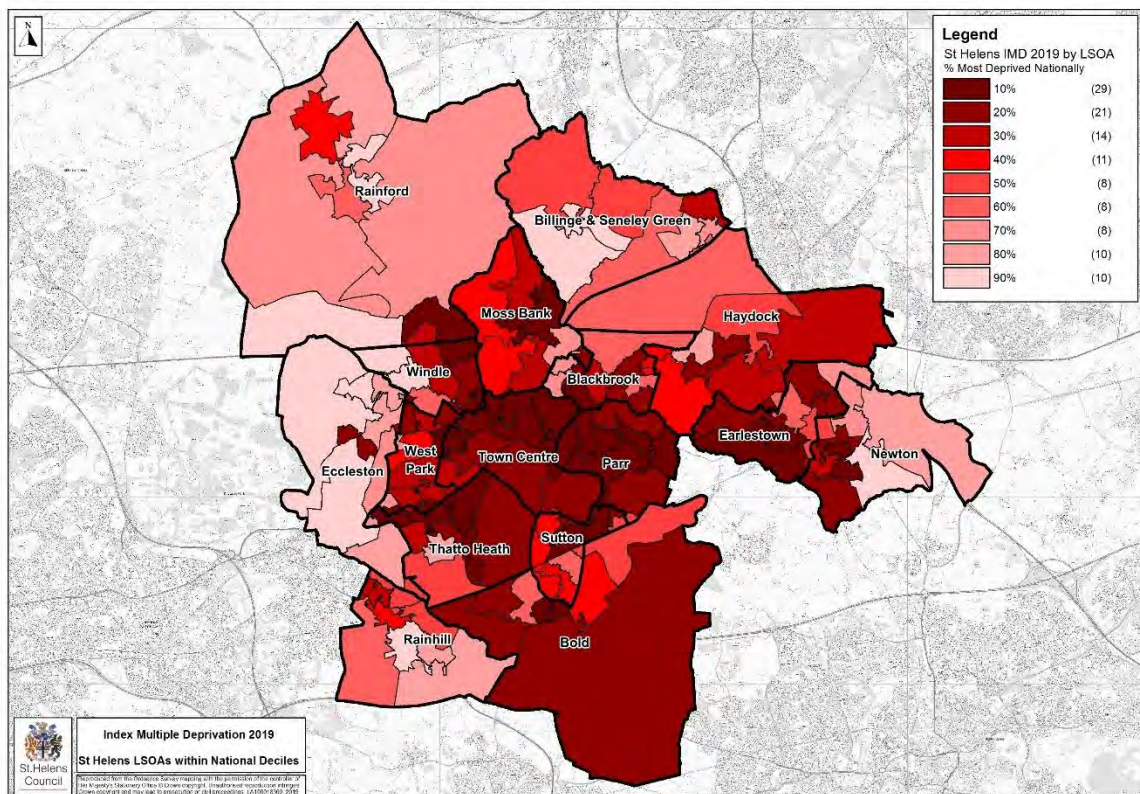
Dwelling Type	Consented via PDR	Total Consented
Studio apartments	3	5
1-bed apartments	100	136
2-bed apartments	12	26
3-bed apartments	0	2
<b>Total</b>	<b>115</b>	<b>169</b>

## Appendix IJ7

Indices of Deprivation 2019 St Helens Summary Report, St Helens Borough Council

# Indices of Deprivation 2019

## St Helens Summary Report



**ST HELENS**  
BOROUGH COUNCIL

## Contents

Introduction.....	3
Key Findings .....	5
Local Authority District Level Summary .....	7
Liverpool City Region District Level Summary (IMD 2019) .....	7
St Helens District Level Deprivation: Change between 2010, 2015 and 2019 .....	9
Population.....	9
Local Authority Level Domain Rankings.....	10
Small Area Deprivation.....	11
Indices of Multiple Deprivation .....	11
Small Area Deprivation over Time.....	12
IMD Rank for all St Helens LSOAs within the most deprived 20% of LSOAs nationally.....	13
.....	13
Change between 2015 and 2019 in St Helens LSOAs within the most deprived 10% of all LSOAs Nationally .....	14
The Domains.....	16
Domain 1 - Income Deprivation .....	17
Income Deprivation Change Over Time – 2015 - 2019.....	18
Domain 2 - Employment Deprivation .....	19
Employment Deprivation Change Over Time – 2015 - 2019.....	19
Domain 3 – Health Deprivation and Disability .....	20
Health Deprivation and Disability Change Over Time - 2015 - 2019 .....	20
Domain 4 – Education, Skills and Training Deprivation .....	21
Education, Skills and Training Deprivation Change Over Time - 2015 – 2019 .....	21
Domain 5 – Barriers to Housing and Services Deprivation .....	22
Barriers to Housing and Services Deprivation Change Over Time - 2015 - 2019 .....	22
Domain 6 – Crime Deprivation .....	23
Crime Deprivation Change Over Time - 2015 - 2019 .....	23
Domain 7 – The Living Environment Deprivation.....	24
The Living Environment Deprivation Change Over Time - 2015 - 2019.....	24
Income Deprivation Affecting Children Index (IDACI) .....	25
The IDACI Change Over Time - 2015 - 2019 .....	25
Income Deprivation Affecting Older People Index (IDAOP).....	26
The IDAOP Change Over Time - 2015 - 2019 .....	26
Further Information.....	27

## Introduction

The concept of deprivation is a wide one, covering a broad range of issues. Deprivation refers to unmet needs caused by a lack of resources and opportunities of all kinds, not just financial. It can therefore be defined through issues such as poor housing, homelessness, low educational attainment, lack of employment, worklessness, poor health and high levels of morbidity.

The Indices of Deprivation attempt to measure this broad concept of multiple deprivation at small area level and provide a relative picture of levels of deprivation across the country.

To capture this picture, the Indices use data from a basket of 39 indicators across 7 distinct domains. The domain indices are:

- Income deprivation
- Employment deprivation
- Health deprivation and disability
- Education, skills and training deprivation
- Barriers to housing and services deprivation
- The Living environment deprivation
- Crime deprivation

The data is examined at Lower Super Output Area level (LSOA), of which there are 32,844 in the country and 119 within St Helens. LSOAs are designed to be of a similar population size, with an average of around 1,500 residents each and are a standard statistical building block for dividing up the country. A relative score and ranking is then produced for every LSOA across each of the domains. This allows a comparative analysis of these 7 distinct dimensions of deprivation to be made across areas of the country.

Each of the 7 domains are also weighted and combined (see Methodology) to produce the overall Index of Multiple Deprivation (IMD) at LSOA level, again with a relative score and ranking for each LSOA within the country. We can describe how relatively deprived an area is by saying whether it falls within the most 10%, 20%, or 30% most deprived small areas in England. Deprivation 'deciles' are therefore also published alongside the rank. These are calculated by ranking the 32,844 small areas across the country from the most deprived to the least deprived and dividing them into 10 equal groups. The groups range from the most deprived 10% of small areas nationally to the least deprived 10%. This report also highlights small areas in St Helens in the most deprived 1% and 5% of areas nationally.

There are also 7 local authority level summary scores which employ different ways of ranking areas in terms of their relative deprivation. These include a ranking of average scores, concentration and extent, for each of the 317 local authority areas in England, as well as supplementary indices; an income deprivation affecting children index (IDACI) and an income deprivation affecting older people index (IDAOPI).

The indices are widely used to analyse and compare patterns of small area deprivation, identify areas that would benefit from special initiatives or programmes and to determine potential eligibility for the distribution of funding.



It is important to acknowledge that the IMD is a relative measure of deprivation, rather than an absolute measure. This means it can tell you if one area is more deprived than another, but not by how much. Therefore, a neighbourhood ranked 100<sup>th</sup> is more deprived than a neighbourhood ranked 200<sup>th</sup>, but this does not mean that it is twice as deprived.

Equally important is that it is not designed to provide backwards comparability with previous versions of the Indices. However, as the methodology has remained largely consistent, it is possible to compare the rankings as determined at a particular time point by the different versions. Again these changes can *only be described* in relative terms, i.e. the extent to which an area has changed rank or decile of deprivation.

As an example, an area that was in the 20% most deprived of areas nationally in the 2015 Index, but features in the 10% most deprived areas nationally in the 2019 Index, can be said to have become more deprived relative to other areas. However, it is not necessarily correct to assume that deprivation levels within the area have increased on an absolute scale, as it could be the case that all areas had improved, but that this area improved to a lesser extent than others and was 'overtaken' in the rankings.

The time points for the indicator data used vary, ranging from 2015 to 2019. As such the indices do not take into account any changes to the indicator data or national policy since the time point of the data used. Full details of the indicators and their data sources can be found in Appendix A to the [Technical Report](#).

A [Research Report](#) is also available providing a full account of how to use and interpret all the data within the 2019 Indices.

Data has not been produced at ward level. However, the Indices of Deprivation 2019 Explorer shows ward and local authority boundaries, to allow users to view the deprivation ranks of neighbourhoods within these areas. This interactive tool can be found [here](#).

## Key Findings

High levels of deprivation are evident across the North West region. Of the 20 local authorities with the highest proportion of their neighbourhoods (LSOAs) in the most deprived 10% of all neighbourhoods in England, 11 are in the North West. This compares to 10 in 2015, making the North West relatively more deprived compared to other areas in the 2019 Indices.

This shift in relative deprivation across the North West Region and more generally the North of England is principally a result of a dilution of deprivation within the London Boroughs due to the influx of wealthy incomers triggering a radical transformation in the socio-economic profile of what were previously some of the most deprived areas in the country.

Overall, St Helens is now ranked as the 26<sup>th</sup> most deprived local authority in England out of 317. Its relative position has deteriorated since the 2015 Index of Deprivation where St Helens was ranked as the 36<sup>th</sup> most deprived area (out of then 326 authorities).

St Helens' relative deprivation ranking has deteriorated across 5 of 6 district summary measures of deprivation. *However, any change in absolute deprivation cannot be determined through the IMD.*

There are now a total of 29 LSOAs (or neighbourhoods) within the borough that fall within the 10% most deprived LSOAs nationally, compared to 28 in 2015. A total of 50 LSOAs within the borough fall within the 20% most deprived nationally, compared to 47 in 2015.

Nearly a quarter of St Helens population (23.4%) live in the 29 LSOAs within the Borough that fall within the 10% most deprived LSOAs nationally (42,877 people).

The most relatively deprived LSOA within St Helens is Parr Stocks Road, which sits on the border of the Town Centre and Parr wards. This is the 27<sup>th</sup> most relatively deprived LSOA within England out of 32,844 LSOAs. There are 6 LSOAs in St Helens within the 1% most deprived LSOAs nationally, an increase of 2 since 2015.

Deprivation remains persistent in St Helens, with those neighbourhoods previously identified as the most relatively deprived locally in previous versions of the IMD still remaining as the most relatively deprived in 2019.

The least deprived LSOA in St Helens is the area around Springfield Lane / Gillars Lane in Eccleston.

The deprivation domains of greatest local concern are Health Deprivation and Disability, Employment Deprivation and Income Deprivation.

St Helens ranks as the 8<sup>th</sup> most deprived authority out of 317 in terms of relative Health Deprivation and Disability. In the Health and Disability Domain, 42% of St Helens LSOAs fall within the most deprived 10% of all LSOAs nationally, with 33% falling within the most deprived 5% nationally.

St Helens ranks as the 9<sup>th</sup> most deprived authority in terms of relative employment deprivation. In the Employment Domain 35 LSOAs (29%) fall within the most deprived 10% of all LSOAs nationally. 16,585 people in the area are deemed to be employment deprived (16.5% of the working age population). This compares to the 2015 figure of 18,401, although the two are not directly comparable due to a change in the indicators used to calculate the figures.

St Helens ranks as the 34<sup>th</sup> most deprived authority in terms of relative income deprivation. Nearly a quarter (23%) of LSOAs fall within the most deprived 10% of all LSOAs nationally in terms of income deprivation. 32,195 people in the area are deemed to live in income

deprived households (18.1% of the total population). This is lower than the 2015 figure of 34,364. However, again the two figures are not directly comparable due to a change in the indicators used to calculate them.

16% of St Helens LSOAs fall within the most deprived 10% of all LSOAs nationally in terms of education and skills deprivation.

10% of St Helens LSOAs fall within the most deprived 10% of all LSOAs nationally in terms of crime deprivation, and less than 5% for living environment deprivation. Only one LSOA in St Helens (0.8%) falls within the most deprived 20% nationally for barriers to Housing and Services.

## Local Authority District Level Summary

### Liverpool City Region District Level Summary (IMD 2019)

Local Authority	Rank of Average Score	Rank of Average Rank	Rank of Extent	Rank of proportion of LSOAs in the most deprived 10% nationally	Rank of Local Concentration
Knowsley	2 (5)	3 (5)	3 (4)	3 (19)	2 (3)
Liverpool	3 (4)	4 (7)	1 (2)	2 (4)	5 (7)
Halton	23 (27)	39 (36)	22 (19)	13 (19)	26 (22)
<b>St Helens</b>	<b>26 (36)</b>	<b>40 (52)</b>	<b>30 (36)</b>	<b>28 (25)</b>	<b>21 (33)</b>
Wirral	42 (66)	77 (106)	45 (62)	24 (36)	8 (12)
Sefton	58 (76)	89 (102)	60 (72)	43 (41)	19 (43)

*\*Rankings in brackets show relative positions for the IMD 2015*

The table above shows 5 summary measures of deprivation which highlight different aspects of multiple deprivation within an area. As patterns of deprivation across larger areas such as local authorities are complex, no single summary measure provides a complete way of describing or comparing deprivation between local authorities. However, the rank of the average score is still the most frequently reported summary measure. NB - The rankings run from 1 (most deprived) to 317 (least deprived).

The 2019 Index shows that St Helens has become more deprived relative to others. St Helens is the 26<sup>th</sup> most deprived local authority out of all 317 across the country on the Rank of Average Score measure. St Helens' relative position on the 2015 Index was the 36<sup>th</sup> most deprived.

The first 2 summary measures (explained below) identify the average level of deprivation in the local authority area, taking into account the scores and ranks of all LSOAs. The more deprived LSOAs will tend to have more extreme scores than ranks. As St Helens is a relatively highly deprived area, it ranks higher on the average score measure than the average ranks, as the score measure does not average out to the same degree as the ranks.

The Extent and the Proportion of LSOAs in the most deprived 10% nationally measures are summaries of the degree to which the local authority area is highly deprived. St Helens ranks relatively highly on both measures. Nearly a quarter (24.4%) of all St Helens LSOAs are in the most deprived 10% nationally.

The Local Concentration measure identifies higher level areas with extreme levels of deprivation, by comparing the most deprived LSOAs in one local authority against those in other local authorities. Extreme levels of deprivation are relatively concentrated within St Helens. 22 out of 119 LSOAs (18.5%) within the borough fall within the most deprived 5% of LSOAs nationally. 6 of St Helens LSOAs are in the most deprived 1% nationally.

The summary measures of deprivation are:

**Rank of Average Score** – This rank refers to the population weighted average of the combined IMD scores for the LSOAs in a local authority.

**Rank of Average Rank** – This rank refers to the population weighted average of the combined ranks on the Index of Multiple Deprivation (IMD) for the LSOAs in a local authority.

**Rank of Extent** – This rank refers to a weighted measure of the proportion of a local authority's population living in the most deprived 30% of LSOAs in the country, measuring how widespread deprivation is across a local authority.

**Rank of Proportion of LSOAs in the Most 10% Deprived Nationally** – This rank refers to the proportion of a Local Authority's LSOAs that fall in the most deprived 10% of all LSOAs nationally.

**Rank of Local Concentration** – This measures the average rank for the most deprived LSOAs within a local authority that contain exactly 10% of the local authority's population. It is similar to the Extent measure, but gives additional weight to the highly deprived areas

There are also 2 further summary measures, the **Rank of Income Scale and the Rank of Employment Scale**. These measures are designed to give an indication of the number of people experiencing income deprivation and employment deprivation in the local area. Both summary measures are covered in Section 5 of this report. The rankings are based on actual numbers of people in an area deemed to be income or employment deprived. The larger authorities such as Birmingham, Liverpool and Manchester will top these rankings due to the size of their respective populations.

St Helens' relative deprivation ranking has worsened across 6 of the 7 district summary measures of deprivation that were comparable between 2019 and 2015.

Using the measure of the rank of LSOAs in the most deprived 10% nationally, St Helens is ranked as the 28<sup>th</sup> most deprived, compared to a ranking of 25 in 2015.

On the Rank of Income Scale, St Helens ranks 71 out of 317 local authorities. 32,195 people within the area are deemed to be living in income deprived households (18% of the total population). This is lower than the 2015 figure of 34,364 in 2015. However, the 2 figures are not directly comparable due to a change in the indicators used to calculate them.

On the Rank of Employment Scale, St Helens ranks 58 out of 317 local authorities. 16,585 people in the area are deemed to be employment deprived (16.5% of the working age population). This compares to the 2015 figure of 18,401, although again the 2 are not directly comparable due to a change in the indicators used to calculate the figures.

## St Helens District Level Deprivation: Change between 2010, 2015 and 2019

Measure of Deprivation	IMD 2010 (1 is most deprived out of 326)	IMD 2015 (1 is most deprived out of 326)	IMD 2019 (1 is most deprived out of 317*)	Progress between 2015 and 2019
Rank of Average Score	51	36	26	↑
Rank of Average Rank	64	52	40	↑
Rank of Extent	47	36	30	↑
Rank of Local concentration	41	33	21	↑
Rank of proportion of LSOAs in the most deprived 10% nationally	n/a	25	28	↓
Rank of Income Scale	73	74	71	↑
Rank of Employment Scale	55	60	58	↑

\* NB - the number of local authorities reduced to 317 since the 2015 IMD.

### Population

The total population of St Helens increased by 1,478 (0.8%) between the 2015 Indices and the 2019 Indices (2012 to 2015 ONS mid-year estimates). The table below shows population change between the 2010 and 2019 Indices for St Helens LSOAs (neighbourhoods) that fall within the most deprived 10% of LSOAs nationally.

The proportion of the population living in the most deprived 10% of LSOAs has seen increases across the 4 population groups over the time period.

Population	IMD 2010		IMD 2015		IMD 2019	
	Number	Percentage	Number	Percentage	Number	Percentage
Total population	33,926	19.4	41,264	23.4	42,877	24.1
Dependent children aged 0-15 years	7,419	22.6	8,778	27.4	9,269	28.9
Population aged 16-59 years	19,525	19.7	23,872	24.0	24,721	24.8
Population aged 60 years and over	6,982	16.9	8,614	19.4	8,887	19.3

## Local Authority Level Domain Rankings

Summary measures at local authority level have also been published for each of the 7 domains and these are covered in more detail in Section 5 of this report.

The table below shows St Helens' relative 2019 ranking against all 317 local authorities in the country for the rank of the average score measure for each of the domains. NB - The rankings run from 1 (most deprived) to 317 (least deprived).

	Income Deprivation Domain	Employment Deprivation Domain	Health Deprivation & Disability Domain	Education & Skills Deprivation domain	Crime Deprivation Domain	Barriers to Housing & Services Deprivation Domain	The Living Environment Domain
Rank of Average Score 2019 (out of 317)	34	9	8	72	87	301	169
Rank of Average Score 2015 (out of 326*)	38	16	12	109	116	286	143

\* NB - the number of local authorities reduced to 317 since the 2015 IMD.

The domains where St Helens demonstrates the highest levels of relative deprivation are the Health, Employment and Income deprivation domains.

St Helens is:

- the 8<sup>th</sup> most deprived authority in terms of health deprivation and disability;
- the 9<sup>th</sup> most deprived authority in terms of employment deprivation;
- the 34<sup>th</sup> most deprived authority in terms of income deprivation.

# Small Area Deprivation

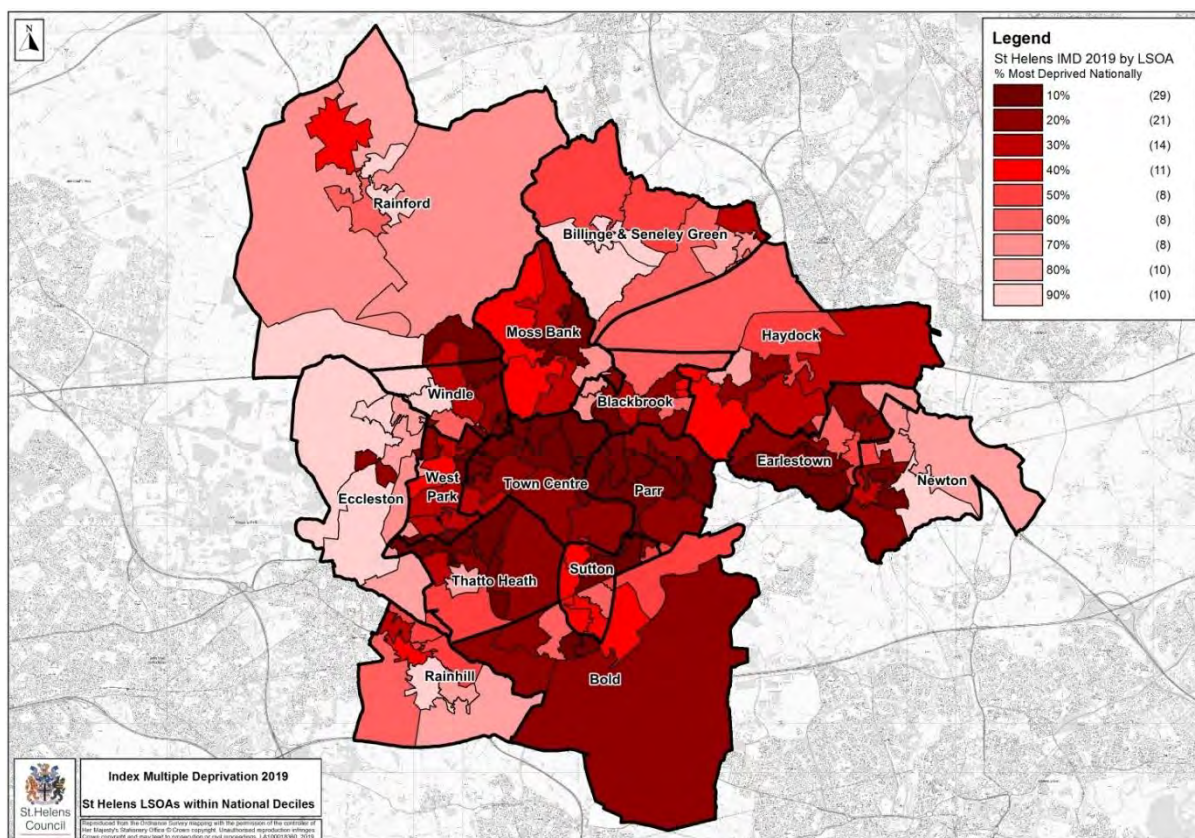
## Indices of Multiple Deprivation

The Indices of Deprivation is the collective name for a group of indices which all measure different aspects of deprivation. The most widely used of these is the Index of Multiple Deprivation (IMD).

The IMD brings together all indicators within each of the domains, weighting them according to the most important contributors to deprivation to produce an overall score and ranking for the relative level of multiple deprivation experienced in every small area in England. Areas are ranked from 1 (most deprived) to 32,844 (least deprived).

Deprivation 'deciles' are published alongside ranks. Deciles are calculated by ranking the 32,844 neighbourhoods in England from most deprived to least deprived and dividing them into 10 equal groups.

The map below shows how St Helens LSOAs sit within the national deciles. There are a total of 29 LSOAs that fall within the 10% most deprived small areas in England. Multiple deprivation is widespread across the Borough, with high levels across the south and east of the Borough.



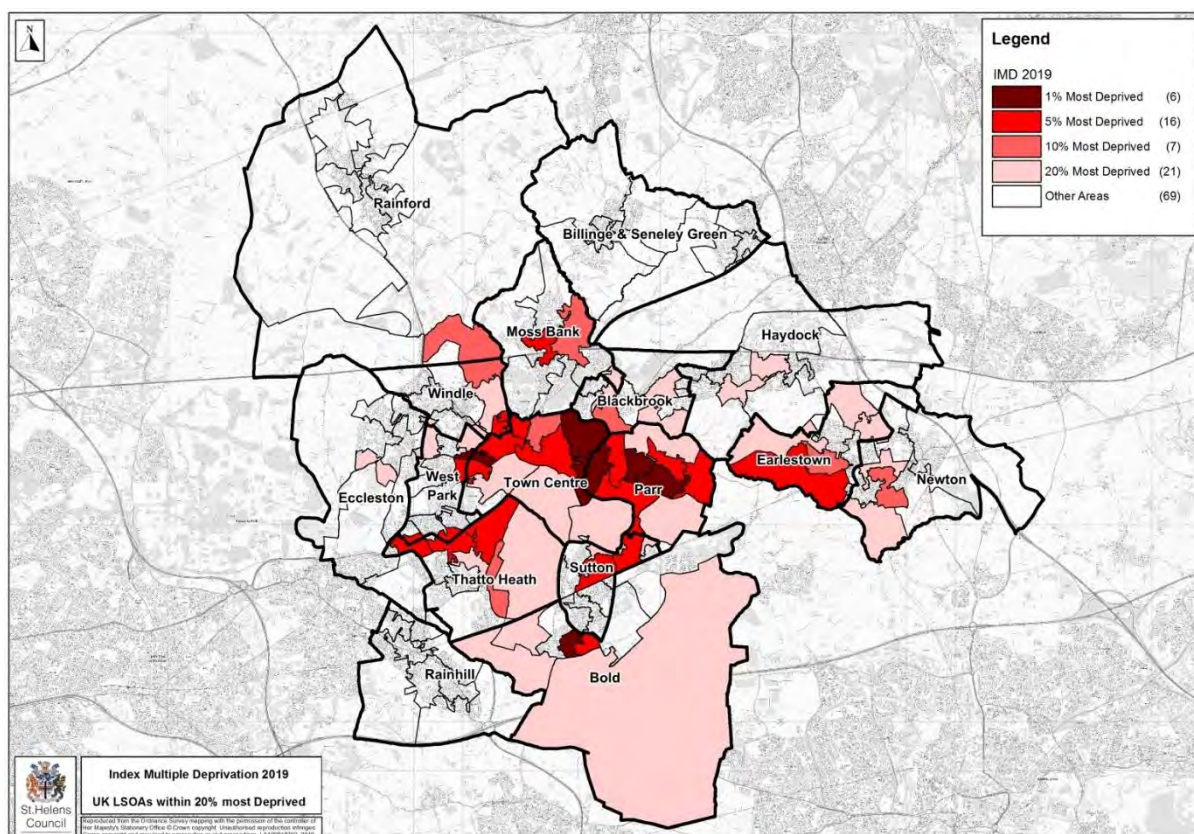


## Small Area Deprivation over Time

The table below shows the number of LSOAs within St Helens that fall within the most deprived 1% to 20% of LSOAs nationally and the change between 2010 and 2019.

Number of LSOAs in the....	IMD 2010	IMD 2015	IMD 2019	Change 2010-2019
Most Deprived 1%	4	4	6	+2
Most Deprived 5%	15	16	22	+7
Most Deprived 10%	24	28	29	+5
Most Deprived 20%	43	47	50	+7
Total Number of LSOAs in the Borough	118	119	119	+1

The highest levels of multiple deprivation in the Borough are to be found around the Town Centre / Parr border, particularly the areas of Parr Stocks Road, Fingerpost, Ashtons Green, Pennine Drive and around Boundary Road / Napier Street / Lyon Street, as well Four Acre in Bold.



## IMD Rank for all St Helens LSOAs within the most deprived 20% of LSOAs nationally

	LSOA code (2011)	LSOA name (2011)	LSOA description	Ward	IMD Rank	% Deprived Nationally
Areas in the most deprived 1% nationally	E01006874	St. Helens 014E	Parr Stocks Road	Parr	27	0.08
	E01006873	St. Helens 014D	Fingerpost	Town Centre	98	0.30
	E01006909	St. Helens 022D	Four Acre	Bold	112	0.34
	E01006817	St. Helens 017B	Around Ashtons Green	Parr	119	0.36
	E01006880	St. Helens 012D	Boundary Rd - Napier St - Lyon St	Town Centre	176	0.54
	E01006821	St. Helens 011C	Pennine Drive	Parr	281	0.86
Areas in the most deprived 5% nationally	E01006877	St. Helens 012C	Duke Street - Peter Street	Town Centre	503	1.53
	E01006872	St. Helens 014C	Peasley Cross North	Town Centre	516	1.57
	E01006908	St. Helens 022C	North Clock Face	Bold	854	2.60
	E01006871	St. Helens 011D	Chancery Avenue	Parr	922	2.81
	E01006816	St. Helens 017A	Waring Avenue	Parr	924	2.81
	E01006881	St. Helens 012E	Argyle Street - North Rd - College St	Town Centre	1,005	3.06
	E01006820	St. Helens 011B	Broad Oak & Holy Spirit Schools	Parr	1,093	3.33
	E01006844	St. Helens 020A	Sutton Junction Village	Sutton	1,100	3.35
	E01006834	St. Helens 012B	West Park East	West Park	1,310	3.99
	E01006905	St. Helens 019D	Australia Estate	Thatto Heath	1,321	4.02
	E01006847	St. Helens 020C	Ridgewood Drive - Gerrards Lane	Sutton	1,371	4.17
	E01006875	St. Helens 017C	Fleet Lane South West	Parr	1,421	4.33
	E01006849	St. Helens 004A	Central Moss Bank	Moss Bank	1,434	4.37
	E01006903	St. Helens 019C	Thatto Heath Road	Thatto Heath	1,485	4.52
E01006830	St. Helens 019A	Portico	Thatto Heath	1,615	4.92	
E01006865	St. Helens 013C	Common Rd - Earle St (Ind. Est)	Earlestown	1,616	4.92	
Areas in the most deprived 10% nationally	E01006863	St. Helens 013A	Earlestown Centre	Earlestown	1,687	5.14
	E01006812	St. Helens 008C	Frodsham Drive	Blackbrook	1,910	5.82
	E01006919	St. Helens 007F	Hard Lane	Windle	1,944	5.92
	E01006913	St. Helens 019H	Sutton Heath off Sherdley Rd	Thatto Heath	1,976	6.02
	E01006861	St. Helens 015F	Wargrave	Newton	2,168	6.60
	E01006850	St. Helens 004B	Kentmere - Carr Mill	Moss Bank	2,460	7.49
	E01006870	St. Helens 014B	Standish Street estates	Town Centre	2,784	8.48
Areas in the most deprived 20% nationally	E01006826	St. Helens 018A	Pinfold Drive - Gillars Green Drive	Eccleston	3,537	10.77
	E01006869	St. Helens 010D	Swan Road - Clarence Street	Earlestown	3,751	11.42
	E01006879	St. Helens 016F	Newtown West	West Park	3,907	11.90
	E01006912	St. Helens 019G	Sherdley Park - Marshalls Cross	Town Centre	4,013	12.22
	E01006898	St. Helens 022A	South Clock Face	Bold	4,166	12.68
	E01006910	St. Helens 022E	Sutton Manor	Bold	4,268	12.99
	E01006858	St. Helens 015C	Acorn Street	Newton	4,310	13.12
	E01006866	St. Helens 010A	Belvedere - Billington	Earlestown	4,324	13.17
	E01006842	St. Helens 005D	Piele Rd - Sherlock Ave	Haydock	4,478	13.63
	E01006907	St. Helens 019F	Elephant Lane estates	Thatto Heath	4,701	14.31
	E01006832	St. Helens 012A	The Shires - Liverpool Rd	Town Centre	4,793	14.59
	E01006876	St. Helens 016D	Around Queens Park Rec	West Park	4,840	14.74
	E01006845	St. Helens 014A	Baxters Lane - Sutton Road	Town Centre	5,205	15.85
	E01006899	St. Helens 017D	Brookway Lane - Sutton Moss	Parr	5,252	15.99
	E01006862	St. Helens 015G	Vulcan Village	Newton	5,727	17.44
	E01006838	St. Helens 006B	East Clipsey Lane	Haydock	6,001	18.27
	E01006868	St. Helens 010C	Queens Drive	Earlestown	6,023	18.34
	E01006813	St. Helens 008D	Blackbrook North	Blackbrook	6,074	18.49
	E01006811	St. Helens 008B	East Chain Lane estates	Moss Bank	6,263	19.07
	E01006819	St. Helens 011A	Delta Rd - Malvern Rd - Sankey Valley	Parr	6,294	19.16
E01006915	St. Helens 007B	Cowley Hill - Windlehurst	Windle	6,462	19.67	

## Change between 2015 and 2019 in St Helens LSOAs within the most deprived 10% of all LSOAs Nationally

St Helens LSOAs within the most deprived 10% of all LSOAs Nationally							
LSOA	LSOA Description	LSOA Ward	2015 National Rank	2015 Local Rank	2019 National Rank	2019 Local Rank	Change in National Rank 2015 - 2019
E01006874	Parr Stocks Road	Parr	70	1	27	1	-43
E01006873	Fingerpost	Town Centre	144	3	98	2	-46
E01006909	Four Acre	Bold	82	2	112	3	30
E01006817	Around Ashtons Green	Parr	317	4	119	4	-198
E01006880	Boundary Rd - Napier St - Lyon St	Town Centre	647	7	176	5	-471
E01006821	Pennine Drive	Parr	616	6	281	6	-335
E01006877	Duke Street - Peter Street	Town Centre	422	5	503	7	81
E01006872	Peasley Cross North	Town Centre	810	8	516	8	-294
E01006908	North Clock Face	Bold	1,179	10	854	9	-325
E01006871	Chancery Avenue	Parr	1,096	9	922	10	-174
E01006816	Waring Avenue	Parr	1,198	11	924	11	-274
E01006881	Argyle Street - North Rd - College St	Town Centre	1,348	12	1,005	12	-343
E01006820	Broad Oak & Holy Spirit Schools	Parr	1,579	14	1,093	13	-486
E01006844	Sutton Junction Village	Sutton	2,033	23	1,100	14	-933
E01006834	West Park East	West Park	1,566	13	1,310	15	-256
E01006905	Australia Estate	Thatto Heath	1,899	20	1,321	16	-578
E01006847	Ridgewood Drive - Gerrards Lane	Sutton	1,713	17	1,371	17	-342
E01006875	Fleet Lane South West	Parr	1,619	16	1,421	18	-198
E01006849	Central Moss Bank	Moss Bank	1,775	18	1,434	19	-341
E01006903	Thatto Heath Road	Thatto Heath	2,007	22	1,485	20	-522
E01006830	Portico	Thatto Heath	1,603	15	1,615	21	12
E01006865	Common Rd - Earle St (Ind. Est)	Earlestown	2,992	27	1,616	22	-1,376
E01006863	Earlestown Centre	Earlestown	1,934	21	1,687	23	-247
E01006812	Frodsham Drive	Blackbrook	2,964	26	1,910	24	-1,054
E01006919	Hard Lane	Windle	3,104	28	1,944	25	-1,160
E01006913	Sutton Heath off Sherdley Rd	Thatto Heath	1,826	19	1,976	26	150
E01006861	Wargrave	Newton	2,227	24	2,168	27	-59
E01006850	Kentmere - Carr Mill	Moss Bank	2,962	25	2,460	28	-502
E01006870	Standish Street estates	Town Centre	4,309	32	2,784	29	-1,525

The table containing the rank for all St Helens LSOAs in the most deprived 20% of LSOAs nationally shows:

- 6 LSOAs are within the most deprived 1% of areas nationally. The 4 areas from 2015 that were within the most deprived 1% of areas nationally remain in 2019, with the addition of two new areas (1 in Parr, 1 in the Town Centre).
- 22 LSOAs are within the most deprived 5% of areas nationally. This compares to 16 in 2015.
- 29 LSOAs are within the most deprived 10% of areas nationally, nearly a quarter of all neighbourhoods in the Borough. This has increased by 1 LSOA since 2015.
- A total of 50 LSOAs within the Borough fall within the 20% most deprived nationally, an increase of 3 compared to 2010. This equates to 42% of all St Helens neighbourhoods.

The Table containing the relative position of St Helens LSOAs in 2019 compared to 2015 shows:

- In 25 of the 29 LSOAs in St Helens (86%) in the most deprived 10% of areas nationally in 2019, the relative deprivation ranking compared to 2015 has worsened. This is mirrored across all 119 LSOAs within St Helens with 93 or 78% of LSOAs seeing a deterioration in their relative deprivation ranking between 2015 and 2019.
- There has been little change between those areas that were defined as relatively most deprived in 2015 and those in 2019. Of the 29 St Helens LSOAs within the most deprived 10% of areas nationally in 2019, 28 of the same neighbourhoods were within the most deprived 10% of areas nationally in 2015.
- Equally there has been little change in the areas of the least relative deprivation. There are 20 LSOAs within the least deprived 30% nationally compared to 22 in 2015, and in 65% of these their relative deprivation ranking has increased. Of the 20 St Helens LSOAs that are in the least deprived 30% of LSOAs nationally in 2019, 18 were in the least deprived nationally in 2015.
- This points to a picture not of growing inequality within St Helens and a widening of the gap between the most and least deprived area, but small growth in deprivation across the borough relative to other areas.

## The Domains

This section provides detailed information for each of the 7 domains which make up the overall Index of Deprivation.

The domain level information provides useful information relating to pockets of deprivation and the types of deprivation experienced by different areas.

### Extent of deprivation across St Helens within each of the domains.

The following table shows the number of LSOAs within St Helens across each of the 7 domains that fall within the most deprived 1% to 20% of all LSOAs nationally.

Number of LSOAs within:	Income	Employment	Health Deprivation & Disability	Education & Skills	Barriers to Housing & Services	Crime	Living Environment
Most deprived 1%	5	8	10	5	0	1	0
Most deprived 5%	21	27	39	10	0	4	1
Most deprived 10%	27	35	50	19	0	12	4
Most deprived 20%	48	59	81	40	1	32	10

The table below shows the percentage of St Helens' LSOAs within the most deprived 10% and 20% of all LSOAs nationally.

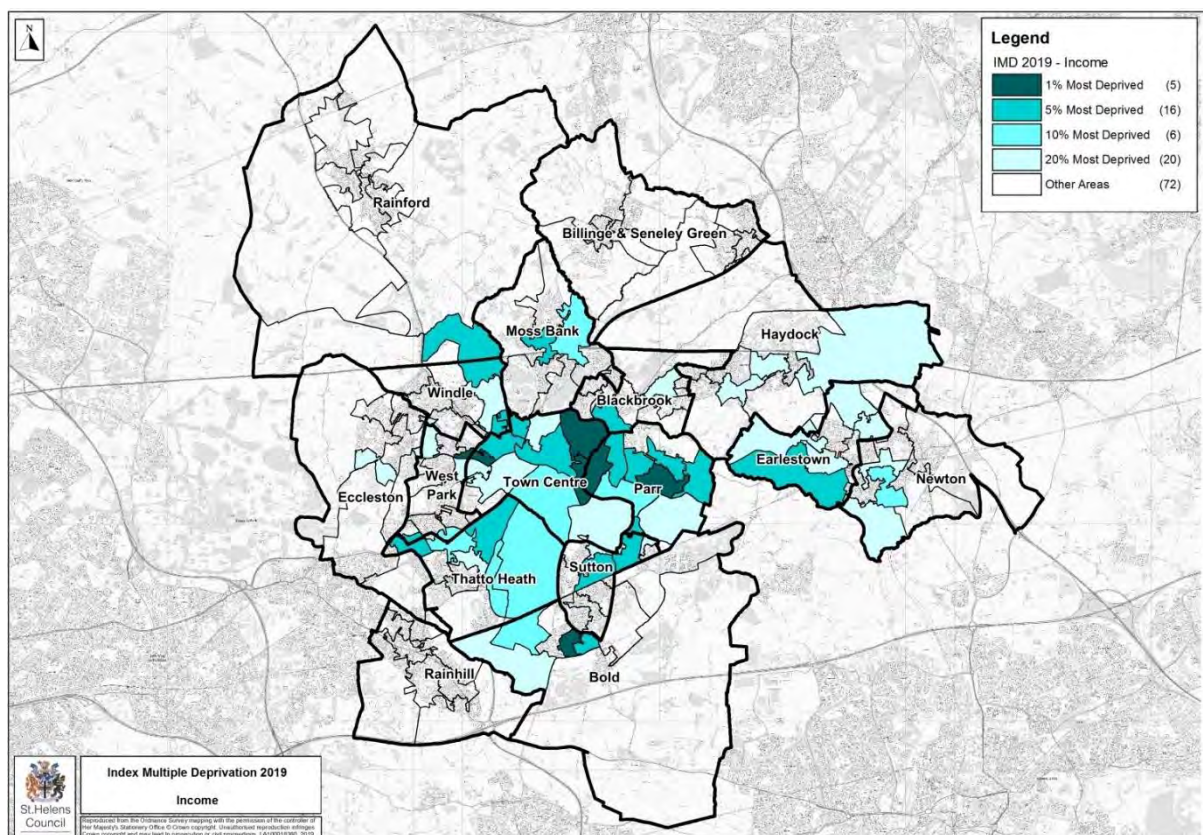
% of St Helens LSOAs within:	Income	Employment	Health Deprivation & Disability	Education & Skills	Barriers to Housing & Services	Crime	Living Environment
Most deprived 10%	23%	29%	42%	16%	0%	10%	3%
Most deprived 20%	40%	50%	68%	34%	1%	27%	8%

## Domain 1 - Income Deprivation

The Income Deprivation domain captures the proportion of the population both in and out of work experiencing income deprivation in an area. The indicators used to measure deprivation within the domain include adults and children in families receiving Income Support, Job Seekers Allowance, income-based Employment Support, Pension Credit, Universal Credit ('Working – No Requirements' conditionality) and Working Tax and Child Credit where their income (excluding housing benefit) is below 60 per cent of the median before housing costs, and the number of asylum seekers in receipt of support. St Helens ranks as the 34<sup>th</sup> most deprived authority nationally for the Rank of Average Score. Derived from the Rank of Income Scale, 32,195 people are deemed to be living in income deprived households (18.1% of the total local population).

Local Authority	Rank of Average Score	Rank of Average Rank	Rank of proportion of LSOAs in the most deprived 10% nationally	Rank of Income Scale
Knowsley	2	3	2	55
Liverpool	4	7	3	3
Halton	30	48	15	101
<b>St Helens</b>	<b>34</b>	<b>47</b>	<b>32</b>	<b>71</b>
Wirral	38	69	29	18
Sefton	55	67	34	40

The highest relative levels of income deprivation within St Helens (in the 1% most deprived of LSOAs nationally) are in Bold, Parr and the Town Centre, but with further pockets (within the 5% most deprived of LSOAs nationally) within wards including Sutton, Thatto Heath, Earlestown and Moss Bank.



## Income Deprivation Change Over Time – 2015 - 2019

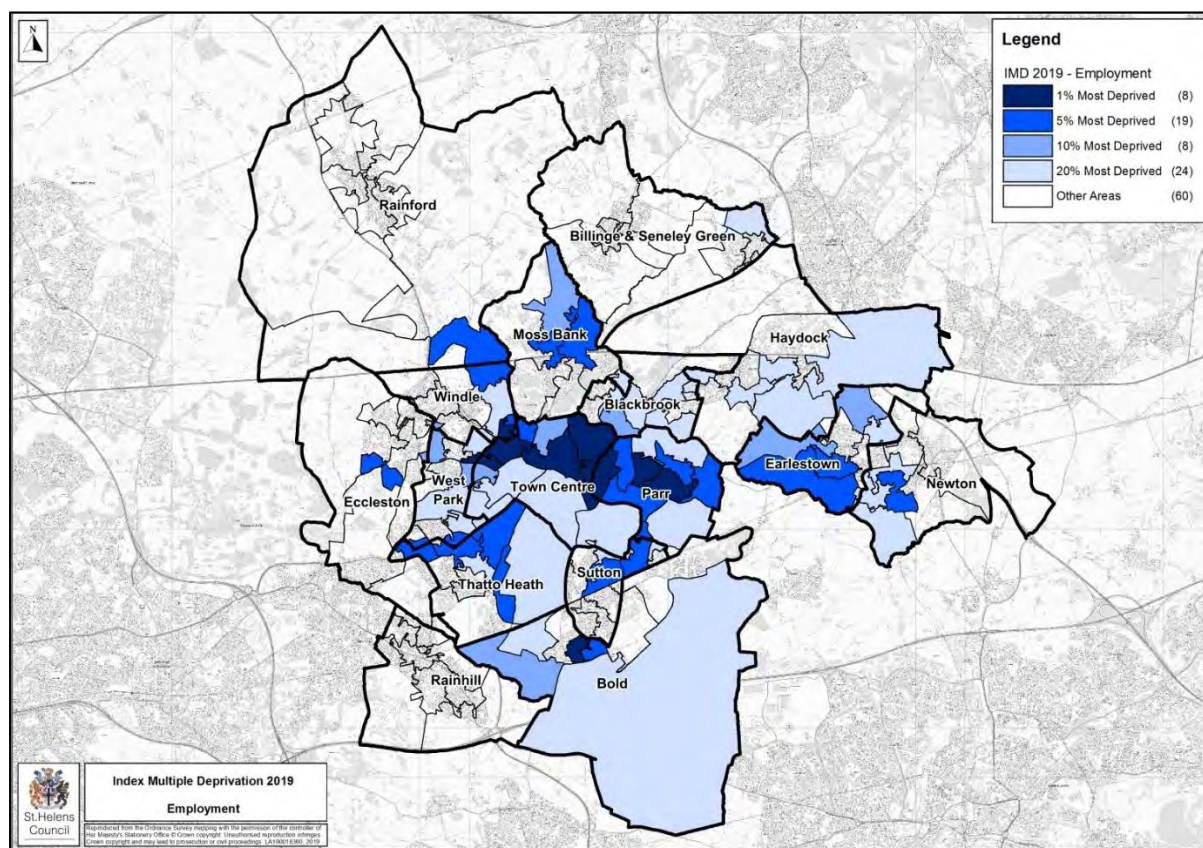
Number of LSOAs within	Income Domain 2015	Income Domain 2019	Change
Most deprived 1%	3	5	+2
Most deprived 5%	19	21	+2
Most deprived 10%	28	27	-1
Most deprived 20%	45	48	+3
Total Number of LSOAs in St Helens	119	119	-

## Domain 2 - Employment Deprivation

The Employment Deprivation domain captures the proportion of the working age population (aged 18-59/64) involuntarily excluded from the labour market. The indicators used to measure deprivation within the domain include claimants of Job Seekers Allowance, Employment and Support Allowance, Incapacity Benefit, Severe Disablement Allowance, Carers Allowance and Universal credit (Searching for Work and No Work Requirements conditionality). St Helens ranks as the 9<sup>th</sup> most deprived authority nationally for the Rank of Average Score. Derived from the Rank of Employment Scale, a total of 16,585 people in the area are deemed to be income deprived (16.5% of the working age population).

Local Authority	Rank of Average Score	Rank of Average Rank	Rank of proportion of LSOAs in the most deprived 10% nationally	Rank of Employment Scale
Knowsley	2	1	1	53
Liverpool	5	16	3	2
<b>St Helens</b>	<b>9</b>	<b>11</b>	<b>19</b>	<b>58</b>
Halton	15	26	8	94
Wirral	17	33	20	13
Sefton	29	39	28	25

High levels of relative employment deprivation are widespread across the Borough with the exception of areas to the north of the Borough. The highest relative levels of Income Deprivation are to be found in areas within the Town Centre, Parr and Bold Wards.



## Employment Deprivation Change Over Time – 2015 - 2019

Number of LSOAs within....	Employment Domain 2015	Employment Domain 2019	Change
Most deprived 1%	4	8	+4
Most deprived 5%	24	27	+3
Most deprived 10%	34	35	+1
Most deprived 20%	56	59	+3
Total Number of LSOAs in St Helens	119	119	-

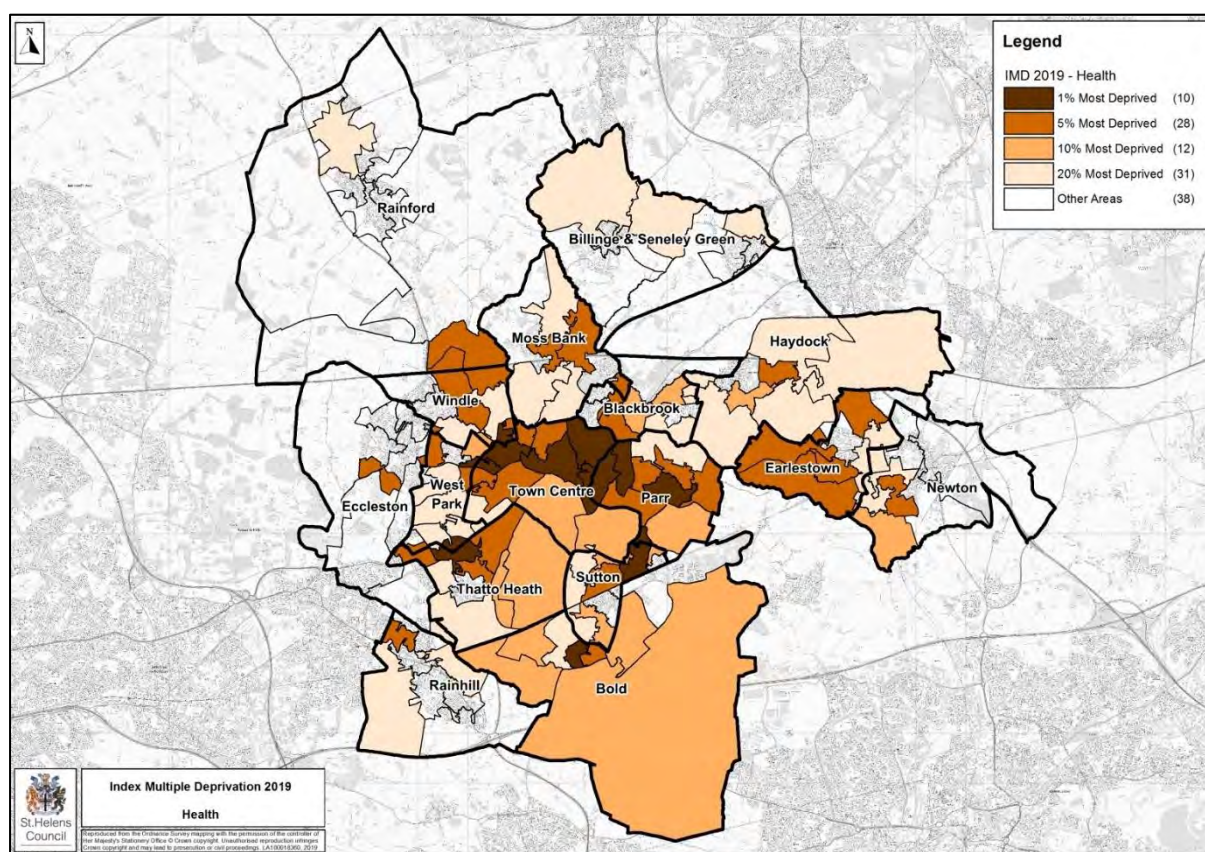


## Domain 3 – Health Deprivation and Disability

The Health Deprivation and Disability domain measures the risk of premature death and the impairment of quality of life through poor health. The indicators used to measure this include years of potential life lost, a comparative illness and disability ratio, acute morbidity through emergency hospital admissions, and mood and anxiety disorder data from a number of sources. St Helens ranks as the 8<sup>th</sup> most deprived authority nationally for the Rank of Average Score.

Local Authority	Rank of Average Score	Rank of Average Rank	Rank of proportion of LSOAs in the most deprived 10% nationally
Knowsley	2	2	3
Liverpool	3	3	2
<b>St Helens</b>	<b>8</b>	<b>10</b>	<b>13</b>
Wirral	13	25	19
Halton	14	17	9
Sefton	29	37	27

Levels of health deprivation are widespread, with the highest relative levels found in the Town Centre, Parr, Bold, West Park / and Thatto Heath.



## Health Deprivation and Disability Change Over Time - 2015 - 2019

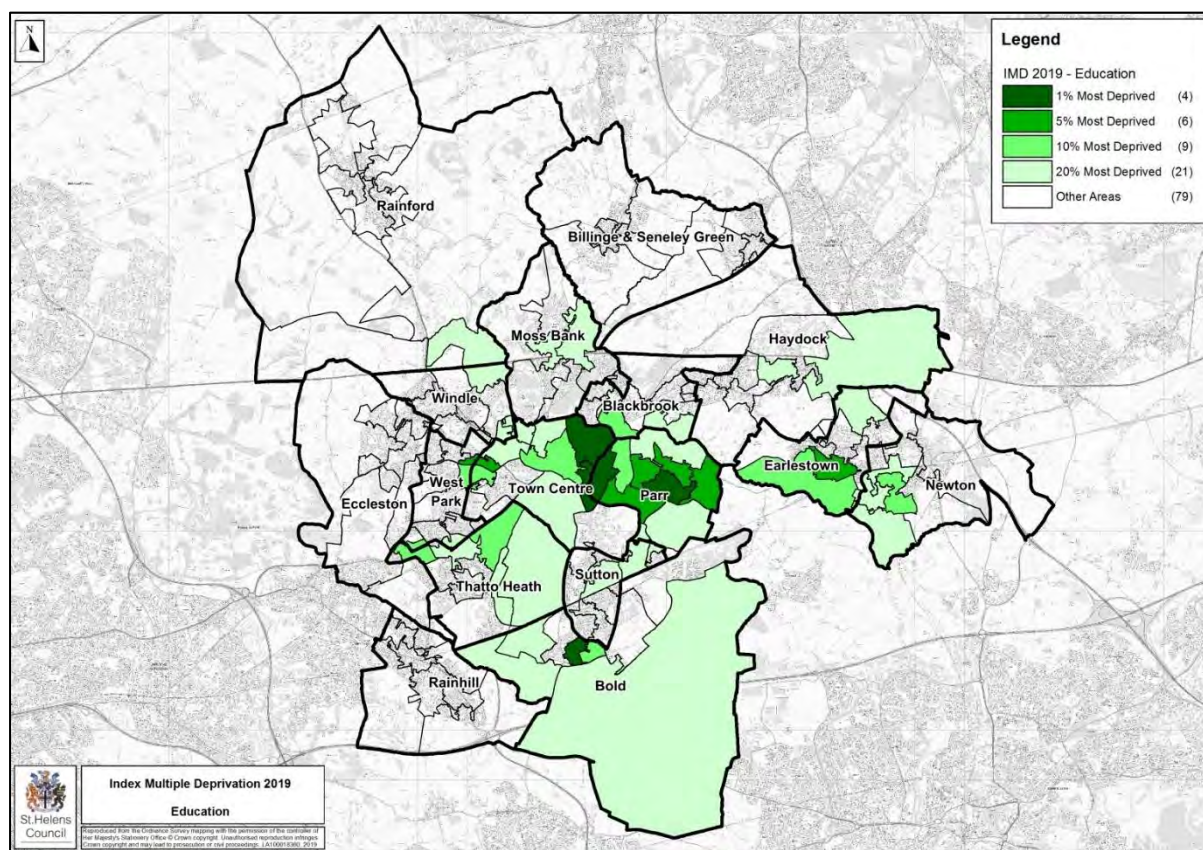
Number of LSOAs within....	HD&D Domain 2015	HD&D Domain 2019	Change
Most deprived 1%	10	10	0
Most deprived 5%	29	39	+10
Most deprived 10%	46	50	+4
Most deprived 20%	72	81	+9
Total Number of LSOAs in St Helens	119	119	-

## Domain 4 – Education, Skills and Training Deprivation

The Education, Skills and Training Deprivation domain measures the lack of attainment and skills in the local population. The indicators fall into two sub-domains: one relating to children and young people and one relating to adults. The Children’s sub-domain includes indicators of attainment at KS2 and KS4 (GCSE), secondary school absence and levels of post 16 / higher education. The Adults Skills sub-domain includes indicators for adults with no or low skill levels and English language proficiency. St Helens ranks as the 72<sup>nd</sup> most deprived authority nationally for the Rank of Average Score.

Local Authority	Rank of Average Score	Rank of Average Rank	Rank of proportion of LSOAs in the most deprived 10% nationally
Knowsley	3	6	1
Liverpool	29	43	26
Halton	56	70	54
<b>St Helens</b>	<b>72</b>	<b>94</b>	<b>67</b>
Wirral	130	177	87
Sefton	140	162	98

The highest levels of relative deprivation within this domain are to be found in the Town Centre, Bold and Parr.



## Education, Skills and Training Deprivation Change Over Time - 2015 – 2019

Number of LSOAs within	E,S&T Domain 2015	E,S&T Domain 2019	Change
Most deprived 1%	3	5	+2
Most deprived 5%	8	10	+2
Most deprived 10%	12	19	+7
Most deprived 20%	33	40	+7
Total Number of LSOAs in St Helens	119	119	-

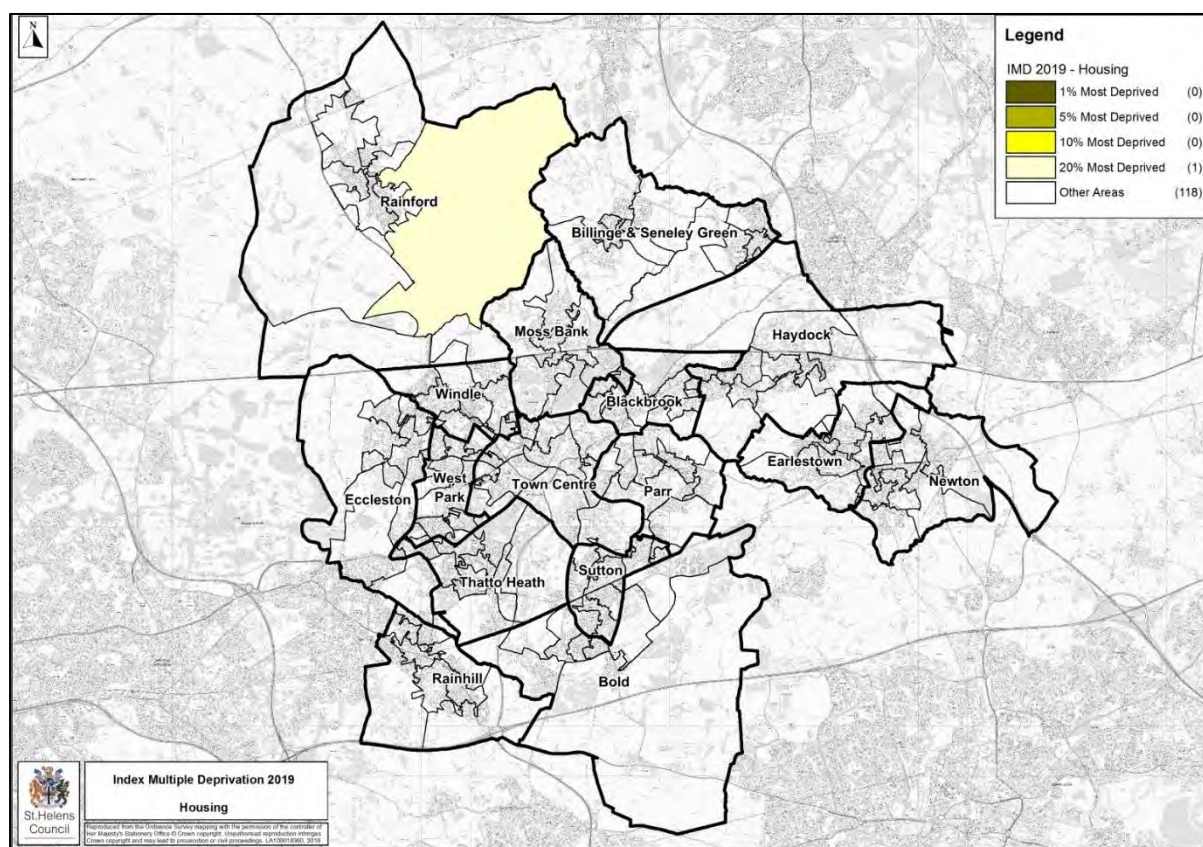
## Domain 5 – Barriers to Housing and Services Deprivation

The Barriers to Housing and Services Deprivation domain measures the physical and financial accessibility of housing and local services.

The indicators fall into two sub-domains: 'geographical barriers', which relate to the physical proximity of local services, and 'wider barriers' which includes issues relating to access to housing such as affordability. Indicators include homelessness, housing overcrowding, and affordability, as well as road distance to key amenities and services. St Helens ranks as the 301<sup>st</sup> most deprived authority nationally for the Rank of Average Score.

Local Authority	Rank of Average Score	Rank of Average Rank	Rank of proportion of LSOAs in the most deprived 10% nationally
Knowsley	229	220	250
Halton	259	255	250
Liverpool	280	278	248
<b>St Helens</b>	<b>301</b>	<b>302</b>	<b>250</b>
Sefton	309	310	264
Wirral	313	313	246

There are no areas in St Helens in the most deprived 5% or 10% of LSOAs nationally. There is one LSOA in Rainford that falls within the most deprived 20% nationally.



## Barriers to Housing and Services Deprivation Change Over Time - 2015 - 2019

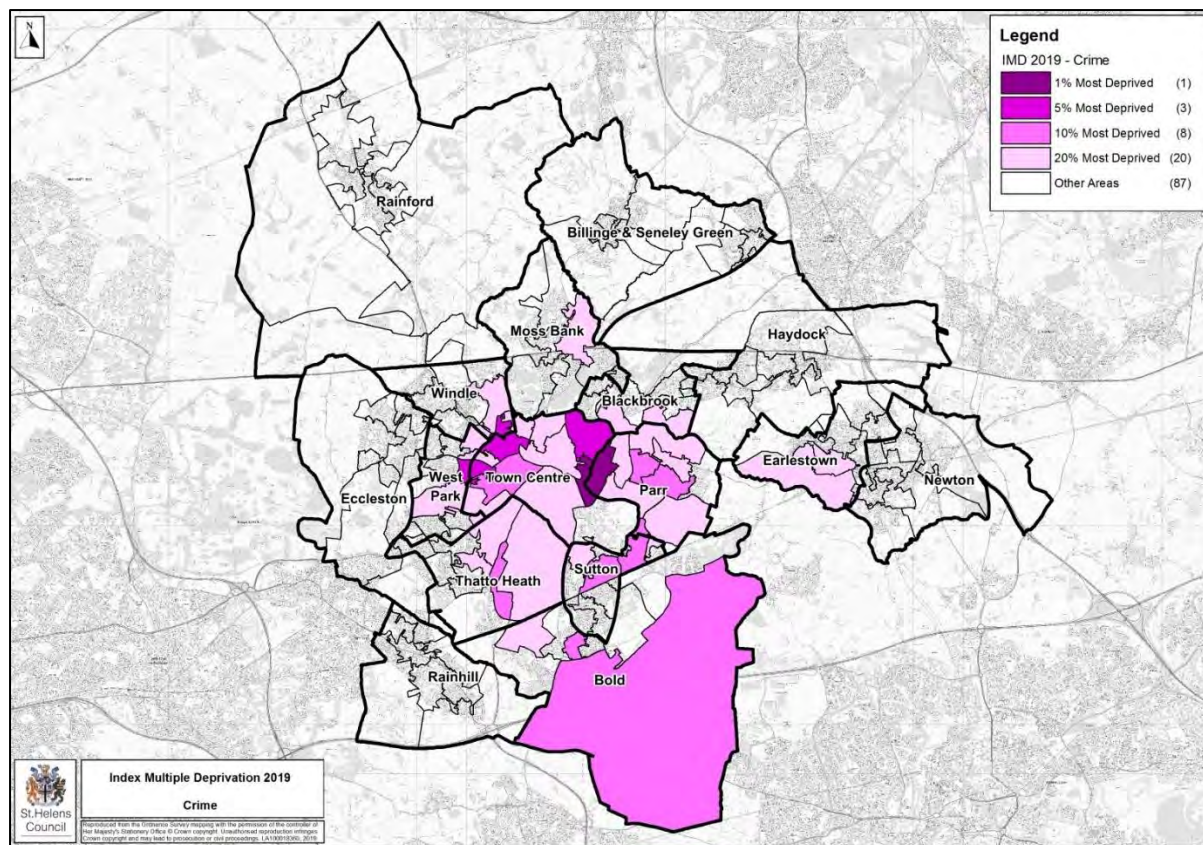
Number of LSOAs within	Barriers to Housing & Services Domain 2015	Barriers to Housing & Services Domain 2019	Change
Most deprived 1%	0	0	0
Most deprived 5%	0	0	0
Most deprived 10%	0	0	0
Most deprived 20%	1	1	0
Total Number of LSOAs in St Helens	119	119	-

## Domain 6 – Crime Deprivation

The Crime Deprivation domain measures the risk of personal and material victimisation at local level. The indicators in the domain cover police recorded crime rates for violence, theft, burglary and criminal damage. St Helens ranks as the 87<sup>th</sup> most deprived authority nationally for the Rank of Average Score.

Local Authority	Rank of Average Score	Rank of Average Rank	Rank of proportion of LSOAs in the most deprived 10% nationally
Liverpool	22	23	26
Halton	76	76	57
Knowsley	83	82	140
<b>St Helens</b>	<b>87</b>	<b>86</b>	<b>83</b>
Wirral	139	135	79
Sefton	147	147	94

The highest relative levels of crime deprivation are found in the Town Centre, Parr and West Park Wards.



## Crime Deprivation Change Over Time - 2015 - 2019

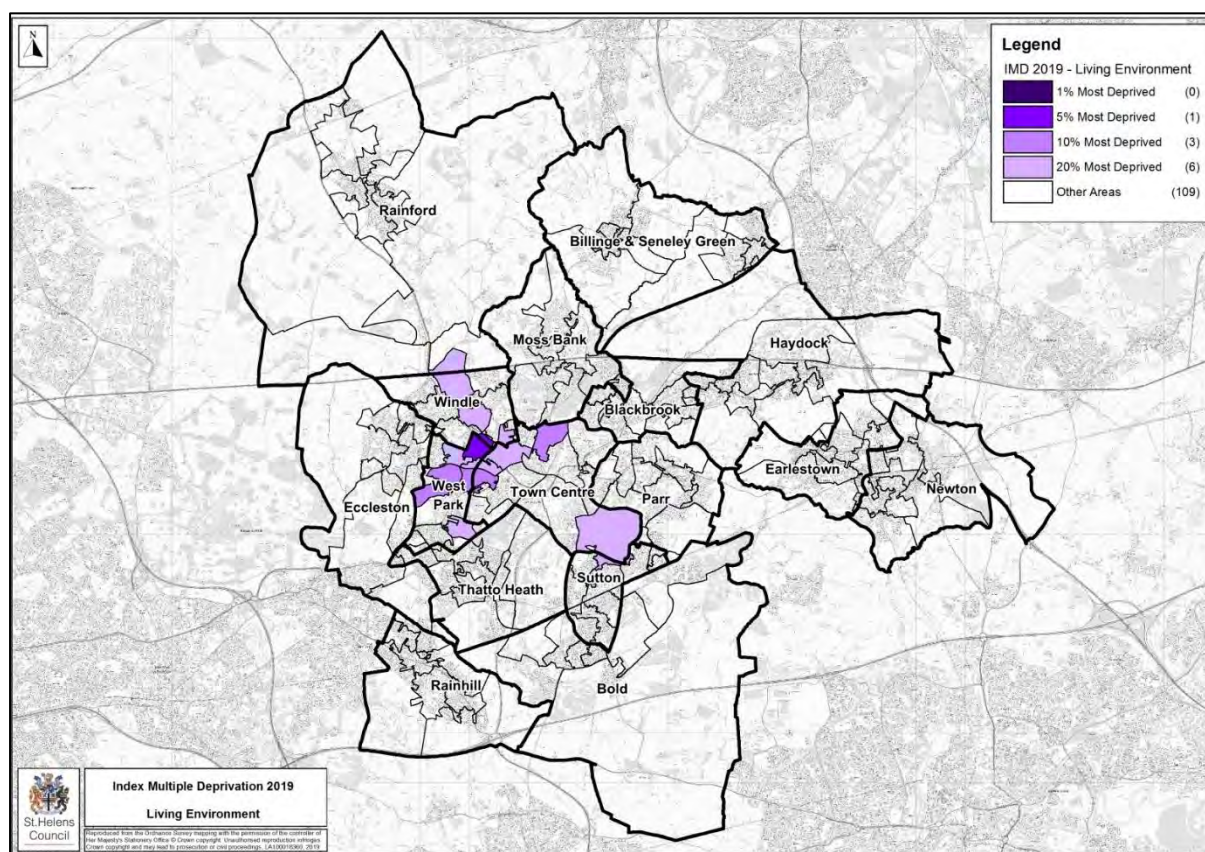
Number of LSOAs within	Crime Domain 2015	Crime Domain 2019	Change
Most deprived 1%	0	1	+1
Most deprived 5%	2	4	+2
Most deprived 10%	10	12	+2
Most deprived 20%	17	32	+15
Total Number of LSOAs in St Helens	119	119	-

## Domain 7 – The Living Environment Deprivation

The Living Environment Deprivation domain measures the quality of the local environment. The indicators fall into two sub-domains. The ‘indoors’ living environment measures the quality of housing through indicators covering housing in poor condition and houses without central heating; while the ‘outdoors’ living environment contains indicators measuring air quality and road traffic accidents. St Helens ranks as the 169<sup>th</sup> most deprived authority nationally for the Rank of Average Score.

Local Authority	Rank of Average Score	Rank of Average Rank	Rank of proportion of LSOAs in the most deprived 10% nationally
Liverpool	5	8	9
Knowsley	62	52	148
Wirral	66	66	65
Sefton	88	90	66
Halton	139	147	116
<b>St Helens</b>	<b>169</b>	<b>155</b>	<b>169</b>

The highest relative levels of Living Environment Deprivation are to be found in the Town Centre and West Park wards.



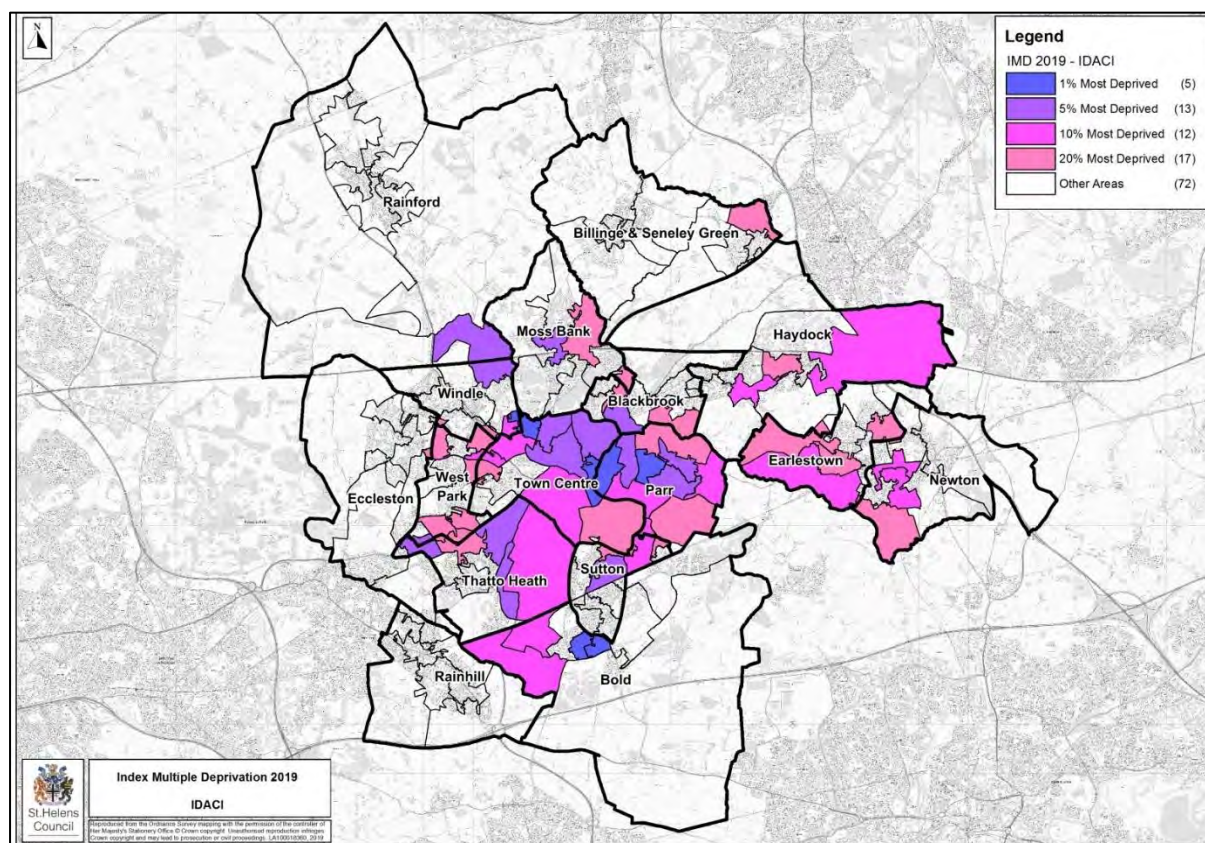
## The Living Environment Deprivation Change Over Time - 2015 - 2019

Number of LSOAs within	Living Environment Domain 2015	Living Environment Domain 2019	Change
Most deprived 1%	0	0	0
Most deprived 5%	2	1	-1
Most deprived 10%	4	4	0
Most deprived 20%	14	10	-4
Total Number of LSOAs in St Helens	119	119	-

## Income Deprivation Affecting Children Index (IDACI)

The Income Deprivation Affecting Children Index (IDACI) measures the proportion of all children aged 0 to 15 living in income deprived families. It is a subset of the Income Deprivation Domain which measures the proportion of the population in an area experiencing deprivation relating to low income. The definition of low income used includes both those people that are out-of-work, and those that are in work but who have low earnings (and who satisfy the respective means tests).

The highest levels of income deprivation affecting children are found in Parr, Town Centre and Bold Wards. There is a total of 7,588 children aged 0 to 15 living in income deprived families, 23.7% of the 0-15 population. In the Parr Stocks Road LSOA, the most deprived neighbourhood in St Helens, 63.1% of children aged 0 to 15 are living in income deprived families.



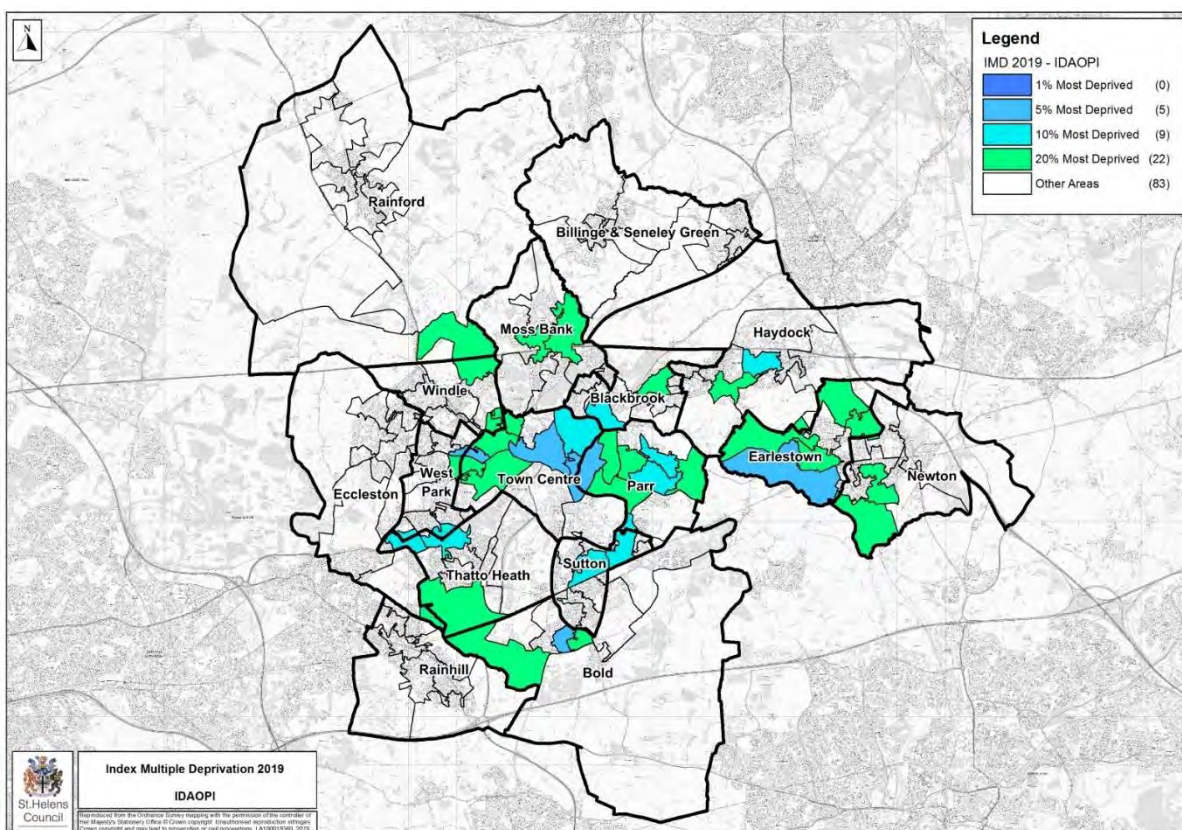
## The IDACI Change Over Time - 2015 - 2019

Number of LSOAs within	IDACI 2015	IDACI 2019	Change
Most deprived 1%	3	5	+2
Most deprived 5%	18	18	0
Most deprived 10%	26	30	+4
Most deprived 20%	40	47	+7
Total Number of LSOAs in St Helens	119	119	-

## Income Deprivation Affecting Older People Index (IDAOPi)

The **Income Deprivation Affecting Older People Index (IDAOPi)** measures the proportion of all those aged 60 or over who experience income deprivation. It is a subset of the Income Deprivation Domain which measures the proportion of the population in an area experiencing deprivation relating to low income. The definition of low income used includes both those people that are out-of-work, and those that are in work but who have low earnings (and who satisfy the respective means tests).

The areas with the highest levels of income deprivation affecting older people are to be found in Parr, Bold, the Town Centre and Earlestown. This is illustrated in the map below. There is a total of 7,753 older people aged 60 or over who experience income deprivation in St Helens, 16.8% of the 60 plus population. The LSOA with the highest level of income deprivation is Parr Stocks Road, where 48.6% of the 60 plus population is deemed to be income deprived.



## The IDAOPi Change Over Time - 2015 - 2019

Number of LSOAs within	IDAOPi 2015	IDAOPi 2019	Change
Most deprived 1%	3	0	-3
Most deprived 5%	18	5	-13
Most deprived 10%	26	14	-12
Most deprived 20%	40	36	-4
Total Number of LSOAs in St Helens	119	119	-

## Further Information

Several useful sources of further information are available.

All of the data files and supporting documents are available from:

<https://www.gov.uk/government/statistics/english-indices-of-deprivation-2019>

Frequently Asked Questions – A summary document listing FAQs is available from:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/835119/loD2019\\_FAQ.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/835119/loD2019_FAQ.pdf)

Research Report – A research report providing further guidance on how to use and interpret the data is available from:

<https://www.gov.uk/government/publications/english-indices-of-deprivation-2019-research-report>

Technical Report – A full methodology for creating the Indices is available in the Technical Report

<https://www.gov.uk/government/publications/english-indices-of-deprivation-2019-technical-report>

The Table below gives a summary of the weightings and indicators used to construct the Indices.

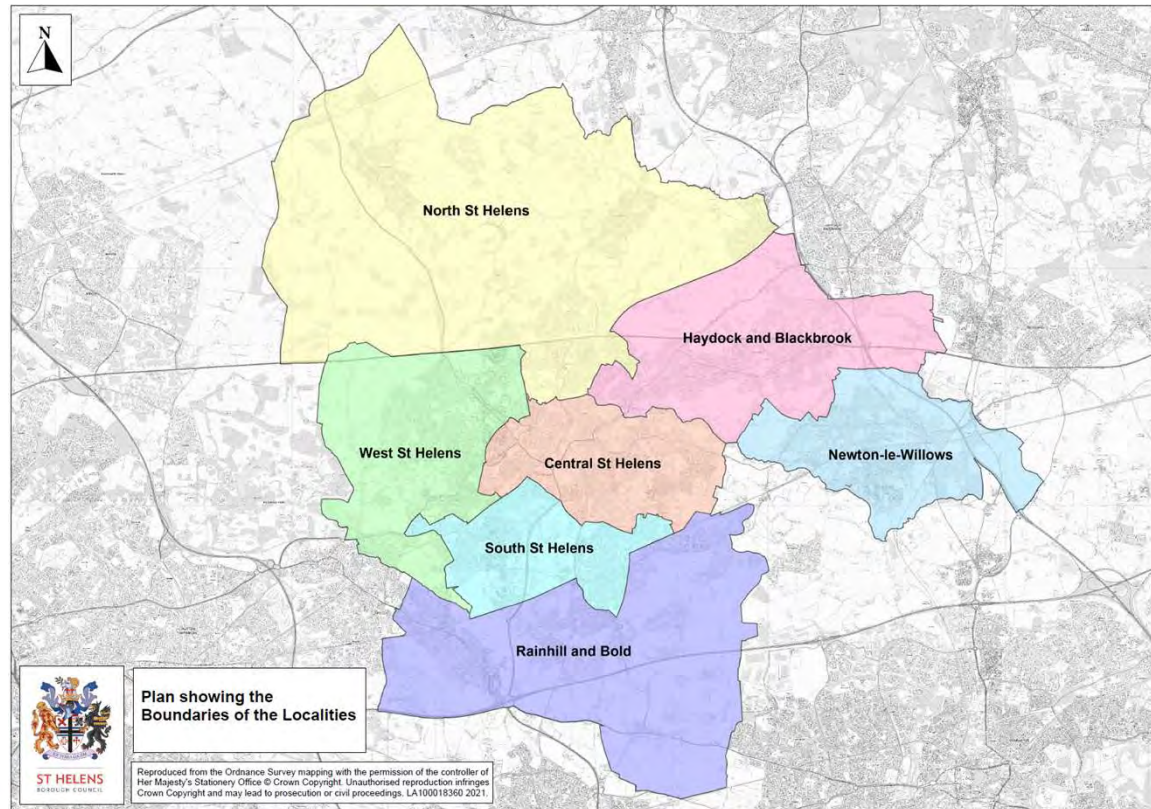
Domain and Weighting	Indicators
Income Deprivation 22.5%	Adults and children in Income Support families Adults and children in income-based Jobseeker's Allowance families Adults and children in income-based Employment and Support Allowance families Adults and children in Pension Credit (Guarantee) families Adults and children in Child Tax Credit and Working Tax Credit families not already counted Asylum seekers in England in receipt of subsistence support, accommodation support, or both Adults and children in Universal Credit families where no adult is in the 'Working – no requirements' conditionality regime
Employment Deprivation 22.5%	Claimants of Jobseeker's Allowance, aged 18-59/64 Claimants of Employment and Support Allowance, aged 18-59/64 Claimants of Incapacity Benefit, aged 18-59/64 Claimants of Severe Disablement Allowance, aged 18-59/64 Claimants of Carer's Allowance, aged 18-59/64 Claimants of Universal Credit in the 'Searching for work' and 'No work requirements' conditionality groups
Health Deprivation & Disability 13.5%	Years of potential life lost Comparative illness and disability ratio Acute morbidity Mood and anxiety disorders
Education, Skills & Training Deprivation 13.5%	<u>Children and Young People:</u> Key stage 2 attainment: average points score Key stage 4 attainment: average points score Secondary school absence Staying on in education post 16 Entry to higher education  <u>Adult Skills</u> Adults with no or low qualifications, aged 25-59/64 English language proficiency, aged 25-59/64
Crime 9.3%	Recorded crime rates for: Violence; Burglary; Theft; Criminal damage
Barriers to Housing & Services 9.3%	<u>Physical Barriers:</u> Road distance to: post office; primary school; general store / supermarket; GP surgery <u>Wider Barriers:</u> Household overcrowding, Homelessness, Housing affordability
Living Environment Deprivation 9.3%	<u>Indoors Living Environment:</u> Housing in poor condition Houses without central heating <u>Outdoors Living Environment:</u> Air quality Road traffic accidents



## Appendix IJ8

Locality Profile – Central St Helens, St Helens Borough Council

# Locality Profile – Central St Helens



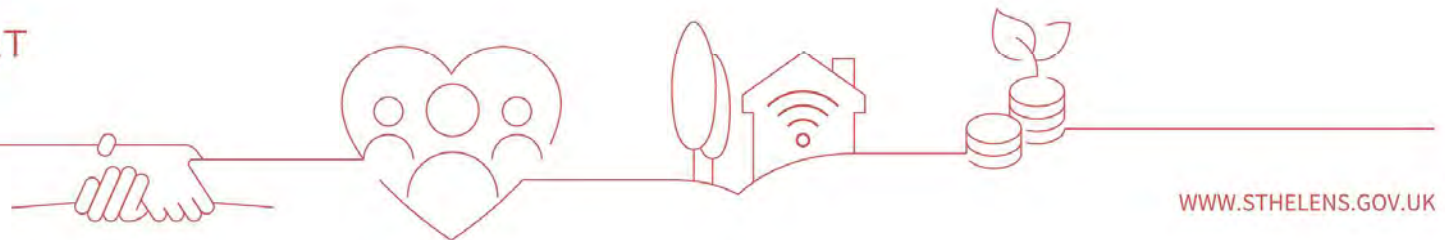
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# History

- Approved by Cabinet – 24<sup>th</sup> March 2021
  - The introduction of a Locality Model arrangements to guide service delivery in the Borough
  - the geographical based model to consist of 7 place localities that underpin the 4 localities in the St Helens Cares model.

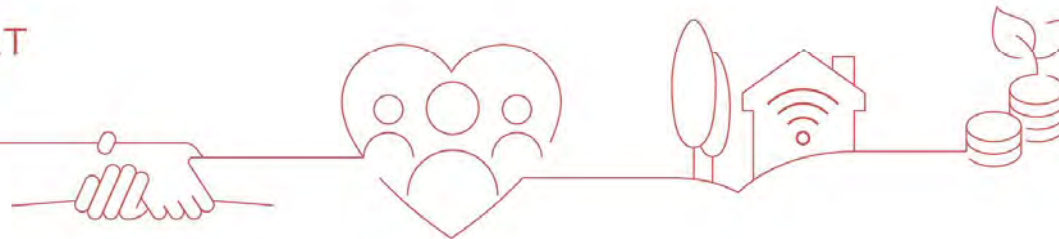
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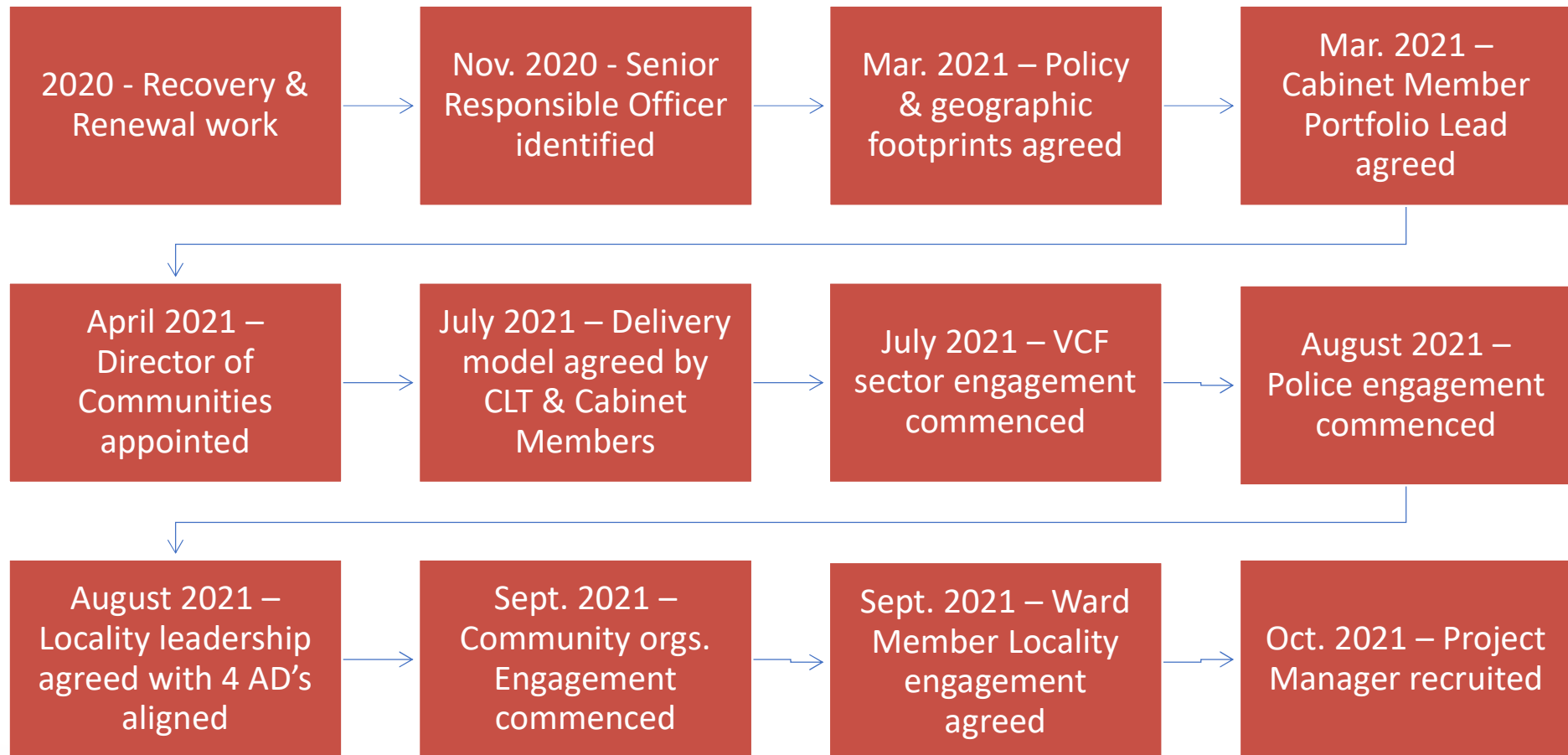
# Rationale

- One size does not fit all
  - Service(s) altered to suit geographic footprint
  - Staff allocated to meet needs and support existing infrastructure/assets
- Asset-based approach to localities – enabling residents to design and deliver services
- Community-centred, resident-led and data driven approach

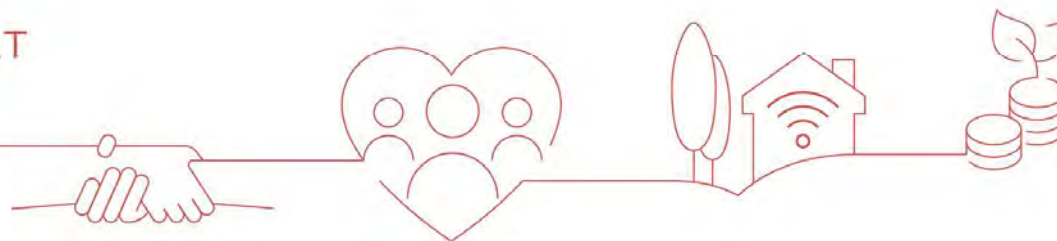
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# What has happened to date?



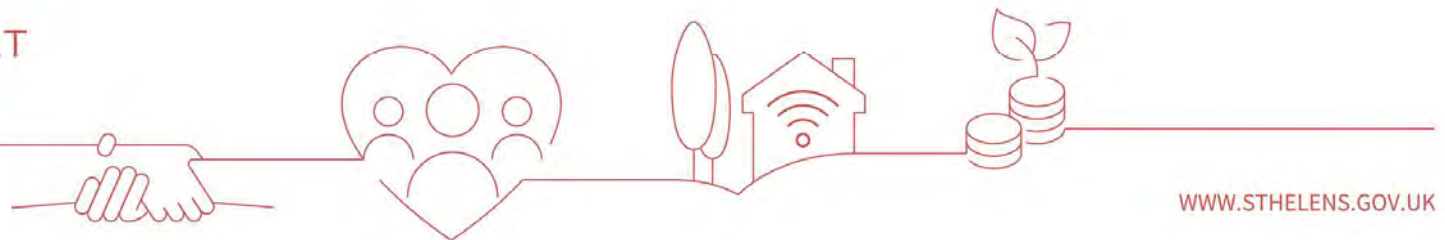
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# Assets

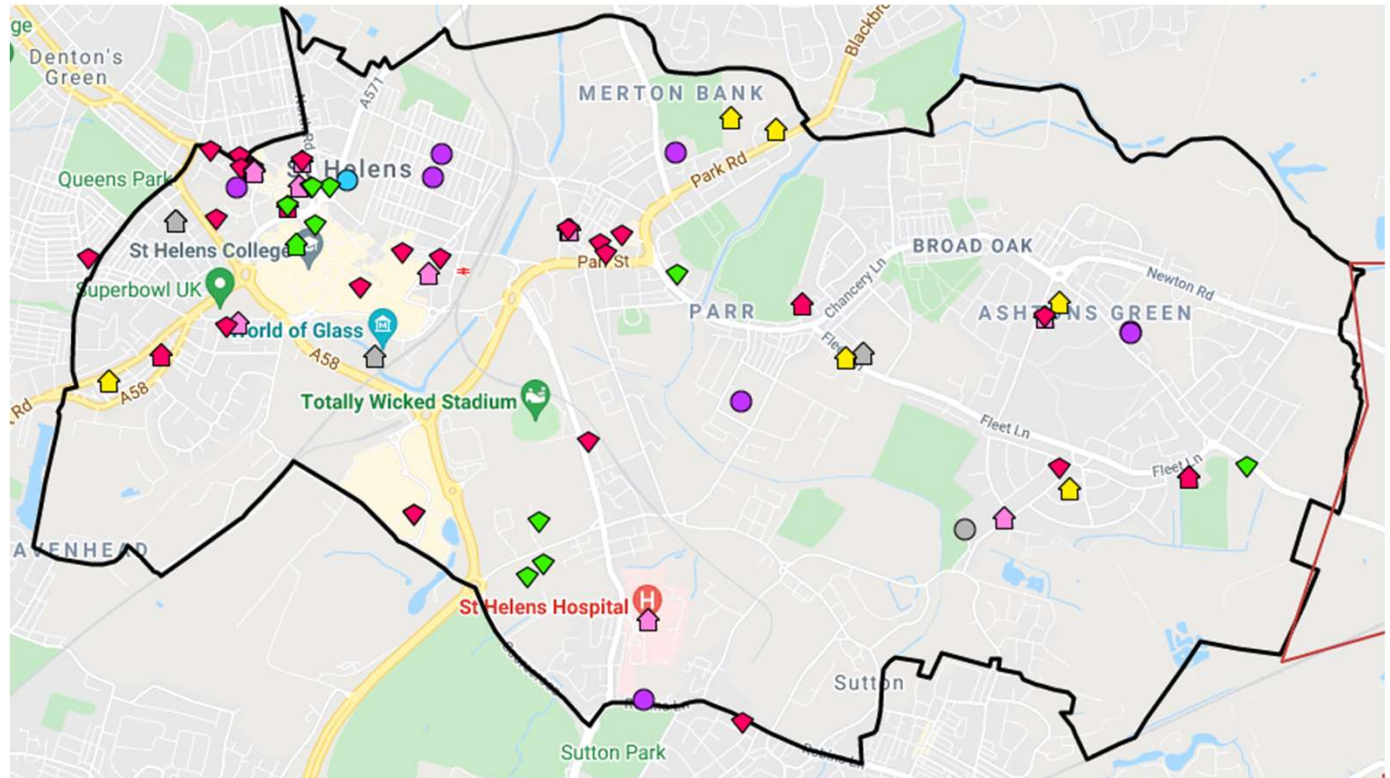
- Ward Councillors
  - Town Centre
    - Cllr Carole Ann Gill (Labour)
    - Cllr Anne McCormack (Labour)
    - Cllr Michelle Sweeney (Labour)
  - Parr
    - Cllr Andy Bowden (Labour)
    - Cllr Kate Groucutt (Labour)
    - Cllr Bisi Osundeko (Labour)

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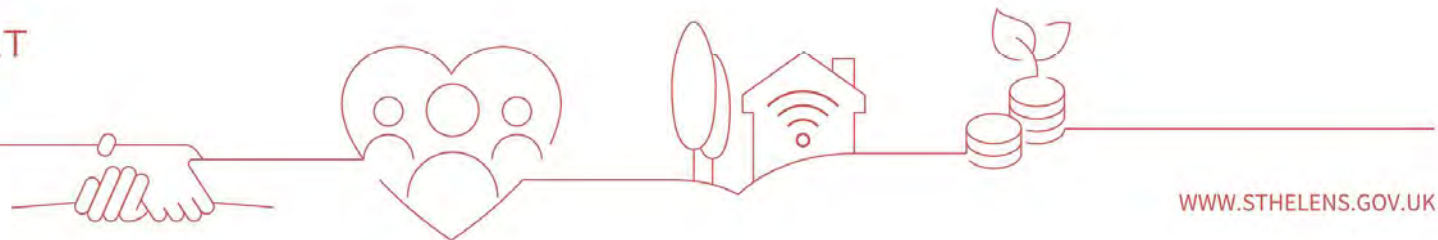
# Assets

-  Care Home – 7
-  Children’s Centre – 2
-  Community Centre – 5
-  GP Practice – 14
-  Dentist –
-  Leisure Centre – 11
-  Library - 3
-  Pharmacy - 20
-  Police Station - 1
-  Primary School - 8
-  Secondary School or College - 3



\* No key for Dentist on Local Insight –  
21/12/2021

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# Data – Population

Locality	Total population	% Aged 0-15	% Aged 16-64	% Aged 65+	Population density, persons per hectare
Central St Helens	25,630	21.2	64.4	14.4	20.7
Haydock and Blackbrook	21,769	17.2	59.9	22.9	11.4
Newton-le-Willows	24,951	20.6	64.2	15.2	21.2
North St Helens	29,368	15.7	56.4	27.9	6.4
Rainhill and Bold	20,799	17.3	59.1	23.6	8.3
South St Helens	25,457	19.1	61.7	19.2	37.1
West St Helens	33,944	17.2	62.1	20.7	21.7

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# Data – Priority 1

Ensure children and young people have a positive start in life

Locality	Children in Reception Year classified as overweight or obese	Children in Year 6 classified as overweight or obese	Child injury emergency admissions (Under 15s)	Rate of Early Help Episodes (EHE), per 1,000 population (0-17 years old)	Rate of Referrals to Children's Social Care (0-17 years old) per 10k population	EYFS - % achieving a good level of development
Central St Helens	31	42.6	1.7	102.5	865	62
Haydock and Blackbrook	29	37.3	1.4	58.1	571.2	66.6
Newton-le-Willows	25	39.2	1.4	58.6	585	70.6
North St Helens	30	38.9	1.4	43.4	510.4	75.7
Rainhill and Bold	28.4	43.5	1.5	60.1	608.4	74.8
South St Helens	26.3	36	1.6	63.9	582.2	67
West St Helens	27.9	35	1.3	43.8	560.4	73

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# Data – Priority 1

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Central St Helens	7	6	7	7	7	7
Haydock and Blackbrook	5	3	4	3	3	6
Newton-le-Willows	1	5	4	4	5	4
North St Helens	6	4	4	1	1	1
Rainhill and Bold	4	7	5	5	6	2
South St Helens	2	2	6	6	4	5
West St Helens	3	1	1	2	2	3

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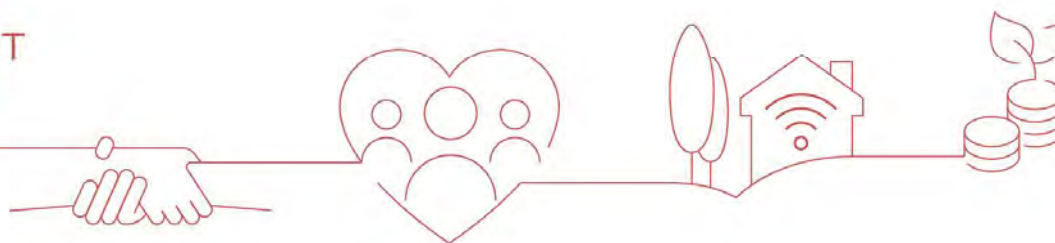


# Data – Priority 2

Promote good health independence and care across our communities

Locality	Male life expectancy at birth	Female life expectancy at birth	People with long-term limiting illness (aged 16-64 years)	People with long-term limiting illness (aged 65+ years)	Emergency hospital admissions (hip fracture), ages 65+	Hospital admissions for alcohol attributable harm	Deaths (u75) all causes	No. of Careline service users	No. of Domiciliary care service users	No. of Supported Living service users	No. of people receiving carers services
Central St Helens	72.7	77.2	22.7	73.3	146.9	188.6	199.6	337	236	40	136
Haydock and Blackbrook	78.4	81.2	17.8	62.8	113.4	121.7	117.3	385	213	24	122
Newton-le-Willows	77.2	80.3	16.8	60.5	110.3	130.8	138.1	244	170	18	91
North St Helens	79.6	84.2	16.6	56.5	95.8	104.5	95.8	487	262	13	143
Rainhill and Bold	78.9	82.1	16.1	58.4	99.5	121	119.4	299	168	22	107
South St Helens	76.6	80.5	18	67.8	137.3	145	136.8	342	212	20	132
West St Helens	79.1	81.8	15.3	59.1	90	118	117.2	527	318	46	163

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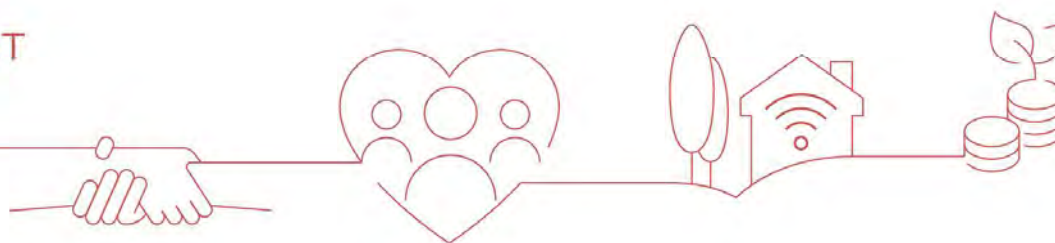


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Central St Helens	7	7	7	7	7	7	7	3	5	6	5
Haydock and Blackbrook	4	4	5	5	5	4	3	5	4	5	3
Newton-le-Willows	5	6	4	4	4	5	5	1	2	2	1
North St Helens	1	1	3	1	2	1	1	6	6	1	6
Rainhill and Bold	3	2	2	2	3	3	4	2	1	4	2
South St Helens	6	5	6	6	6	6	6	4	3	3	4
West St Helens	2	3	1	3	1	2	2	7	7	7	7

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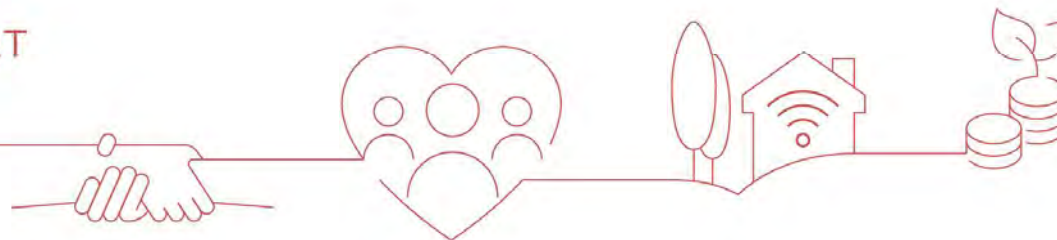


# Data – Priority 3

Create safe and strong communities and neighbourhoods for all

Locality	Community Needs Score	Total crime offences, per 1,000 population	Anti-social behaviour, per 1,000 population	Domestic violence rate, per 1,000 population	Average house price, £	Housing affordability: Gap between av. house price and 4.5 times av. annual salary	Fuel poverty, %
Central St Helens	107.4	280.6	56.3	1287	91,179.80	-51,839.20	19.3
Haydock and Blackbrook	87	105.3	26.1	436	129,572.10	-40,026.40	14
Newton-le-Willows	100.7	102.3	24.2	551	173,910.20	-16,639.90	15.2
North St Helens	66.5	78.7	18.3	372	180,643.80	-20,919.80	11.4
Rainhill and Bold	72.4	95.3	27.7	395	176,344.70	-26,645.40	12.3
South St Helens	112.5	108.4	27.3	589	141,674.90	-45,647.90	14.2
West St Helens	61.3	96.8	25.9	705	176,706.50	-25,686.60	13.3

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Central St Helens	6	7	6	7	7	7	7
Haydock and Blackbrook	4	5	4	3	6	5	4
Newton-le-Willows	5	4	2	4	4	1	6
North St Helens	2	1	1	1	1	2	1
Rainhill and Bold	3	2	5	2	3	4	2
South St Helens	7	6	5	5	5	6	5
West St Helens	1	3	3	6	2	3	3

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# Data – Priority 4

Support a strong, thriving, inclusive and well-connected local economy

Locality	No qualifications	Degree qualifications	IoD 2019 Employment score	Jobs density	IoD 2019 Income score	Net annual household income (after-housing costs)	Digital exclusion index	Broadband speed	VAT based local units, per 10,000 working age population	VAT based local units - employ 0-4 people	VAT based local units - employ 20+ people
Central St Helens	39	11.6	27.2	129.1	32.8	19,511.10	30,052	92.3	649	53.9	12.2
Haydock and Blackbrook	29.2	15.8	14.3	88.8	15.6	25,256.80	27,305.30	107	558.5	62	13.6
Newton-le-Willows	25.5	21.8	15.7	52	19	23,856.10	19,992.10	82	458.7	73.2	8.2
North St Helens	24.3	25.7	13	29.1	12.4	28,101.50	22,645.70	100.9	600.9	79.1	4.2
Rainhill and Bold	27.6	22.3	14.9	40.4	16.1	26,190.40	23,341.20	94.3	503.5	67.3	10.4
South St Helens	29.9	17.1	17.1	35.1	19.7	22,796.90	25,610.50	98.3	451	62	13.2
West St Helens	23	27.3	14.1	36	14.2	27,732.80	19,061.60	98.9	452.3	71.1	9.7

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# Data – Priority 4

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Central St Helens	7	7	7	1	7	7	7	6	1	6	3
Haydock and Blackbrook	5	6	3	2	3	4	6	1	3	5	1
Newton-le-Willows	3	4	5	4	5	5	2	7	5	2	6
North St Helens	2	2	1	7	1	1	3	2	2	1	7
Rainhill and Bold	4	3	4	3	4	3	4	5	4	4	4
South St Helens	6	5	6	6	6	6	5	4	7	5	2
West St Helens	1	1	2	5	2	2	1	3	6	3	5

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# Data – Priority 5

Create green and vibrant places that reflect our heritage and culture

Locality	Public greenspace, total	Total carbon footprint, per person (Kg)	Average domestic gas consumption, per household (kWh)	% adults who are physically active (at least 150 mins moderate intensity physical activity)	% adults who have participated in sport & physical activity at least twice in past 28 days
Central St Helens	16.5	5,287.40	11.2	55	68.1
Haydock and Blackbrook	10.8	7,323.10	12.4	57.6	72.4
Newton-le-Willows	9.4	6,685.60	13.1	59.4	73.3
North St Helens	4.4	8,650.80	14.1	61.7	77.9
Rainhill and Bold	6.1	7,940.20	14	59.9	75.5
South St Helens	4.7	6,717	13	57.7	70.9
West St Helens	14.3	8,210.60	14.1	62.2	76.8

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Locality	Public greenspace, total	Total carbon footprint, per person (Kg)	Average domestic gas consumption, per household (kWh)	% adults who are physically active (at least 150 mins moderate intensity physical activity)	% adults who have participated in sport & physical activity at least twice in past 28 days
Central St Helens	1	1	1	7	7
Haydock and Blackbrook	3	4	2	6	5
Newton-le-Willows	4	2	4	4	4
North St Helens	7	7	6	2	1
Rainhill and Bold	5	5	5	3	3
South St Helens	6	3	3	5	6
West St Helens	2	6	6	1	2

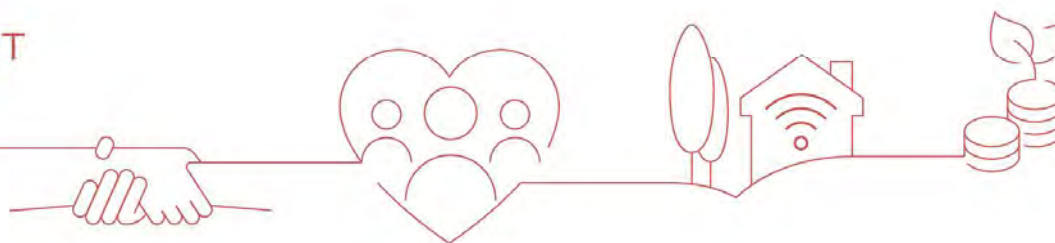
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# Data – Benefits & Deprivation

Locality	Index of Multiple Deprivation (IMD) 2019 Score	Universal Credit : Total households, %	Claimant count (receiving JSA or UC for reason of being unemployed), %	Youth unemployment (18-24 year olds receiving JSA or UC for reason of being unemployed), %	Older person unemployment (50+ receiving JSA or UC for reason of being unemployed), %	Housing Benefit, %	Personal Independence Payment, %	% claiming out of work benefits (benefit combinations)	Children 0-19 in relative low-income families, BHC, %	Child poverty (Children 0-15 in relative low income families, AHC), %
Central St Helens	57.3	37.3	10.1	15.7	3.7	21.9	15.7	32.2	28.6	37.5
Haydock and Blackbrook	26.5	16.1	4.7	8.3	1.3	11	11.2	17.3	18.8	31.2
Newton-le-Willows	31.5	22.1	5.2	9.5	2.2	14.3	10	18.3	18.7	32.1
North St Helens	21.4	12.6	4.1	9.2	1.2	9.6	10.1	15.1	14.8	24.6
Rainhill and Bold	27.3	17.9	5.5	9.1	1.4	9.5	10	16.9	19.1	28.9
South St Helens	34.8	22.9	6	11.9	1.5	14	12.1	20.4	21	32.1
West St Helens	25.8	16.4	4.7	8.5	1.5	9.5	9.3	16	15.6	25.3

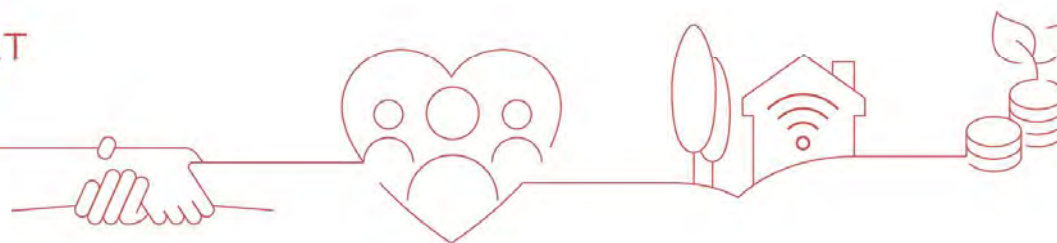
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Central St Helens	7	7	7	7	7	7	7	7	7	7
Haydock and Blackbrook	3	2	3	1	2	4	5	4	4	4
Newton-le-Willows	5	5	4	5	6	6	3	5	3	6
North St Helens	1	1	1	4	1	3	4	1	1	1
Rainhill and Bold	4	4	5	3	3	2	3	3	5	3
South St Helens	6	6	6	6	5	5	6	6	6	6
West St Helens	2	3	2	2	5	2	1	2	2	2

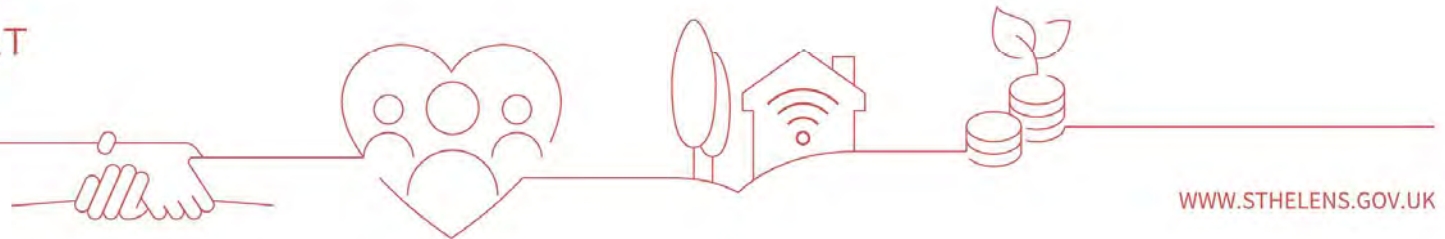
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# Resident Priorities – via ward councillor feedback

- Reducing anti-social behaviour
- Reducing litter/increasing recycling

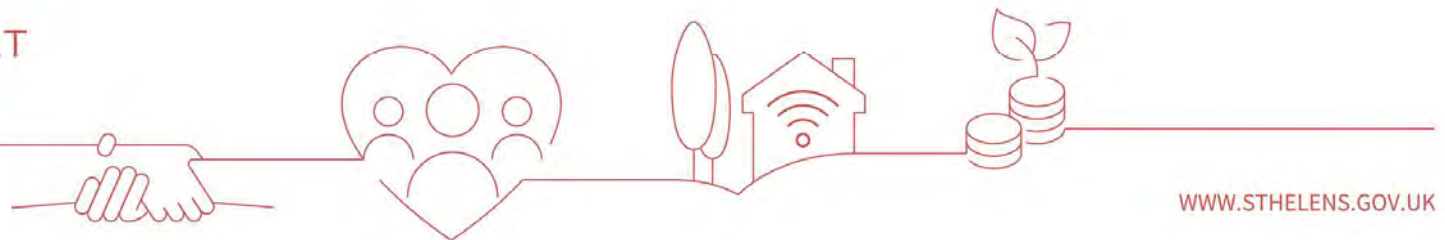
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# What learning can we take from other areas?

- Strategy for Building Strong Communities, Trafford Partnership
- Integrated Localities, Isle of Wight
- Locality Working Model – Children and Families, Cheshire East
- Keep It Local, Locality
- Community Development and Place-making, Community First Oxfordshire

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# In Summary...

From looking at data currently accessed, alongside the initial Councillor feedback, we should consider selecting three /four of the following datasets to analyse further ahead of potentially altering service delivery.

- Anti-social behaviour
- Health & wellbeing of residents
- Children living in poverty
- Fuel poverty
- Housing benefit
- Littering (reduce) or recycling (increase)
- Training and employment opportunities

Whilst the metrics, left, are more negative there are a few datasets in which Central St Helens scored positively. We will be utilising those as best practice for learning across St Helens borough.

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## Appendix IJ9

Growing our Economy. St Helens Cabinet Report (11 January 2017, Item 88)



<u>KEY DECISION</u> No
<u>DATE FIRST PUBLISHED</u> N/A

## GROWING OUR ECONOMY

### WARDS AFFECTED

All

### EXEMPT/CONFIDENTIAL ITEM

No

### 1. PROPOSED DECISION

- 1.1 For Cabinet to recognize the current economic strengths, weaknesses and opportunities in St. Helens and key economic external influencing factors that will shape the vision and ambition for achieving economic growth in St. Helens.
- 1.2 To update Cabinet on various pieces of work that inform a new approach to Growing the Economy in St. Helens.
- 1.3 To endorse the following actions to take forward growing the economy of St. Helens:
  - The establishment of an Economy Board
  - The establishment of an Ambassador network
  - The launch and implementation of St. Helens narrative.

### 2. RATIONALE FOR THE DECISION

- 2.1 Government is radically changing the way local public services are funded. From 2020 Local Authorities will be required to deliver services utilising locally raised revenue such as Council Tax and Business Rates. Local areas are therefore being incentivised by national Government to grow their economy.
- 2.2 With these changes underway, St. Helens Council faces a further £20.6m financial reduction by 2020. Therefore, the need to engage business to a greater extent and secure new investment is not just essential to help the economy and therefore the residents of the area, but it is also crucial to ensure that future business rates can help support the finances of the Council and deliver service such as adult care,

- protecting children, and maintaining roads. Delivering such essential services in St. Helens will be dependent on maintaining and potentially growing the local tax base.
- 2.3 St. Helens faces a number of economic issues which have been well documented (see appendix one). St. Helens has higher than average levels of unemployment, lower skills attainment than the national average and residents are typically employed in lower graded occupations than average. Workplace earnings are therefore relatively low and the area also suffers net outbound commuting. Although the total population is expected to grow, St. Helens is forecast to suffer a decline in its working age population over the next 20 years as the population ages.
- 2.4 However, there are many reasons to be optimistic. The East Merseyside area (which includes St. Helens, Halton, and Knowsley) has witnessed 23% of economic growth since the low point of the recession in 2009 which is greater than the UK (15%), England (17%), and the North West (13%). Indeed, East Merseyside is one of the top performing areas in the North for economic growth with only Cheshire East performing better. East Merseyside has out-performed adjacent areas also with Liverpool and Sefton having witnessed no overall growth over the same period, Wirral 14% of growth, while Wigan (part of Greater Manchester NW) has had 15% growth and Warrington 17% growth.
- 2.5 Appendix One outlines a SWOT assessment of St. Helens in terms of the socio-economic condition and industrial structure of the Borough.
- 2.6 St. Helens also has a strong asset base having retained a strong manufacturing base, as well as having growth opportunities in sectors such as logistics. The Borough has exceptional connectivity via the strategic road network (incl. the M6, M62, M57, M58 and A580) as well as having both east/west and north/south rail connections. The Borough has a strongly performing College which also includes University Centre St. Helens, and the Chamber of Commerce was recently voted best Chamber in the country for a third occasion. On top of these assets, the Borough has a number of tourism and heritage assets, a strong reputation for culture, a Super League level rugby league club (Saints) and a number of other attractions that might bring people to the Borough. This is all at the same time as having good schools relative to the level of deprivation experienced by the Borough as well as a semi-rural overall location.
- 2.3 For St. Helens to seize the opportunity presented by these assets, and respond to the financial challenges that will be faced by services in the future, greater economic development intervention is required. As a Borough, we need to revisit our economic priorities, recognising the changed policy land-scape, but also the fact that the economy is likely to remain turbulent for a number of years and, that in reality, economic change means we will need to be permanently adaptive to any opportunity that might emerge.
- 2.4 A fixed 'plan' – like the St. Helens City Growth Strategy - is unlikely to provide the flexibility and ability to adapt in response to the challenges and opportunities ahead. Instead, we need a changed approach to what we do. It needs to be an approach which recognises opportunity and is flexible enough to respond as and when they emerge.

### 3 EVIDENCE RELATING TO THE ECONOMY OF THE BOROUGH

## CITY GROWTH STRATEGY 2008 TO 2018

- 3.1 In 2002, Government selected St. Helens as a place to trial new 'City Growth Strategies' which were intended to allow businesses and local public sector bodies to set a long term economic strategy for their place. The Strategy was revised in 2007. The themes of the City Growth Strategy 2008 to 2018 were
- Transforming the Business Base
  - Transforming Ambition
  - Physical Transformation
  - Transforming Perceptions
- 3.2 The policy context in which the City Growth Strategy was produced has significantly changed. The strategy, in part, was designed to set priorities and appeal to funders such as the North West Regional Development Agency (NWDA) to invest in the asset base of the Borough. Many of the funding sources identified simply no longer exist while there has been a shift in market opportunities relevant for the Borough.
- 3.3 Much of the high level aims of the Strategy remain relevant – taking advantage of our physical location at the heart of the North West, growing our business base and diversifying the sector proposition, increasing the number of business start-ups, and the critical need to change perception are all as relevant today as they were then. What is needed is to bring them into the context of today and to make a step-change in delivering the ambition in what is a very different public (and private sector) investment context.

## ST. HELENS LOCAL PLAN

- 3.4 In December 2015, the Council embarked on the development of a new Local Plan for the Borough. The Local Plan scoping consultation was undertaken in January 2016 which was subsequently utilised to bring forward Preferred Options which are currently being consulted upon.
- 3.5 The Local Plan will set the vision and objectives for development in the Borough through to 2033 as well as articulating the overall spatial strategy for the Borough area. It will include site allocations throughout the Borough. The Preferred Options document outlines the current view in relation to the Final Plan and is now subject to public consultation.
- 3.6 The significant difference in the Preferred Options to the previous Plan is a need to allocate land to meet both housing and employment need. The St. Helens Employment Land Needs Study October 2015 identified a requirement for 177 – 214 hectares of employment land between 2012 and 2037. The Preferred Options approved by Cabinet for consultation proposes the release of over 300 hectares of land for employment use within the Borough. The plan states where in the Borough that this development should take place. Locations either side of the M6 and M62 motorways are particularly attractive for large scale development especially for companies within the logistics and distribution sector.

- 3.7 The availability of new well located employment land is essential to St. Helens economic prosperity. Not being able to supply this kind of land and not being able to meet the identified need will result in the Borough not benefiting from the investment, jobs, and business rates generated. The new Local Plan (and the supporting evidence base) are key components of the Borough's new approach to growing the economy. (Please see Appendix two for more information on key points of the Local Plan).

#### CULTURAL PARTNERSHIP

- 3.8 On 22<sup>nd</sup> June 2016 Cabinet endorsed an ambition for St. Helens to be a centre of excellence for socially engaged culture and arts practice.
- 3.9 Since then, the Council Cultural Hubs project has won the National Lottery's Best Arts Project Award, Heart of Glass has been awarded £1m of continuation funding and the Borough has been successful in obtaining an Arts Council Ambition Award for a project in 2018. St. Helens' work in arts and culture has therefore been receiving considerable recognition.
- 3.10 However, budgets (especially revenue budgets) supporting those activities are likely to be under threat in the future. This is likely to have a considerable impact on not just Council activity but also the activity of partners within the Borough such as World of Glass and the Citadel.
- 3.11 The Council, with funding provided by the Arts Council, has commissioned work to set a strategy/business plan for a new approach to Arts and Culture in the Borough which will support all partners to have a more sustainable model in the future. This will require stronger joint work between all of the key partner bodies and is likely to include a need to focus activities at a single site, which would support the Town Centre strategy . This work remains ongoing.

#### ST. HELENS TOWN CENTRE STRATEGY

- 3.12 It is apparent that the rejuvenation of St. Helens Town Centre is a key need for the Borough over the coming years. The Town Centre has witnessed little new investment, is perceived by residents and visitors to be of poor quality and has also been regarded by some as a focal point for some anti-social behaviour. The retail sector is also undergoing huge change at the current time and St. Helens town centre in particular is reliant on a retail offer which represents considerable risk to the long-term functionality of the town centre. It was therefore self-evident that there was a need for a long-term strategy for St. Helens Town Centre.
- 3.13 Much of the town centre is under private sector ownership which limits the scope for intervention by the Council. In particular, both Church Square Shopping Centre, and the Hardshaw Centre, represent a considerable part of the town centre as a whole with both privately owned retail centre. The Council has previously had dialogue with major asset holders, who have a very limited investment appetite. The new Town Centre strategy would therefore need to be radical in how the town centre can be rejuvenated.

- 3.14 CBRE were procured after a competitive tender process to produce a new St. Helens Town Centre Strategy and Action Plan to provide a clear and comprehensive strategy for the Town Centre. This will be driven by a vision, objectives and a detailed action plan with identified sites and development opportunities.
- 3.15 CBRE are one of the leading property consultancy companies in the UK. In response to the tender, they included 'Thinking Place' within their consultancy team. Thinking Place are a leading consultancy on revising 'place' and in how a place can change its perception (see below).
- 3.16 The St. Helens Town Centre Strategy will be published for public consultation in early 2017. It is anticipated that the Strategy will suggest:
- Recognising the limitations and changes to the way retail is operating in the UK (i.e. shopping is increasingly a destination activity or done for convenience and increasingly on-line) and the potential impacts of that on St. Helens. As the town is situated within a relatively short travelling distance from Liverpool, Manchester, and the Trafford Centre while also suffering from competition with other sub-regional centres such as Wigan and Warrington, the challenge will be identifying different opportunities to attract people into the town while still having the activities that can benefit from increased dwell time.
  - 'Being culturally centred' through promoting a need to improve the Town Centre offer in terms of leisure/arts/culture as well as in more family orientated food and drink. St. Helens has developed a strong reputation for arts and cultural practice which could act as an opportunity for changing the activities attracting people into the town centre.
  - 'Shrinking and linking' (and clustering) the Town Centre which means reducing the geographical focus of the town centre and concentrating new development in a more focussed way; this needs to be done while simultaneously linking the development and activities of the town centre to the wider Borough. This work has also informed the bringing forward of the Local Plan Preferred Options.
  - Focussing on a 'growth area' utilising the canal as an asset and re-thinking how the area around Church Square functions in the long-term as well as how different areas of the town are linked
  - Potentially 'animating' the town centre by increasing the events activities within the main squares to attract people to the town centre. Also through the use of interactive digitalisation technology.

#### ST. HELENS NARRATIVE

- 3.17 A key issue identified in the City Growth Strategy and which has been emphasised in recent work carried out is a need to 'change the perception' of St. Helens and be more confident and forward thinking in what St. Helens says and does. This was particularly felt to be the case for St. Helens Town Centre and hence CBRE included Thinking Place – a specialist consultancy in this field, within their consultancy team for the Town Centre Strategy. Given the perception challenge exists for the wider Borough the work of Thinking Place was extended to consider the Borough as a whole.

- 3.18 Thinking Place undertake a four stage process:
- Understanding the place
  - Developing a new brand
  - Developing a visual identity
  - Bringing the brand story to life
- 3.19 This process has been undertaken at various Local Authorities and places in the UK including places such as Doncaster, Coventry, Burnley and Blackburn. The initial stages identify how the place is perceived while the latter stages identify how to better promote the place and overcome any negative perception. Their work also brings forward a new place narrative and allows for a place to develop an Economy Board and ambassador network which promotes the place. In some places, the ambassador network becomes revenue generating through ambassadors paying a membership fee to be an ambassador.
- 3.20 Thinking Place has undertaken a series of workshops with business sector groups, a youth group, as well as 32 one-to-one stakeholder interviews and a series of surveys. Their engagement piece has identified what people believe is the view of St. Helens as a stakeholder, potential investor, and as residents.
- 3.21 The over-arching view expressed is that St. Helens is a place that 'gets things done' but can often be self-critical, insular and fails to talk itself up. The Town Centre in particular is negatively perceived, especially the lack of a (family orientated) night time economy. The words most often chosen to describe the Town Centre are 'tired' and 'dated'. The Borough as a whole was often regarded as traditional and not modern.
- 3.22 This is despite the Borough having extremely good assets in and around the Borough, such as its heritage (including innovation), excellent connectivity and green space. Also, St. Helens has various tourism/visitor assets, such as Stadium, Haydock Park, World of Glass, and Knowsley Safari Park (just over the Borough border), and business sites/opportunities including Haydock Industrial Estate and potential growth in logistics. It is clear that although St. Helens has a variety of important assets as a place, the benefits of having those assets is not being captured to promote St. Helens and to change perception. The work highlighted that we need to celebrate what makes St. Helens special and be more positive about what we have.
- 3.23 Within the Town Centre we need to 'shrink and link' - which means having a more concentrated offer but link that to other assets to get extra value. Assets include the Dream, glass heritage, the canal and arts and culture. The work also stresses we need to build on the positive education offer in the Borough – our schools are good, we have considerable assets at St. Helens College and at University Centre St. Helens and excellent further education delivery from Carmel College.
- 3.24 Overall, Thinking Place is proposing two main objectives for how St. Helens might view itself as a place in the future. These are to be 'culturally centred', and to be an 'educated choice', as we move to a big idea for St. Helens which is a shift from 'industry to ingenuity' in the years ahead.

## 4 A NEW APPROACH TO GROWING THE ECONOMY

- 4.1 The approach to growing the economy of St. Helens has to be one that embraces the taking of opportunity and working differently with our partner bodies within the Borough and also the City Region.
- 4.2 Our approach should be one that flexes as opportunities emerge and one that recognises the value key partners can bring. For example, the Borough benefits already from:
- St. Helens Chamber which was recently voted best Chamber of Commerce in the Country
  - St. Helens College and University Centre St. Helens – which occupies a central position within the town centre but that is also highly regarded as an education provider and that has recently invested in a new Logistics training facility
  - Helena Housing – owns a significant stock within the Borough and has specialist expertise in asset management and an on-going interest in the economy of the Borough
- 4.3 Our approach going forward will be one where we will work with these partners to maximise economic growth in St. Helens as it is in our collective interest. The work over the last year in forming the People’s Board has shown the strength of partnership working and collaboration possible in St. Helens and a similar joint working emphasis will be necessary in growing our economy.
- 4.4 We will also need to work pro-actively with the private sector more in the future. Growing the economy will require the attraction of inward investment, the growing of the existing business base, and the encouragement of new start-up enterprise. The Borough suffers from a low business density and low start-up rates for new businesses. In simple terms, increased income from business rates will only be achieved if we are an attractive place for businesses to locate and grow.
- 4.5 We will also need to be more ‘market-responsive’ recognising that opportunities may often be foot-loose and need to be captured for the benefit of the Borough. For example, there is clear demand in the Liverpool City Region and wider North West for logistics operations. Knowsley, Halton, Warrington, and many areas of Greater Manchester including Wigan, Bolton, Salford and Rochdale are all looking to bring forward sites to meet that demand. St. Helens’ position on the strategic road network means that those businesses are likely to want locate in St. Helens and this is evidenced by the demand assessment undertaken for the Local Plan and in the number of planning applications currently coming forward. As a Council, we will need to support the realisation of benefits from such an opportunity especially for local residents in terms of new jobs given levels of unemployment within the Borough. The growth in logistics opportunities comes at a time when the UK logistics market is restructuring in response to the cost of freight travel, the growth of on-line retail, and the opening of a deep water berth at the Port of Liverpool. Logistics operators wish to be ‘port and people centric’ as well as having access to the strategic road network and from St. Helens operators are close to the Port while able to service around 35million people within a half-day drive.

- 4.6 Given the evidence at this time, the suggested areas of focus for growing the economy of St. Helens is:
- Maximising the benefits from market opportunities in logistics
  - Potentially maintaining and adding to our strength in manufacturing including supply chain operators
  - Maximising our arts and culture assets
  - Delivering a revitalised St. Helens town centre
  - Promoting our housing offer as an 'educated choice' of a place to live
  - Changing perception – promoting the place and tackling undue negative views of the town and Borough
  - Changing the Council approach to enabling such opportunities
- 4.7 St. Helens has significant opportunities to grasp. However, like all Local Authorities the capacity of the Authority to enable such growth is limited by reducing Council budgets. As a stable, and well managed Council, St. Helens has an opportunity to make a step-change in how we aim to capture business rate benefits from 2020 by growing our economy now.
- 4.8 This means having not just capacity but also the right capability to deliver. It has to be recognised that like all Councils, budget reductions have reduced capacity but the capability sets required for a new way of working may need to be brought in from outside of the Council. For example, the Council does not employ investment specialists and this capacity and capability may need to be obtained downstream to capitalise on opportunities. Each would be approved through appropriate decision making as required.

## 5 NEXT STEPS

- 5.1 Various pieces of work remain ongoing:
- The Local Plan process continues with the preferred options out for public consultation.
  - Work to develop a cultural partnership is ongoing and engaging the key partner bodies within the Borough
  - The St. Helens Town Centre Strategy will be brought forward for consultation in early 2017
- 5.2 These pieces of work are likely to be the subject of separate Cabinet papers.
- 5.3 The next steps of the work to change our approach to growing the economy and to changing perceptions and to better promote St. Helens has the following elements:
- **Establishment of an Economy Board** - there must be a recognition that to achieve our ambition as a place we need a collaborative approach that must involve key partners in both the public and private sector. It is



proposed that in early 2017 St. Helens will establish an 'Economy Board' to lead the economic rejuvenation of St. Helens. It will be tasked with leading an approach that is based on behaviours that grasp opportunity, as opposed to lists of projects delivered within a 'Plan'. There will need to be a statement of intent – a narrative about what St. Helens wants to achieve – and then a structure that allows St. Helens as a whole to respond to opportunities as they occur. It is proposed that the Economy Board will be supported by a number of sub-networks – Visitor Economy Network (VEN), Logistics and Transport Network, Cultural Partnership (delivery), and potentially a Digital and Creative Economy Network, and Manufacturing Network. The VEN is currently meeting and is coordinated by Visitor related businesses. The Cultural Partnership will be set up as a result of the Arts Council funded work to set a strategy/business plan.

- **Establishment of an Ambassador Network** with potential membership income - To develop an 'Ambassador Network' of primarily businesses within St. Helens who would pay a membership fee/subscription to be part of the network. A similar network has been formed in Knowsley. The membership fee/subscription will fund activities that promote St. Helens which in turn helps member's business. This would likely require funding upfront to become established, with membership fee/subscription to be obtained once established.
- **Communicate a new narrative** - The Thinking Place work provides the basis of this narrative. The Council and all partner bodies, including the private sector, should use the narrative for that message to have resonance. The Economy Board should 'own' the narrative and the Ambassador Network be a route to spreading the message. It also needs a new approach to communications including digital communications. St. Helens needs a 'brand St. Helens' and 'team St. Helens' approach to that messaging if it is to overcome any deeply rooted negative perception.
- **Relaunch the 'investinsthelens.com'** web portal. A place-led gateway site that reflects the story and St. Helens brand communicating high level messages for investment, business, education, living etc. without trying to provide detailed information which can be delivered via links.

5.4 Cabinet is asked to endorse these next steps as part of the recommendations.

## 6. IMPLICATIONS/RELEVANCE TO MEETING SAVINGS TARGETS/ PLANNING FOR 2020

6.1 The proposed approach is part of moving towards and adaptive/innovative Council by 2020 while also, responding to the challenge of increasing income to fund services in the future. It also fits with our need to be more aspirational and to promote the Borough more as well as our need to be more innovative in what we do as well as more risk aware, as opposed to being risk and reward aware.

- 6.2 St. Helens has a good record of partnership working but budget reductions and a radically changing system means we need new ways of working collaboratively. Therefore, given economic growth activities are discretionary activities for the Council, we need a governance approach that facilitates that collaborative change. The proposals enable collaboration and distributed leadership that involve the key partners with the capability and capacity to deliver and add value.
- 6.3 The approach recognises the £20.6m of budget reductions by 2020. As the Council moves to a position of receiving no Central funding for its services by 2020, it needs to ensure it can grow the Borough to meet the needs and aspirations, generate the jobs and build the housing for its residents, and provide the local tax revenues to provide the public services valued within the Borough. To meet these aspirations, the Council will need to support a growth approach to encourage investments into St. Helens. However, it cannot rely totally on the private sector to provide this growth. There is a need to stimulate this inward investment by public sector involvement.

## 7. RISKS

- 7.1 There is a risk that if St. Helens does not grasp the opportunities available it will fail to grow its economy with an impact on the population but also the Council's finances (and the viability of services) in the long-term. Cabinet however is being asked to endorse the next steps of work in growing the economy of St. Helens. The specific risks associated with these next steps are:

- Economy Board
  - Every effort will be made to secure the correct influential members for the Economy Board
  - We will have clear Terms of Reference to ensure Economy Board members have the economic rejuvenation of St. Helens interest in mind.
  - 'Thinking Place', who have launched Economy Boards in other areas will support the Council in the initial phase.
- Ambassador Network – We will learn from best practice from Ambassador Network Programmes from other Local Authorities. Also 'Thinking Place', who have launched Ambassador Networks in other areas will support the Council in the initial phase.
- Communicating the narrative
  - A clear communication programme has been designed and engagement of stakeholders commenced at the very start of the project to ensure the narrative was owned by all sectors.
- Relaunch of the 'investinsthelens' web portal
  - We will create a clear scope of what is needed and choose a company that has relevant and advanced experience in this area.
  - We will have a communications plan of how the web portal will be promoted, which will be through a variety of methods, including via the Economy Board.

- 7.2 Should this Risk be added to the Corporate Risk Register?

No

## 8. OTHER IMPLICATIONS

Legal – None

Financial – Cabinet approved £500k from the service development fund to be allocated to an Economic Regeneration Fund in July 2015 specifically to provide technical capacity and capability to support new approaches to achieving growth in St. Helens. Work to date has been met through other funding sources. Taking forward the new approach will require expenditure. There will be some cost associated with the publishing of the St. Helens narrative, such as the launch event and printing of material etc.. There will also be some costs associated with redeveloping the web portal to ensure that it is fit for purpose as we do not have the right capability in-house. It is imperative that this web portal is innovative and a high standard to attract potential inward investment downstream. This work will be tendered for.

Human Resources – *See financial also.* The Council will offer administrative support to the Economy Board. However, it will be the Private sector members who will be responsible. The Vision and Change team and Communications will offer support for the Narrative launch and the commissioned providers for the redesign of the web portal. Once the web portal is launched, the web portal will be managed in-house.

Land and Property (Asset) – *None*

Anti-Poverty – By not taking forward these plans for a higher level of economic growth opportunities to attract investment, new employment and increase in Business Rates will be lost.

Effects on existing Council Policy – Will support the objectives of the Council's People's Plan and Operational Plan.

Effects on other Council Activities – Supports delivery on health, people and place/economy.

Human Rights – None.

Equalities – Via gaining investment and creating employment we will close the deprivation gap between residents.

Asset Management – Better management and investment in assets

Health – There is a clear evidenced link that residents in employment have better health.

## 9. PREVIOUS APPROVAL/CONSULTATION

None

10. ALTERNATIVE OPTIONS AND IMPLICATIONS THEREOF

To retain existing approach to growing the economy and rely on the market to deliver improvements which are unlikely. It is felt that this would not grasp the opportunity presently available to St. Helens.

11. APPENDICES

Appendix one: St. Helens' key economic facts

Appendix two: Key points of the Local Plan

Mike Palin, Chief Executive

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Appendix one – SWOT Analysis of St. Helens Economy

<p>Strengths</p> <ul style="list-style-type: none"><li>• GVA per head growth rates that have been above sub-regional averages with per-head GVA output above sub-regional figures</li><li>• Presence of a 'restructured' manufacturing sector</li></ul>	<p>Opportunities</p> <ul style="list-style-type: none"><li>• A growing population</li><li>• Potential for very high growth rates at the East Merseyside level (8% and above have been achieved at points in last 15yrs)</li></ul>
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<p>which is not showing signs of decline at the East Merseyside level, indeed, it is showing signs of growth in terms of GVA while at the St. Helens level there has not been significant drops in business units or employment in the sector</p> <ul style="list-style-type: none"> <li>• High productivity in manufacturing</li> <li>• A 'rebalanced' economy in terms of public sector and private sector split – St. Helens has c. 15% less employed in public sector than is the case nationally</li> <li>• Strong growth prospects in transport and storage (which would include logistics) which has had employment growth as well as a notable growth in number of business units</li> <li>• Low business failure rates / good survival rates</li> <li>• Connectivity and infrastructure – St. Helens sites at the heart of the North West with strategic road and rail access</li> <li>• Strong work ethic amongst younger age groups – the 16-25 age group in St. Helens has a higher economic activity rate than nationally</li> <li>• The vast majority of schools are rated by Ofsted as Good or Outstanding</li> <li>• St. Helens College and University Centre St. Helens</li> </ul>	<ul style="list-style-type: none"> <li>• Build on strengths – identify opportunities around manufacturing which remains a real strength in St. Helens</li> <li>• Location of St. Helens relative to areas of growth (e.g. Greater Manchester)</li> <li>• Continuation of growth in businesses and employment in transport and storage</li> <li>• Potential to increase employment in accommodation, food and drink as consumption sector and under-represented now</li> <li>• Grow scientific and professional sector further (under represented but witnessing growth)</li> <li>• Grow the business base by encouraging start-ups</li> <li>• Capture benefits from sectors where St. Helens has a market advantage – e.g. logistics currently</li> <li>• Commuter in-flows from Wigan and reducing out-flows to Warrington etc. by providing local employment</li> <li>• Increase the number of 'jobs' in St. Helens from the current level of 59,000</li> <li>• Growing internal migration – St. Helens is already attracting people moving from within the wider UK and this trend could be grown further</li> <li>• Changing perceptions making St. Helens the 'educated choice' for businesses to locate and for people to live</li> </ul>
<p><b>Weaknesses</b></p> <ul style="list-style-type: none"> <li>• Recovery from a double dip recession</li> <li>• Low levels of economic output and a £1.9bn output gap for East Merseyside compared to nationally</li> <li>• Lack of specialist service sectors in Borough – show in terms of output, business units and GVA data</li> <li>• Relative low level of micro-businesses and low business growth rates</li> <li>• Under-representation of accommodation and food as a major consumption sector</li> <li>• Low levels of employment in knowledge intensive jobs</li> <li>• Very low levels of enterprise and business starts</li> <li>• Very low numbers of businesses per 10,000 population compared to national average</li> <li>• Aging population resulting in a declining working age population</li> <li>• Significant out-commuting</li> <li>• Above average share of the population on out of work benefits</li> <li>• Above average economic inactivity amongst those aged 50+</li> <li>• St. Helens Town Centre is seen as unattractive</li> </ul>	<p><b>Threats</b></p> <ul style="list-style-type: none"> <li>• Lack of new start businesses to replace the existing stock</li> <li>• Low numbers of businesses increases the reliance on a small number of employers (and also, business rate generators)</li> <li>• Possible over-reliance on manufacturing</li> <li>• Lack of service sector growth</li> <li>• Employment impact of further public sector reductions</li> <li>• Significance or wholesale and retail as an employer in St. Helens – although not over represented the sector is significant employer (over 8,000 employees)</li> <li>• Continuation of unemployment rates above the national average</li> <li>• Negative perceptions discouraging new investment, business growth and people wishing to move to the Borough</li> <li>• Failure to close the rate of economic activity to the national average – this would require 3,000 more to be economically active</li> <li>• Similarly, failure to meet the average employment rate; this work require 6,500 more to be in work (3,800 males, 2,700 females)</li> <li>• Failure to raise skills levels – the evidence shows the more highly skilled an individual the more likely to be employed</li> </ul>

## Appendix two – key elements relating to the Local Plan

### Employment Land

The Preferred Options are evidence based; the St. Helens Employment Land Needs Study October 2015 identified a requirement for 177 – 214 hectares of employment land between 2012 and 2037. Including consideration of the potential need for land to accommodate a

Strategic Rail Freight Interchange the Preferred Options approved by Cabinet for consultation proposes the release of over 300 hectares of land for employment use within the Borough.

### Housing Sites

Policy LPA05 of the Preferred Options relates to Housing Need. It proposes that between 2014 and 2022 a minimum of 10,830 additional housing units will be required which is the equivalent of 570 units per annum (Evidence of this need is included in the Mid-Mersey Strategic Housing Market Assessment). Starting now and continuing over the next 15 years to 2033, we require an additional 8,550 new homes. We have identified 47 brownfield sites which we expect to deliver 2,497 new homes in the coming years. We currently have an additional 31 brownfield sites that are currently under construction or have planning permission, which will deliver a further 2,247 new homes. It is anticipated that 1,365 new homes will come forward on unknown (windfall) brownfield sites.

### Transport

One of the key strengths of St. Helens is its connectivity situated as it is in the Heart of the North West. The M6 motorway passes North-South through the east of the Borough adjacent to the Newton-le-Willows and Haydock areas, the M62 passes East-West, and the M58 is easily assessable to the North West of the Borough. The A580 East Lancashire Road also passes East-West through the Borough. In addition to this, the main East West rail line runs from Liverpool to Manchester and on to Yorkshire via the southern part of the Borough, a spur off that line runs through St. Helens Town Centre and on to Wigan, Preston and is anticipated to have connection further north and on to Scotland, while Rainford also has a direct link to Liverpool and on to Wigan. Accessibility to this transport infrastructure is a key determinant of where development is likely to come forward. Few places are as well connected as Liverpool

### Town Centres

The Local Plan Preferred Options identifies St. Helens Town Centre as a key location for development; especially leisure, retail, culture and tourism. It must be noted that the Local Plan is being designed to complement a Town Centre Strategy and vice-versa. As a consequence, it is suggested the Town Centre boundary be revised to support the concentration of leisure, culture and retail. Earlestown is recognised as a second Town Centre within the Borough while there are also various district and local (including village) centres in the Borough too.

### Environment and Green Infrastructure

In St. Helens, 65% of the Borough is green belt land which is significantly greater than other Boroughs in the Liverpool City Region. Local Authorities, throughout the City Region and adjacent areas (including West Lancashire and Warrington) have, or are, reviewing their Green Belt. The Preferred Options suggest releasing Green Belt land. Over 56% of the Borough would still be Green Belt if the Preferred Options were adopted. St. Helens therefore is, and will continue to be a green Borough given that it is substantially rural in many parts, and has a number of key green infrastructure assets such as the Sankey Valley and The Dream. The Local Plan Preferred Options intends to protect a network of open spaces from development while also providing for appropriate sports and recreation space.

## Appendix IJ10

St Helen's Town Centre Development, Appendix 10.1: Socio-Economic Baseline, CBRE Limited (July 2022)

# St Helen's Town Centre Development

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Appendix 10.1:  
Socio-Economic Baseline

English Cities Fund  
JULY 2022



**Project Name(s)** St Helen's Town Centre Development  
**Rev.** 01  
**Client** English Cities Fund ('the Applicant')  
**Author** Ceara Shields

Rev.	Date	Summary of changes
01	21/07/2022	First issue

# Contents

- 1. Legislation & Policy Framework.....1
- 2. Baseline Conditions .....4

# 1 Legislation & Policy Framework

## National

### National Planning Policy Framework (NPPF)

- 1.1 The NPPF<sup>1</sup> sets out the Government's planning policies for England and how these are expected to be applied. It should be seen as a framework within which locally prepared plans and other development can be produced.
- 1.2 The planning system has three over-arching objectives (paragraph 8):
- An economic objective: to build the economy by ensuring that the right amount of land is available at the right time and place in order to support growth and innovation;
  - A social objective: to support strong, vibrant and healthy communities, ensuring that sufficient homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs; and
  - An environmental objective: contributing to protecting and enhancing our natural, built and historic environment.
- 1.3 At the heart of the NPPF is a presumption in favour of sustainable development, which should be applied to both plan-making and decision-making. In the case of the former, it means that the objectively assessed needs for housing and other uses should be provided for in plans. For the latter, it means approving proposals that accord with the development plan without delay and in the absence of a development plan or an out of date one, approving unless the NPPF provides a clear reason for refusal. In both plan-making and decision-taking, should the policies' or proposals' adverse impacts significantly and demonstrably outweigh the benefits when assessed against the NPPF's policies then they should also not be progressed or the application refused (paragraph 11).
- 1.4 The NPPF sets out a number of policies to deliver sustainable development, those of most relevance to this chapter are as follows:
- Chapter 5—Delivering a sufficient supply of homes: the objective of significantly boosting the supply of homes with a sufficient amount and variety of land brought forward where it is needed, addressing the needs of groups with specific housing requirements, and developing land that has permission without unnecessary delay. Strategic policies should be informed by a local housing need assessment and where major housing development is proposed at least 10% of the homes are to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.
  - Chapter 6—Building a strong, competitive economy: Policies should set a clear economic strategy encouraging sustainable economic growth with regard to Local Industrial Strategies and other local policies for economic development and regeneration. They should identify and set criteria for strategic sites, address potential barriers to investment (e.g. inadequate infrastructure, services or housing, or a poor environment) and be flexible, enabling a rapid response to changes in economic circumstances.

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<sup>1</sup> Ministry of Housing, Communities & Local Government, 2021. National Planning Policy Framework. London: MHCLG

- Chapter 8—Promoting healthy and safe communities: Planning policies and decisions should seek to achieve healthy, inclusive and safe places that promote social interaction, are safe and accessible, enable and support healthy lifestyles, and provide the social, recreational and cultural facilities and services the community needs. In particular, Chapter 8 identifies the need for:
  - mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
  - prevention of crime and disorder, and the fear of crime, so that they do not undermine the quality of life or community cohesion, using clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas;
  - policies and proposals that address identified local health and well-being needs through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments, and layouts that encourage walking and cycling;
  - sufficient choice of school places to meet the needs of existing and new communities;
  - promotion of public safety, taking into account wider security and defence requirements by anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate (including transport hubs, night-time economy venues, cinemas and theatres, sports stadia and arenas, shopping centres, health and education establishments, places of worship, hotels and restaurants, visitor attractions and commercial centres);
  - access to a network of high quality open spaces and opportunities for sport and physical activity to support the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and should consider opportunities for new provision.
- Chapter 12—Achieving well-designed places: Good design is a key aspect of sustainable development, creating better places in which to live and work and helping to make development acceptable to communities. Amongst several benefits of good design, the NPPF references the benefits that design can have in creating places that are safe, inclusive and accessible, promoting health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

## National Planning Practice Guidance (PPG)

1.5 The PPG<sup>2</sup> was last published by the Ministry of Housing, Communities and Local Government (MHCLG) in 2016 and most recently updated in July 2021. Relevant guidance addresses the following:

- Ensuring the vitality of town centres;
- Health and wellbeing;
- Housing and economic land availability assessment; and
- Open space, sports and recreation facilities, public rights of way and local green space.

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<sup>2</sup> Ministry of Housing, Communities and Local Government (Live Document). Planning Practice Guidance. MHCLG.

# Local

## St Helens Borough Local Plan 2020-2037

1.6 The St Helens Borough Local Plan<sup>3</sup> for St Helens was officially adopted with approval by members at a meeting of the Full Council on 12 July 2022. The Local Plan supports the delivery and implementation of the Council-led strategy for the future regeneration and development of the town centre, including proposals for a future retail, leisure and cultural development within the identified 'Area of Opportunity' to the south of St Helens Parish Church.

- Policy LPA01: Spatial Strategy—underpins the other policies in the Plan, setting out how development will be distributed across the Borough up to 2037 and beyond.
- Policy LPA03: A Strong and Sustainable Economy—the provision of new well-located employment land and floorspace is essential to the Borough's future economic prosperity.
- Policy LPA04: Meeting St Helens Borough's Housing Needs—in the period from 1 April 2016 to 31 March 2037 a minimum of 10,206 net additional dwellings should be provided in the Borough of St Helens, at an average of at least 486 dwellings per annum.
- Policy LPA08: Green Infrastructure—aims to protect, enhance and sustain the Borough's natural assets and increase accessibility to them and connectivity between them, whilst protecting and enhancing landscape character, to ensure that the natural environment underpins the quality of life.
- Policy LPB01: St Helens Town Centre and Central Spatial Area—development that would support the delivery and implementation of the Council-led strategy for the future regeneration and development of St. Helens Town Centre will be supported.
- Policy LPC04: Retail and Town Centres—in defining the Borough's Town centres, the Council recognises the importance that these centres play at the heart of local communities and it will seek to support appropriate investment within them.
- Policy LPC05: Open Space— the Council will seek to ensure that the Borough's network of open spaces is protected, managed, enhanced and where appropriate expanded.
- Policy LPD01: Ensuring Quality Development—in accordance with national policy, seeks to ensure that new development is of a high quality and provides buildings and places that will function well and be visually attractive and resource efficient.
- Policy LPD03: Open Space and Residential Development— proposals for new residential development of 40 dwellings or more will be required to make provision for new open space, or the expansion or enhancement of existing open space provision, where there are existing deficiencies in the quantity, accessibility or quality of the open space in the area; or the development would generate a need for open space that cannot be satisfactorily or fully met by existing provision in the area.

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<sup>3</sup> St Helens Council, 2022. St Helens Borough Local Plan 2020-2037 (July 2022). SHMBC.

## 2 Baseline Conditions

### Existing Baseline

- 2.1 This section summarises the existing socio-economic conditions at the application site and within the study area. These conditions are considered in the context of the neighbourhood, borough, sub-regional, regional and national socio-economic spatial levels, as appropriate. The information provides the baseline against which the potential impacts of the proposed development have been assessed.

### Existing Uses

- 2.2 As previously mentioned, the application site is occupied by existing urban development, predominantly comprising shopping centre and smaller commercial units, with surface car parks and roads, in addition to a bus station and pedestrianised area along Market Street and Church Street. Therefore, there is an existing employee population on-site although not an existing resident population.

### Demographic Profile

- 2.3 According to 2021 Census data the borough has a resident population of 183,200<sup>4</sup>, representing an increase of 4.5% from the 2011 Census (175,308)<sup>5</sup>. The resident population of the borough, that totalled 179,331 in 2017, is expected to grow steadily, albeit at a slower rate than at the regional and national levels<sup>3</sup>.
- 2.4 The neighbourhood population in 2011 of 10,978 translates to a population density of 14.1 persons per ha (pph). This is higher than the borough population density (12.9 pph), the regional population density (5.0 pph) and the national population density (4.1 pph)<sup>5</sup>. This reflects that the site is located in an urban area.

### Age

- 2.5 The neighbourhood has a similar demographic population in regard to age, in comparison to the borough, regional and national levels based on 2011 Census data<sup>5</sup>. Within the neighbourhood the under 15 year olds represent approximately 17.5% of the resident population, the working age residents (those aged between 15 to 64) account of 66.7% and those aged 65 and above 15.8%. Although the borough does have a slightly higher proportion of older people, with those aged 65 and above accounting for 17.9%.

### Ethnicity

- 2.6 Approximately 97.3% of the residents at the neighbourhood level report themselves as being White compared to 98.1% in the borough, 90.2% across the region and 85.4% on a national level<sup>5</sup>. This indicates that the neighbourhood and borough have a lower degree of ethnic diversity for the regional and national levels.
- 2.7 The remaining 2.7% of the neighbourhood comprise people from ethnic minority backgrounds<sup>5</sup>.

### Deprivation

- 2.8 The Indices of Multiple Deprivation (IMD)<sup>6</sup> is the principal official Government measure of the spatial distribution of deprivation across the country and provides a key ranking of local authorities. Levels of deprivation are also calculated for the local neighbourhood level.
- 2.9 There are 13 Lower Super Output Areas (LSOAs) within the neighbourhood and the average deprivation score across these LSOAs have been provided in this section to represent the deprivation within the

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<sup>4</sup> Office for National Statistics, 2021. 2021 Census. [Online].

<sup>5</sup> Office for National Statistics, 2011. 2011 Census. [Online].

<sup>6</sup> Ministry of Housing, Communities and Local Government, 2019. Indices of Multiple Deprivation. MHCLG.

neighbourhood. Each LSOA encompasses a minimum population of 1,000 residents (400 household) although typically averages 1,500 residents.

- 2.10 The data shows that the neighbourhood level (Town Centre Ward) is within the 20% most deprived LSOAs nationally on average, with an average IMD rank of 3,113 (out of a total of 32,844)<sup>7</sup>. As shown in Table 1, the neighbourhood level ranks within the most deprived 10% on a national level for the 'health deprivation and disability' indicator and within the most deprived 20% for the 'income', 'employment', 'education, skills & training' and 'crime' indicators. The 'barriers to housing and services' indicator ranks within the least 30% least deprived.'

**Table 1: Domains of Deprivation for Neighbourhood Level – Town Centre Ward**

Domain	Rank	Decile*
IMD	3,113	2
Income	4,069	2
Employment	2,781	2
Education, Skills & Training	5,757	2
Health Deprivation & Disability	1,705	1
Crime	3,582	2
Barriers to Housing & Services	25,535	8
Living Environment	10,180	4

\*where 1 is most deprived 10% of LSOAs in England

## Housing

### Housing Type

- 2.11 There are no existing households on the application site, with the 2011 Census showing that there are around 5,739 households in the neighbourhood and 79,278 in the borough as a whole<sup>5</sup>. The neighbourhood housing stock comprises approximately 74% whole houses or bungalows and 26% flats, maisonettes and apartments. In comparison, there is a substantially higher proportion of houses and bungalows at borough level (91%) and regional level (83%). Subsequently, there is a lower proportion of flats, maisonettes and apartments at borough level (9%) and regional level (16%)<sup>5</sup>.

### Housing Tenure

- 2.12 In terms of tenure, approximately 35% of households at the neighbourhood level are social rented, compared with 21% at the borough level and 18% at the regional level. A lower proportion of residents in the neighbourhood own their homes outright or with a mortgage or loan (43%), compared to the borough (63%) and across the region (65%). Approximately 20% of households are private rented in the neighbourhood, which is higher than both the borough level (10%) and regional level (15%)<sup>5</sup>.

<sup>7</sup> It should be noted that due to the deprivation figures being based on averages, the rounding of figures has actually equated to the neighbourhood being in the 10% most deprived LSOAs nationally.

## Economic Profile

### Employment & Economic Activity

- 2.13 Economic activity relates to the percentage of the working age population that are either in employment or actively seeking employment. Approximately 78.9% of the borough's population is economically active, slightly higher than both the regional (76.5%) and national (78.4%) averages<sup>8</sup>. Of the economically active population at the borough level, 3.9% in the borough are unemployed, which is lower than both the regional (4.6%) and the national (4.4%) levels<sup>8</sup>.
- 2.14 In terms of benefits, such as Job Seekers Allowance (JSA), the borough rate (4.2%) is slightly lower than the regional rate (4.3%) and higher than the national (3.8%) rate in 2022<sup>8</sup>.
- 2.15 The percentage of adult residents (16 years and over) that are educated to a degree level (or above) at the borough level is 39% which is slightly higher than the regional level (38.5%) and lower than the national level (43.5%) level<sup>8</sup>. At the borough level 6.4% of residents have no formal qualifications, which is slightly lower than both the regional (7.5%) and national (6.6%) levels.
- 2.16 In the Annual Survey of Hours and Earnings (ASHE) 2021 Provisional Results<sup>9</sup>, the average income per year for the borough is £34,400 compared to the regional average of £34,528 and the national average of £38,880. The average wage per week in the borough is £665.90 compared to the regional average of £672.60 and the national average of £738.40. Therefore, average income within the borough is similar within the region, although lower compared to the national level. The neighbourhood ranks particularly low for both income and employment deprivation compared to England. This shows that more residents within the neighbourhood are employed in particularly lower paid jobs compared to the national level.

### Occupation & Industry

#### Occupational Class

- 2.17 The 2011 Census data shows that a lower percentage of residents (28.2%) in the neighbourhood work in high-skilled occupations compared to the borough (34.3%) and region (37.7%)<sup>5</sup>. High-skilled occupations include management, professional and technical occupations; mid-skilled occupations include administration, skilled trades and services; while low-skilled occupations include sales, process and elementary occupations. By contrast, 38.5% work in low-skilled occupations compared to 31.1% in the borough and 29.1% in the region<sup>5</sup>.

#### Industry of Employment & Business Structure

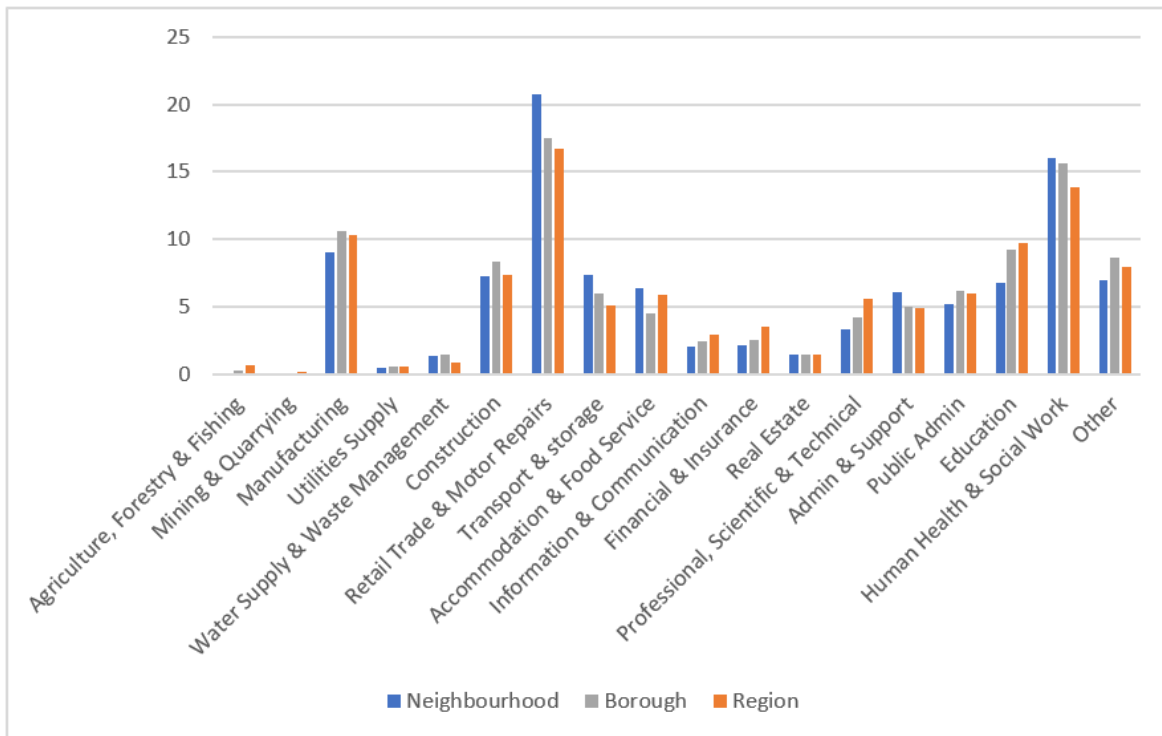
- 2.18 Figure 1 shows the industries of employment at the neighbourhood level, borough level and regional level<sup>5</sup>. It can be seen that the industries of employment in the neighbourhood and borough are similar although levels vary. Within the neighbourhood, the highest percentages are in 'Retail Trade and Motor Repairs' (21%), 'Human Health and Social Work' (16%), and 'Manufacturing' (9%). Within the borough, the highest percentages are also 'Retail Trade and Motor Repairs' (18%), 'Human Health and Social Work' (16%), and 'Manufacturing' (11%). The percentages are also similar to the regional and national percentages.

<sup>8</sup> Office for National Statistics, 2022. NOMIS: Labour Market Profile – St Helens. ONS. [Online].

<sup>9</sup> Office for National Statistics, 2021. Annual Survey of Hours and Earnings (ASHE) Provisional Results. ONS. [Online].



Figure 1: Neighbourhood, Borough and Regional Total Employment by Industry %

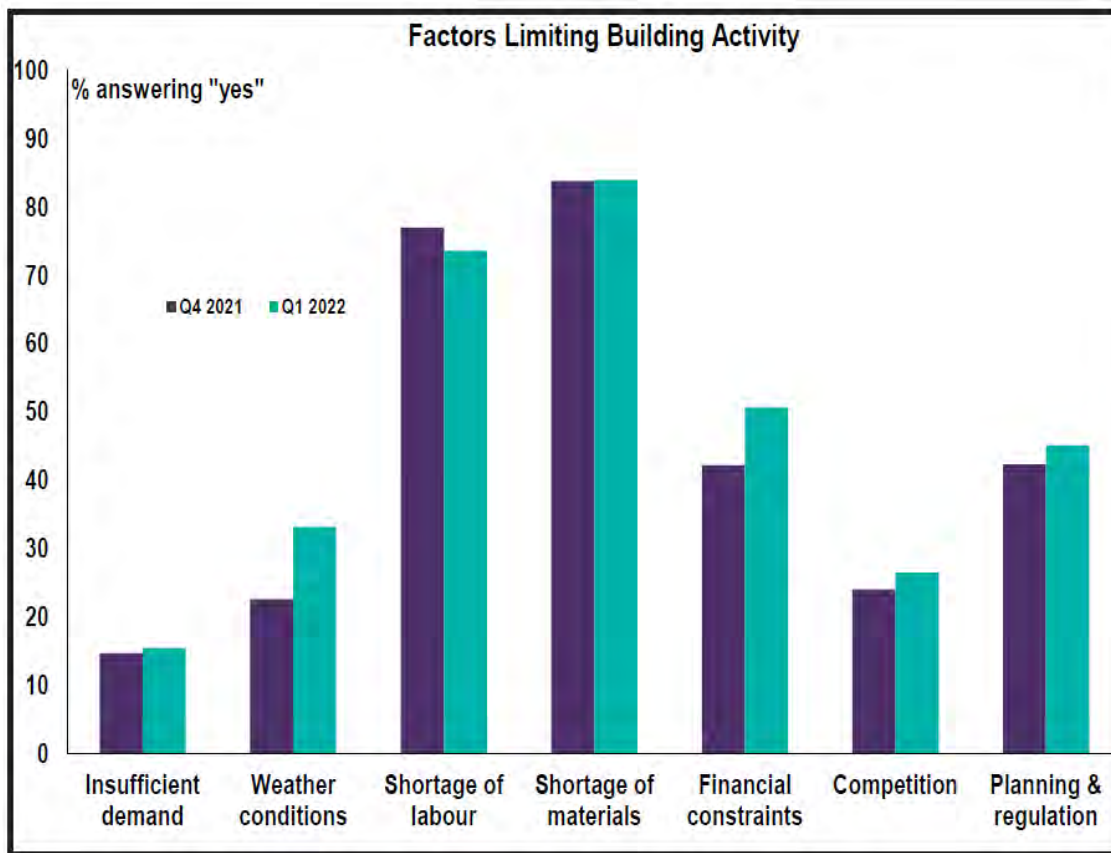


## Construction

2.19 The construction industry provides approximately 7% of employment in the local authority. The Royal Institute of Chartered Surveyors (RICS) produces a quarterly Construction and Infrastructure Monitor.<sup>10</sup> From the first quarter of 2022, results have shown workloads are continuing to grow firmly across the industry with expectations for the next twelve months still solid. This is despite both the heightened macro challenges, as interest rates begin to move upwards, and the more specific ongoing issues around securing sufficient supply of key building materials and skilled labour. Although workloads are continuing to grow at a healthy rate, the significant impediments to delivering on development programmes remain in place. From the latest survey is clear that the sourcing of materials and labour are still very relevant issues for businesses in the industry (refer to Figure 2).

<sup>10</sup> Royal Institute of Chartered Surveyors, 2022. UK Construction & Infrastructure Monitor. RICS.

Figure 2: Factors Limiting Building Activity



## Community Infrastructure

### Educational Facilities

2.20 The school data analysis excludes privately funded schools, special educational needs (SEN) schools, pupil referral unit (PRU) schools and schools which are outside of SHMBC, due to common restrictions on admissions policies.

#### Primary

2.21 As shown in Table 2, there are seven primary schools that are within one mile of the application site<sup>11</sup>. The nearest of which is Holy Cross Catholic Primary School, which is located approximately 0.28 miles north-east of the application site.

2.22 The most recent publicly available data for the academic year 2020/2021<sup>12</sup> indicates that for those primary schools within a one mile radius of the application site there is a net surplus capacity of 155 primary school places.

<sup>11</sup> GOV.UK, 2022. Find and compare schools in England. GOV. [Online].

<sup>12</sup> Department for Education, 2022. School Capacity and Forecast 2020/2021. DfE. [Online].

**Table 2: Primary School Capacity within One Mile of the Site**

Reference	Primary School Name	Postcode	Distance (Miles)	School Places	Number on Roll	Net Capacity
1	Holy Cross Catholic Primary School	WA10 1LN	0.28	205	160	45
2	Parish Church of England Primary School, St Helens	WA10 1LW	0.37	210	200	10
3	St Mary & St Thomas' CofE Primary School	WA10 2HS	0.44	210	195	15
4	Merton Bank Primary School	WA9 1EJ	0.76	210	193	17
5	Allanson Street Primary School	WA9 1PL	0.97	420	408	12
6	Queen's Park CofE/Urc Primary School	WA10 4NQ	0.95	420	392	28
7	St Teresa's Catholic Primary School, Devon Street	WA10 4HX	0.97	210	182	28
Total						155

2.23 The forecast data up to academic year 2023/2024 shows that within the three relevant primary planning areas (Eccleston & Windle Primary, Parr Primary and Town Centre & Fingerpost Primary) there is a planned increase in 270 primary school places.

### Secondary

2.24 As shown in Table 3, there are five secondary schools located within two miles of the application site<sup>11</sup>. The nearest of which is Cowley International College, which is located approximately 1.17 miles north-west of the application site. It should be noted that St Helens College has been excluded from the assessment as it is a general further educational college that offers vocational teaching.

2.25 The most recent publicly available data for the academic year 2020/2021<sup>12</sup> indicates that for those secondary schools within a two mile radius of the application site there is a net surplus capacity of 510 secondary school places.

**Table 3: Secondary School Capacity within Two Miles of the Site**

Reference	Secondary School Name	Postcode	Distance (Miles)	School Places	Number on Roll	Net Capacity
1	Cowley International College	WA10 6PN	1.17	1,610	1,528	82
2	St Augustine of Canterbury Catholic High School	WA11 9BB	1.24	750	566	184
3	De La Salle School	WA10 4QH	1.48	1,200	1,198	2
4	St Cuthbert's Catholic High School	WA9 3HE	1.49	920	894	26
5	The Sutton Academy	WA9 5AU	1.73	1,550	1,334	216
Total						510

2.26 The forecast data up to academic year 2023/2024 shows that within the two relevant secondary planning areas (Secondary East and Secondary West) there is no planned increase in secondary school places.

**Healthcare Facilities**

- 2.27 Using the NHS website<sup>13</sup> (the national database for finding primary healthcare providers), ten General Practitioners (GP) surgeries have been identified within one mile of the application site. The identified GP surgeries are under the NHS St Helens Clinical Commissioning Group (CCG).
- 2.28 It should be noted that one GP surgery, Sandfield Medical Centre, closed in July 2021 and has therefore been excluded from the assessment.
- 2.29 Table 4 shows there is currently a surplus of 1,629 patient places within the local area. The identified GP surgeries have an average list size of 2,439 patients per GP<sup>14</sup>. This is above the benchmark of 1,800 patients per GP, commonly used in healthcare planning and recommended by the Healthy Urban Development Unit (HUDU)<sup>15</sup>.

**Table 4: GP Surgeries within One Miles of the Site—Patient List Size and Capacity**

Reference	GP Surgery Name	Practice Code	Distance (miles)	Patients on List	No. GPs (FTE)	Ratio Patients/GP	Capacity
1	Hall Street Medical Centre	N83017	0.2	4,981	6.29	791	6,347
2	Phoenix Medical Centre	N83006	0.3	3,569	1.87	1,912	-209
3	Mill Street Medical Centre	N83012	0.3	10,580	10.45	1,012	8,236
4	Central Surgery	N83027	0.4	6,661	2.48	2,686	-2,197
5	Ormskirk House Surgery	N83003	0.4	7,384	2.77	2,663	-2,392
6	Newholme Surgery	N83637	0.4	3,390	1.01	3,345	-1,566
7	Dr Momosir Ali (Listed as Parkfield Surgery)	N83026	0.4	2,572	1.73	1,484	548
8	Lingholme Health Centre	N83007	0.5	2,674	1.23	2,180	-466
9	Atlas Medical Centre (Formerly Park House, Holly Bank and Cornerstone Surgery)	N83023	0.5	12,452	4.77	2,609	-3,860
10	Bethany Medical Centre	N83054	0.9	4,108	0.72	5,706	-2,812
<b>Total</b>							<b>1,629</b>

<sup>13</sup> National Health Service, 2021. NHS – Find GP Services [WA10 1BD]. NHS. [Online].  
<sup>14</sup> National Health Service, 2022. NHS Digital – General Practice Workforce [May 2022]. NHS. [Online].  
<sup>15</sup> National Health Service, 2009. London Healthy Urban Development Unit Model and Planning Contributions Tool. London: NHS.

## Open Space & Playspace

- 2.30 In February 2021, SHMBC released an Open Space, Sport and Recreation Background Paper<sup>16</sup> which provided evidence for the Examination in Public of the St Helens Borough Local Plan 2020-2035. The paper summarises the current provisions of open space, sport and recreation facilities throughout the borough and works in conjunction with St Helens Open Space Assessment which was released in June 2016<sup>17</sup>.
- 2.31 In total there are 286 sites identified in the borough as open space provision. This is an equivalent of over 1,005 ha across the area<sup>16</sup>.
- 2.32 The key greenspaces within 1,000m of the site are as follows:
- Queens Park—This is located to the north-west of the application site. The park includes a children's play area and has multiple courts for basketball, football and tennis and an enclosed bowling green. There are large fields of greenspace as well as a memorial stone.
  - Victoria Park – This is also located to the north-west of the application site. It underwent major restoration which was completed in summer 2014. The 14 ha park includes multiple children's play areas, multi-use games area (MUGA) that provides facilities for basketball and a football pitch, multiple tennis courts and a skate park. There are large fields of green space as well multiple gardens and a wetland habitat area.
- 2.33 The Open Space Assessment (2016) concludes that overall the borough is meeting the 0.8 ha per 1,000 population quantity standard suggested for parks and gardens, with the borough containing 135 ha of greenspace including 16 park and garden sites. In addition, as all parks are assessed as being of high value and easily accessible to a wide proportion of the borough's population this has enabled high social inclusion and health benefits, ecological value and a sense of place to be achieved.
- 2.34 It should be acknowledged that even though there is a large provision of open space, sport and recreation facilities across the borough, the Open Space Assessment (2016) indicates that the current provision of some open space typologies is below recommended standards and deficiency and surplus regarding the provision of open space typologies in relation to recommended standards differs between each ward within the borough<sup>16</sup>.
- 2.35 The Moss Bank & Town Centre ward study area is deficient in parks and gardens and amenity greenspace provision, and slightly deficient in children and young people facilities provision.

## Crime

- 2.36 Crime imposes economic costs, reinforces social exclusion and can hasten the environmental decline of neighbourhoods, as fear of crime can make people reluctant to walk, use public transport, or go out after dark; and can be a cause of mental distress and social exclusion. In particular, women and older people tend to worry more about becoming victims and this may prevent them from engaging in social activities<sup>18</sup>.
- 2.37 Not everyone is at equal risk of becoming a victim of crime. People who suffer from poor health are more likely to be victims of crime than those in good health<sup>19</sup>. However, this may be because of the association of disadvantage with victimisation and poor health, rather than poor health causing victimisation. Young men, as well as being the most common perpetrators of crime, are also the most likely victims of street crime,

<sup>16</sup> St Helens Borough Council, 2021. Open Space, Sport and Recreation Background Paper, February 2021. SHMBC.

<sup>17</sup> St Helens Council, 2016. Open Space Assessment Report, June 2016. Knight Kavanagh & Page.

<sup>18</sup> Public Health England, 2011. Indicator 4.4 – Number of domestic burglaries recorded per 1000 households. London: LHO.

<sup>19</sup> Victim Support & Mind, 2013. At risk, yet dismissed. London: Victim Support & Mind

especially physical assaults<sup>20</sup>. Older people, especially women, are more likely to be victims of theft from the person, with much acquisitive crime, such as shoplifting and burglary, committed by drug-misusing offenders.

2.38 Studies have shown that perceived dimensions of neighbouring, such as neighbourhood attachment and annoyance, are influenced by the environmental attributes of the neighbourhood, such as surveillance, visual appearance and dwelling density<sup>21</sup>. Thus, socio-economic characteristics of the occupants and the physical form of the environment can affect neighbourhood problems and by extension site users' perceptions and attitudes towards crime.

2.39 Table 5 provides a summary of reported crime types in the St Helens police force area between June 2021 and May 2022, of which there were 22,292 reported crimes in total<sup>22</sup>. The most common type of reported crime in the local area is violence and sexual offences (40.6%), with public order (14.0%) and anti-social behaviour (11.8%) being the second and third most common respectively.

**Table 5: Recorded Crime Types at Neighbourhood Level (between June 2021 and May 2022)**

Crime Types	Total	Percentage
Violence and sexual offences	9,054	40.6%
Public order	3,120	14.0%
Anti-social behaviour	2,626	11.8%
Criminal damage and arson	2,001	9.0%
Vehicle crime	1,005	4.5%
Shoplifting	967	4.3%
Other theft	913	4.1%
Drugs	845	3.8%
Burglary	772	3.5%
Other crime	437	2.0%
Possession of weapons	151	0.7%
Theft from the person	166	0.7%
Bicycle theft	140	0.6%
Robbery	95	0.4%
Total	22,292	100.0%

2.40 The online police crime map for the police force area shows reported 2,051 crimes in April 2022<sup>22</sup>. Of these crimes, 146 were reported in the immediate vicinity of the site.

<sup>20</sup> Health & Social Care Information Centre, 2014. Indicator 4.2 – Number of vehicle crimes recorded per 1000 population. London: HSCIC.

<sup>21</sup> Marzbali, M., et al. The influence of crime prevention through environmental design on victimisation and fear of crime. Journal of Environmental Psychology.

<sup>22</sup> Police UK, 2021. What's happening in your area? [WA10 1BD] [Online]. Police.UK.

2.41 The crime rate reported for the local police force area in May 2021 is 35 crimes per 1,000 residents which is high compared to both the borough (10 per 1,000 residents) and sub-region (9 per 1,000 residents).<sup>23</sup>

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<sup>23</sup> Merseyside Police, 2021. What's happening in your area? [WA10 1BD] Police.UK. [Online].

# Thank you

For more information contact:

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## Appendix IJ11

St Helens Unitary Development Plan, 2007 (extracts)

**ST. HELENS UNITARY  
DEVELOPMENT PLAN**

**(Originally Adopted by St. Helens  
Metropolitan Borough Council  
on 2nd July 1998)**

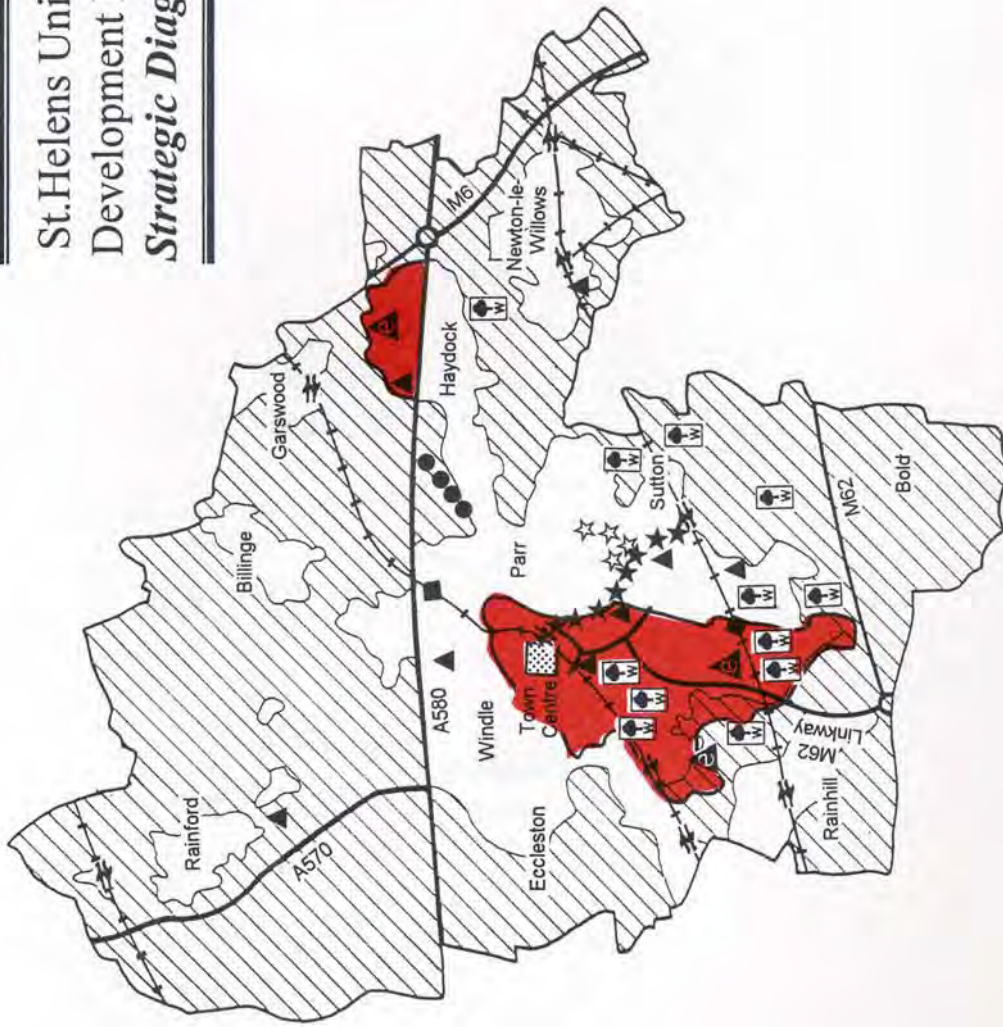
**As Amended by a Direction from the Secretary of State for Communities  
and Local Government under Paragraph 1(3) of Schedule 8  
to the Planning and Compulsory Purchase Act 2004.**

**27th September 2007**

**R. C. Hepworth,  
Director of Urban Regeneration & Housing,  
St. Helens Metropolitan Borough Council,  
The Town Hall,  
Corporation Street,  
St. Helens,  
Merseyside,  
WA10 1HP.**

# St. Helens Unitary Development Plan Strategic Diagram

	All Purpose Trunk and Motorways
	Proposed Strategic Road
	Existing Railway Line
	Proposed Railway Line
	Existing Railway Station
	Proposed Railway Station
	St. Helens Town Centre
	Priority Area for Economic Development
	Strategic Economic Development Site
	Other Economic Development Sites (over 5ha in size)
	Industrial Site Proposed for De-allocation
	Green Belt
	Key Site for Woodland Planting



- 1.9 The UDP's contribution will be through a number of land use based policies, including environmental improvements, transport infrastructure and the provision of an adequate supply of land and premises to ensure:
- (i) existing industrial and commercial undertakings are not constrained when seeking to relocate or expand in the Borough;
  - (ii) new start-up businesses can be accommodated;
  - (iii) the attraction of inward investment to the Borough.
- 1.10 The Southern Corridor, focusing on the M62 Link Road, and the existing Haydock Industrial Estate will be targeted as priority areas for new industrial development.
- 1.11 The protection and enhancement of the environment is necessary in its own right and in order to:
- (i) complement initiatives to regenerate the local economy;
  - (ii) provide an attractive, safe and healthy living and working environment for the Borough's residents;
  - (iii) give visitors to St. Helens a favourable impression;
  - (iv) respond to the national commitment expressed through "This Common Inheritance" and the UK Strategy for Sustainable Development.
- 1.12 Policies include:
- (i) reclamation of derelict land, with particular emphasis on:
    - (a) reclamation for development purposes;
    - (b) the creation of new woodland which will contribute to the Mersey Forest, with a target figure of 400 ha by 2001;
    - (c) treatment of contaminated sites;
  - (ii) concentrating improvements along major transport corridors, in and around St. Helens Town Centre, and, in run-down residential areas, including Sutton Village;
  - (iii) the protection of the Borough's environmental assets, including its:
    - (a) ecological resources
    - (b) archaeological heritage;
    - (c) trees and woodlands;
    - (d) green spaces:

which all contribute to the character and quality of life in St. Helens;

- (iv) ensuring land use based policies contribute to reducing waste production and the promotion of waste recycling.
- 1.13 While the Plan seeks to raise environmental standards throughout the Borough, priority attention and available resources will be targeted at the following areas:
- (i) an area of degraded landscape stretching south from St. Helens town centre, between Rainhill and Thatto Heath/Sutton Manor; north of the M62 and south of Clock Face and Sutton; between Newton-le-Willows and Haydock; and to the south and east of Newton-le-Willows. This is the core area for landscape restoration through woodland planting;
  - (ii) the enhancement of the major transport corridors;
  - (iii) the St. Helens Canal Corridor;
  - (iv) St. Helens Town Centre;
  - (v) the Borough's run-down residential areas.
- 1.14 Approximately 50% of the Borough's area is countryside which will be protected. Most of this area is Green Belt and much is under pressure from the built-up areas. A balance will be sought to encourage greater recreational use while at the same time protecting agricultural land, farming activities and the appearance and amenities of the countryside.
- 1.15 The Council's Housing Strategy is directed towards meeting the needs of the community, encouraging the provision of better housing and ensuring an attractive residential environment. This general aim is to be achieved by:
- (i) improvement and repairs of the Borough's public and private housing stock;
  - (ii) improving the quality of the residential environment by providing better pedestrian and vehicular access and improved play facilities;
  - (iii) effective targeting of resources to alleviate housing stress and need;
  - (iv) dovetailing housing association and private sector development of Council owned land with the Council's own housing investment.
- 1.16 Particular emphasis will be placed on securing progress towards providing affordable housing which is relevant to the needs of the Borough's population.

## ***PLAN OBJECTIVES***

### ***Urban Regeneration***

- 01 To direct new development toward the established urban areas, encourage the redevelopment of outworn infrastructure and maximise opportunities to use public transport.

## 4. A CORPORATE VIEW

4.1 The Unitary Development Plan has been prepared within the context of wider Council strategies and programmes and provides, where appropriate, the planning dimension.

4.2 The major strategies with a planning dimension are briefly summarised below.

### *Economic Strategy*

4.3 In 1986 the Council reviewed existing policies in response to a range of economic problems and identified an Action programme with three broad aims:

- (i) to provide and encourage education and training for perceived needs;
- (ii) to intervene to develop a broader based economy;
- (iii) to take account of the need to encourage and retain industrial and commercial undertakings in the way the Council carries out its other activities.

The Strategy has been used as the basis for the Economic Development Plan for St. Helens required by the Local Government and Housing act 1989.

4.4 The implementation of the strategy has taken a number of forms. Attention is given to the way in which activities and services of the Council relate to economic development in one way or another, eg. the need for executive housing, support for community initiatives, planning control, education and housing. The Council is extending the range and quality of advice and assistance to businesses. A major aim is to broaden the economic base and at the same time to tackle the environmental problems of the Borough, thus improving its image and making it a more attractive place for business investment.

The strategy focuses on three critical initiatives:

- (i) Ravenhead Renaissance Limited;
- (ii) the M62 Link Road and associated development opportunities;
- (iii) St. Helens Technology Campus.

#### **(i) *Ravenhead Renaissance***

4.5 Ravenhead Renaissance Limited is a private company limited by guarantee and established in 1987. The initiative to establish this partnership of public and private sector interests was taken by the Council to provide a co-ordinated mechanism to secure the regeneration of the Ravenhead area for the wider benefit of the Borough as a whole.

4.6 The partnership has had considerable success in securing private sector funding and government grant to enable the reclamation of land for retail, residential and hotel developments and to refurbish the Town Centre. The mechanism, which has the

particular advantage and strength of local commitment, is expected to continue during the Plan Period as an essential component of economic regeneration. Ravenhead Renaissance administers the Single Regeneration Budget funds for the Southern Corridor and Newton 21.

**(ii) M62 Link Road**

4.7 The M62 Link Road, linking St. Helens Town Centre with Junction 7 of the M62 motorway at Rainhill, was designed to fulfil the following objectives:

- (i) facilitate improved accessibility between the Town Centre and the motorway network;
- (ii) promote the economic regeneration of St. Helens;
- (iii) assist in the redevelopment of vacant, derelict and underused sites;
- (iv) maintain and enhance the commercial viability of St. Helens Town Centre;
- (v) provide improved access to existing and proposed industrial areas;
- (vi) reduce the conflict and environmental impact of heavy traffic within residential areas, reduce traffic delays and reduce accidents.

4.8 The road, which was opened in 1994, generates a number of development opportunities and other planning issues in the Southern Corridor. These are considered in the UDP.

**(iii) St. Helens Technology Campus**

4.9 The Campus is being developed on a former glassworks site to the north of the Town Centre. A facility has been created on one site where existing and new innovative enterprises will be encouraged to locate and develop in an environment conducive to business development as a direct result of the wide range of training and research facilities available to those enterprises.

4.10 The broad objectives of the Campus are:

- (i) to encourage new innovative industries to develop in St. Helens;
- (ii) to provide employment in new industries for local people.
- (iii) to provide an area where such industries can develop, using the excellent facilities offered by the main training organisations in St. Helens;
- (iv) to publicise, promote and realise the full potential of the training facilities available in the Borough;
- (v) to promote the interchange of ideas between academics and new innovative enterprises;
- (vi) to encourage the commercial development of research findings and to promote technology transfer.

## Appendix IJ12

St Helens Town Centre Regeneration, Consultation Statement, Lexington (January 2022)





# St Helens Town Centre Regeneration

Consultation Statement  
January 2022

## Contents

	Section	Page
1.0	Overview	2
2.0	Planning Policy and Guidance	3
3.0	Consultation Programme	4
4.0	Feedback Received	9
5.0	Response to Feedback	34
6.0	Conclusions	42
	Appendix A – Consultation Posters	<a href="#">43</a>
	Appendix B – Social Media adverts	<a href="#">44</a>
	Appendix C – Press release	<a href="#">48</a>
	Appendix D – Media Coverage	<a href="#">50</a>
	Appendix E – Consultation Website	<a href="#">53</a>
	Appendix F – Exhibition Boards	<a href="#">60</a>
	Appendix G – Shape Tomorrow Map	<a href="#">66</a>
	Appendix H – PLACED report	<a href="#">67</a>
	Appendix I – Feedback	<a href="#">78</a>

## 1.0 Overview

This Consultation Statement has been prepared by Lexington on behalf of St Helens Borough Council (the Council) and the English Cities Fund (ECF) relating to public and stakeholder consultation undertaken to inform St Helens Town Centre Masterplan Development Framework (MDF).

The draft MDF sets out the Council's vision for a once in a generation opportunity to regenerate St Helens Town Centre. The proposals have been prepared to deliver radical transformation and to establish a St Helens that is culturally centred to deliver a range of long-lasting economic, social, and environmental benefits that will positively impact the wider borough.

The draft MDF includes:

- Phase 1 development proposals
- Delivery of a new and extended bus station;
- Creation of the new Gamble Square;
- Extensive demolition of the Hardshaw Centre;
- A new Grade A office designed to the highest sustainable standards;
- A 120+ bed branded hotel;
- A new modern market hall, incorporating food and beverage stalls;
- New homes, including apartments and townhouses;
- New retail units;
- Extensive public realm linking the new development to the rail station, bus station and Church Square.

The Council and ECF commissioned a series of communications and engagement exercises to inform local stakeholders and residents of the proposals and collect feedback. The Council, ECF and the wider team have subsequently considered this feedback to inform the final MDF. Feedback received will also be considered in developing future planning applications.

This Consultation Statement outlines the extensive consultation with the community and stakeholders, a summary of the feedback received, and the development team's response to commonly raised themes. There have been minor changes made to the Masterplan Development Framework in response to the public and stakeholder consultation.

## 2.0 Policy and context

### 2.1 St Helens Borough Council Policy

Early engagement with communities, local authorities and statutory consultees can bring several benefits in the planning process. Against this background, the Council, ECF and the development team have sought to consult with interested parties in adherence with Council policy, as well as industry best practice.

St Helens Borough Council: Statement of Community Involvement (2013)

The Council's adopted Statement of Community Involvement (SCI) outlines its policy regarding engagement with the local community. The SCI calls for engagement with those who will and might be affected in several ways and recommends the following methods:

- Press releases or public notices in the local media;
- Deposit of documents in public spaces;
- Distribution of public posters;
- Letters to stakeholder groups; and
- Public events.

Statement of Community Involvement Addendum (2021)

The Council adopted a temporary addendum to the SCI in response to the COVID-19 pandemic. It set out how the Council will consult during and how the Council will try to overcome anticipated obstacles, predominantly by supplementing traditional consultation channels with digital methods, such as social media.

Community Engagement Strategy 2021 – 2026

The Community Engagement Strategy 2021-26 aims to support strong, active, and inclusive communities who can influence and shape the borough of St Helens. The strategy is aligned to the St Helens Borough Strategy, which set out the council's vision to work together for a better borough with people at the heart of everything it does.

### 2.2 Consultation context

The Council launched a public consultation to gain comments on two proposed schemes:

- St Helens Town Centre Regeneration Masterplan Development Framework
- Earlestown Town Centre Regeneration Masterplan Development Framework

Both consultations ran over one overarching consultation period, with some shared consultation materials. As such, some combined feedback was submitted and has been decoupled for this report.

## 3.0 Consultation Programme

### Public consultation

#### 3.1 Initial Publication of the draft MDF and early engagement

St Helens Borough Council Cabinet approved the draft MDF for public consultation at a meeting on Wednesday 20 October 2021. In accordance with Council procedure, the draft MDF was circulated in the Cabinet meeting papers on Tuesday 12 October 2021 (a week ahead of the meeting).

As this milestone made the draft MDF publicly available, a website ([www.sthelenstowncentre.co.uk](http://www.sthelenstowncentre.co.uk)) was launched to provide information about the vision and plans for consultation. The website included information about the draft Development Framework, downloadable links, the approval process, and the consultation launch date - Monday 1 November 2021. To raise publicity and advertise the website, a press release was issued to St Helens Star, Liverpool Echo, Place North West and North West Business Desk.

Following the Cabinet's decision to approve the draft Development Framework on Wednesday 20 October 2021, the website was updated to confirm that consultation would launch on Monday 1 November 2021. A dedicated email address and telephone number were provided on the website for interested parties. As the draft Development Framework was available on the website, some residents and stakeholders provided feedback before the official launch of the consultation. This feedback has been included within 4.0 Feedback Received and 5.0 Response to Feedback.

#### 3.2 Public consultation launch and publicity

The public consultation was officially launched on Monday 1 November 2021 and ran until Monday 13 December 2021, for a total of 6-weeks. Publicity included information about the St Helens Town Centre regeneration consultation, as well as the Earlestown Town Centre regeneration consultation. The consultation period invited comments from the local community and stakeholders on the draft MDF. To ensure the consultation process was accessible to all interested parties and groups in the area, several methodologies were employed, as detailed below:

##### Posters and print publicity

A series of posters were displayed in key locations across the borough to publicise the launch. The posters included a link to the consultation website, as well as a QR code which residents and stakeholders could use to access the website more easily. A copy of the poster can be seen in Appendix A.

Posters were also shared with Arriva, the main bus operator in St Helens. Arriva displayed the posters on all routes servicing the borough.

##### Social Media

# St Helens Town Centre Regeneration

January 2022

A suite of social media adverts was issued to residents living within the Council area, directing people towards the consultation website. These adverts were viewed by 28,991 people 52,769 times. Images of the adverts can be found in Appendix B.

In addition to paid advertising, the consultation was also publicised via the following:

- Posts were made on the official Council Facebook and Twitter pages to drive traffic to the consultation website and to seek the views of followers.
- A number of other local stakeholders, including the Leader of the Council and the Deputy Leader posted on their Facebook and Twitter pages to achieve the same aim.
- Posts on these channels achieved a total reach of 327,309.

The posts received mixed comments, with many happy to see plans proposed, even if they were sceptical of what the end product would look like.

## Media

One day before the start of the public consultation, a press release was issued to the local newspapers covering the site, namely the St Helens Star and Liverpool Echo. The plans were covered by the St Helens Star online and in the physical edition. A copy of the press release can be found in Appendix C and the coverage of the press release, which included details of the public exhibition, can be found in Appendix D.

## 3.3 Website

The website ([www.sthelenstowncentre.co.uk](http://www.sthelenstowncentre.co.uk)) was the main hub for the consultation and was updated to include more in-depth information about the draft MDF, as well as details of all the ways to provide feedback, including a dedicated feedback form. Images of the website can be found in Appendix E. A breakdown of the feedback received via the feedback form can be found in Section 4.0 Response to Feedback.

During the consultation feedback period, the website received 15,711 visitors and 25,499 page views.

## Virtual Exhibition

In light of the impacts of the pandemic, and in line with Council guidance regarding the impacts of COVID-19, a virtual exhibition was hosted on the website to allow those who did not feel comfortable attending a physical event. The virtual exhibition simulated the experience of being in a public drop-in session, as the online functionality allowed users to navigate through a series of exhibition boards set against the backdrop of a consultation venue. The exhibition boards can be seen in Appendix F.

Attendees were able to email or call the development team directly should they have any questions on the virtual exhibition.

## Shape Tomorrow – Feedback Map

In addition to the feedback form, a feedback map was hosted on the website. This allowed users to drop pins onto the town centre, which was overlaid with an image of the proposed

# St Helens Town Centre Regeneration

January 2022

Phase 1 Masterplan. Users were able to comment on either the town centre as it currently stands, or the proposed changes. Images of the website can be seen in Appendix G.

## 3.4 Feedback channels

Written feedback – email and letter

The dedicated email address, [sthelens@havingyoursay.co.uk](mailto:sthelens@havingyoursay.co.uk) was established on Tuesday 12 October 2021 and remained active throughout the consultation period. The email address was publicised on the website.

Respondents were also able to provide written feedback and return completed printed questionnaires to Freepost, YOURVOICECOUNTS, St Helens Council, WA10 1HP.

Community Information Line

The community information line, 0333 358 0502, was established at the beginning of the consultation and provided an opportunity for residents and stakeholders to speak to a member of the development team directly. The number publicised was in correspondence with residents and stakeholders, as well as on the project website.

Comments Book

The comments book was on hand during the week-long public exhibition in St Helens town centre. It provided an opportunity to capture the sentiment of those who visited the room but did not wish to complete a feedback form.

A breakdown and analysis of all feedback channels can be found in 4.0 Feedback Received.

## 3.5 Public Exhibitions

St Helens Town Centre Exhibition

During the consultation period, the development team hosted numerous public facing events to encourage the maximum amount of engagement possible.

This included a week-long public event in the former Phones4U at 12 Church Street, St Helens in the town centre. The exhibition began on Monday 8 November 2021 and ended on Sunday 14 November 2021. The unit was open 10am – 6pm Monday to Friday, 10am – 4pm on Saturday and 10am – 2pm on Sunday.

The exhibition space hosted a series of exhibition boards, which were also available at the virtual exhibition on the website. A 3D model of the town centre was hosted in the centre of the room, and a television displaying a CGI fly-through of the proposed new town centre was played alongside a series of talking heads videos including the Leader of the Council, Cabinet Member for Planning and Regeneration and the Regional Director of Muse, one of the partners within ECF.

The exhibition was operated by representatives from the Council and ECF throughout the week. In addition, three 'Meet the Development Team' sessions were organised for 2pm – 6pm on

## St Helens Town Centre Regeneration

January 2022

Tuesday 9 November, 2pm – 6pm on Thursday 11 November and 10am – 2pm on Saturday 13 November. These sessions were attended by members of the development team, including architects, engineers, highways and public realm designers for example.

During the week, approximately 300 people visited the exhibition space in St Helens town centre.

### Pop Up Events

In addition to the event in St Helens town centre, a series of pop-up events were scheduled across the Borough. The events took place at the following dates and times:

- Monday 22 November – 11am – 2pm – St Helens College foyer
- Monday 22 November – 3:30pm – 5:00pm – Newton-le-Willows Health & Fitness
- Tuesday 23 November – 10am – 1pm – Chester Lane Library
- Tuesday 23 November – 2pm – 5pm – Asda Supermarket
- Wednesday 24 November – 10am – 1pm – St Helens Library
- Wednesday 24 November – 6pm – 8:30pm – Opera Bingo
- Thursday 25 November – 10am – 1pm – Tesco's Supermarket, Earlestown
- Thursday 25 November – 2pm – 5pm – Newton-le-Willows Library
- Friday 26 November – 9:30am – 12:00pm – Queens Park Health & Fitness
- Friday 26 November – 2pm – 5pm – Tesco's Supermarket
- Friday 26 November – 6pm – 8:30pm – Cineworld
- Monday 29 November – 3pm – 6pm – Rainford Library
- Tuesday 30 November – 10am – 1pm – Thatto Heath Library
- Tuesday 30 November – 2pm – 5pm – Rainhill Library

A trailer was also hired to attend the St Helens Christmas Light Switch On event which took place on Saturday 27 November 2021 (unfortunately the light switch on was cancelled on the day due to bad weather).

### Feedback forms

Printed feedback forms were available at the public events, as well as a feedback book. Attendees were encouraged to fill in a feedback form on the day or take them away alongside a freepost envelope addressed to the Council. For those who were not willing to complete the feedback form, the feedback book provided an opportunity to write a quick sentiment regarding the plans.

## 3.6 Stakeholder Engagement

### Early stakeholder engagement

Between Friday 1 October and Wednesday 20 October 2021 a series of stakeholder meetings were held to brief key parties on the draft MDF and answer any questions they had on the plans. This included engagement with all elected members of the Council.

In addition, all employees of the Council were informed about the plans via the regular internal bulletin which is issued to staff and frequent updates on the intranet.



# St Helens Town Centre Regeneration

January 2022

## Stakeholder consultation

The Council invited PLACED, a local social enterprise who specialise in community consultation, to deliver eight additional supporting events with key groups, specifically; young people, disabled people, older people, and young care leavers / social workers / foster carers. Most of these sessions were delivered in response to a specific expression of interest from local organisations who were keen for their groups to be consulted due to their specific needs. This engagement is summarised below, but the full report is available in Appendix F.

Overall, there was broad support for the proposals. People felt the Masterplan, as it stands, goes a long way to address some of the physical changes required to make the town centre more attractive places to spend time. In particular, adding high quality public spaces for people to come together was popular, such as the proposed Discovery Zone in St Helens.

Access to the town centre, and the experience on arrival, are key considerations. Traffic is a key issue in St Helens that people will need more detail on before being able to comment.

It was clear that there also needs to be a significant consideration to how certain groups, in particular disabled people, can use the town centre with a sense that more could be done. Ongoing and detailed conversation with these groups is recommended and will be embedded in the design process.

Many people across sessions felt it was a good idea to improve the link between the train and bus stations. It was noted that for young people with SEN, the joining of the two sites would help facilitate training the young people for independent travel.

There was an acknowledgement that the hotel and new offices would offer the potential for job opportunities, with respondents wanting these jobs to be available to local people.

Several factors highlighted in this report, such as the type of shops and leisure facilities are outside of the scope of the Masterplan itself. However, there was a clear sense from all groups that there does need to be significant work to bring in private investment and community focused services that together create town centres that people see as destinations, and places that people will choose to visit and spend time, over others in the region.

## 4.0 Feedback Received

### 4.1 Summary of Feedback

In total, 248 individual submissions were received during the public consultation.

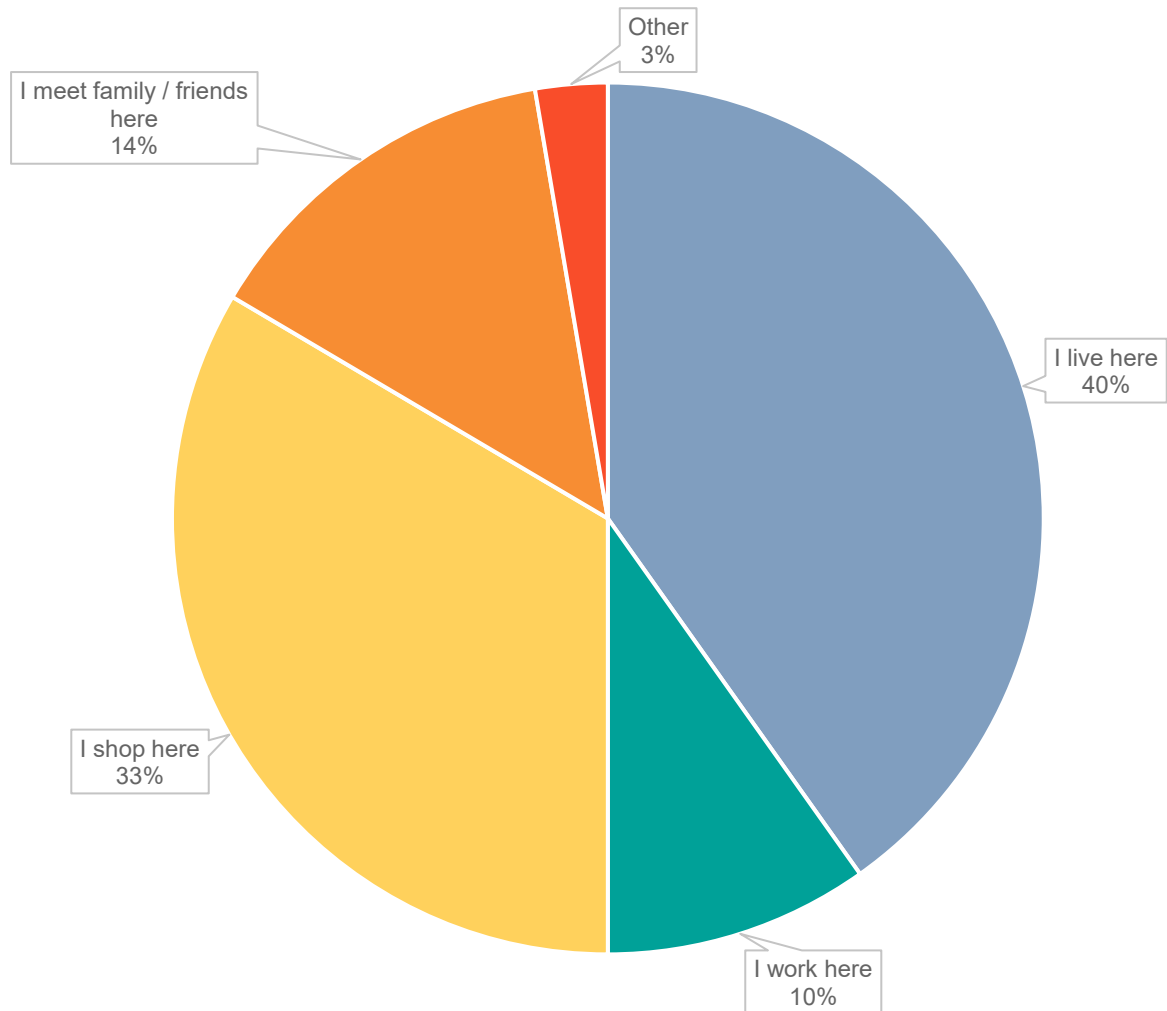
Feedback type	Amount	Overview / Analysis
Email and letter feedback*	26	This feedback was largely supportive, with some queries relating to the future provision of car parking, green spaces and the desire to see pedestrians prioritised.
Community Information Line feedback*	1	Enquiry about new jobs
Shape tomorrow: feedback map comments*	41	Many respondents submitted feedback which focused on how to retain and enhance the natural environment within the town centre, such as retaining existing trees, encouraging 'green walls' and the inclusion of play equipment in the open spaces. Some respondents queried the future provision of car parking in the town centre. Additionally, several respondents expressed a desire to see the town centre easier to move around as a pedestrian or cyclist.
Comments book feedback*	34	These comments were overwhelmingly positive and respondents expressed their support for the proposals generally and specifically the ambitions to enhance the natural environment
Feedback Form**	146	See below

\* A full list of responses can be found in Appendix I.

\*\* Forms were either completed via the website or submitted in a physical format after being picked up at one of the physical events.

## 4.2 Breakdown of Feedback Forms

Question 1: What are your main reasons for visiting St Helens town centre

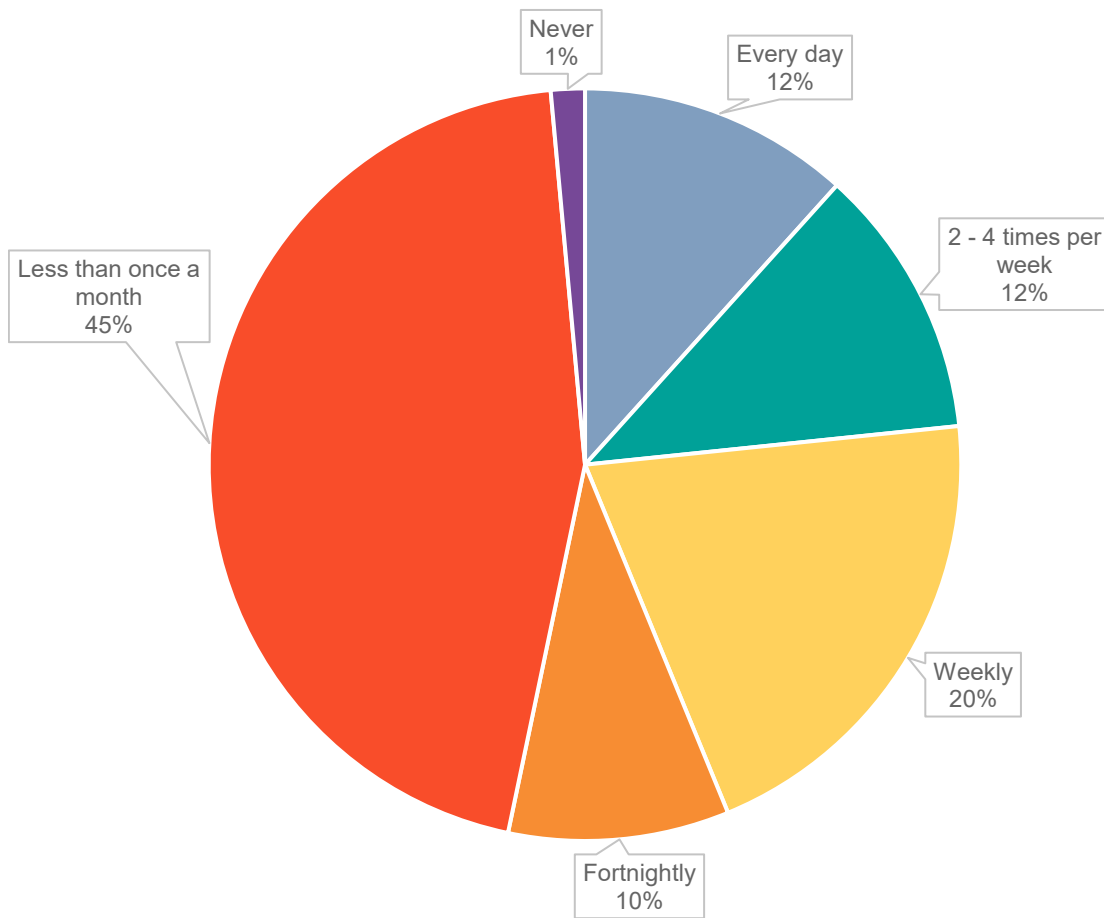


Other reasons for visiting St Helens town centre:

- Appointments (9 responses);
- Visit church (2 responses);
- Attends social activities (2 responses);
- Eat and drink (1 response); Does not visit (1 response);
- Day out with children (1 response);
- Very rarely visit the town centre (1 response);
- Buses are unreliable (1 response); and
- Walk through the park (1 response).

St Helens Town Centre Regeneration  
January 2022

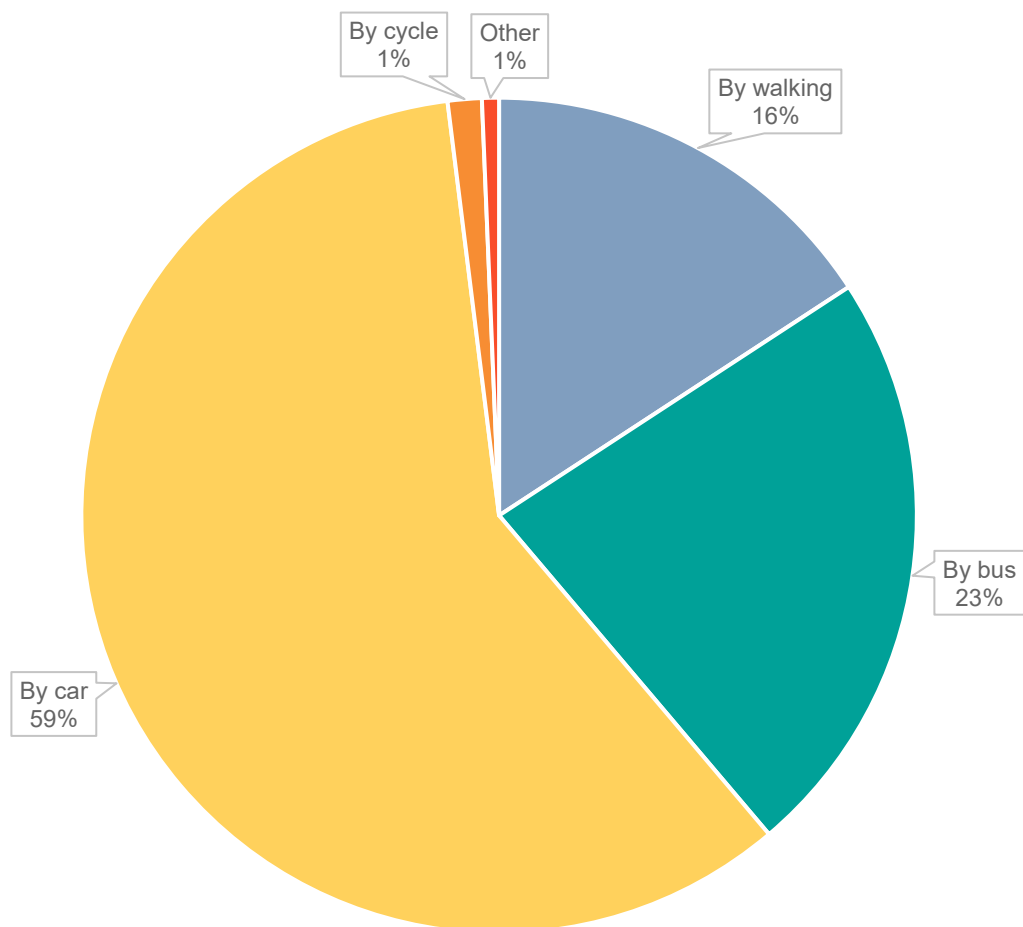
Question 2: How often do you visit St Helens town centre?



## St Helens Town Centre Regeneration

January 2022

Question 3: How do you usually access the town centre? (Please choose the method of travel you use most)

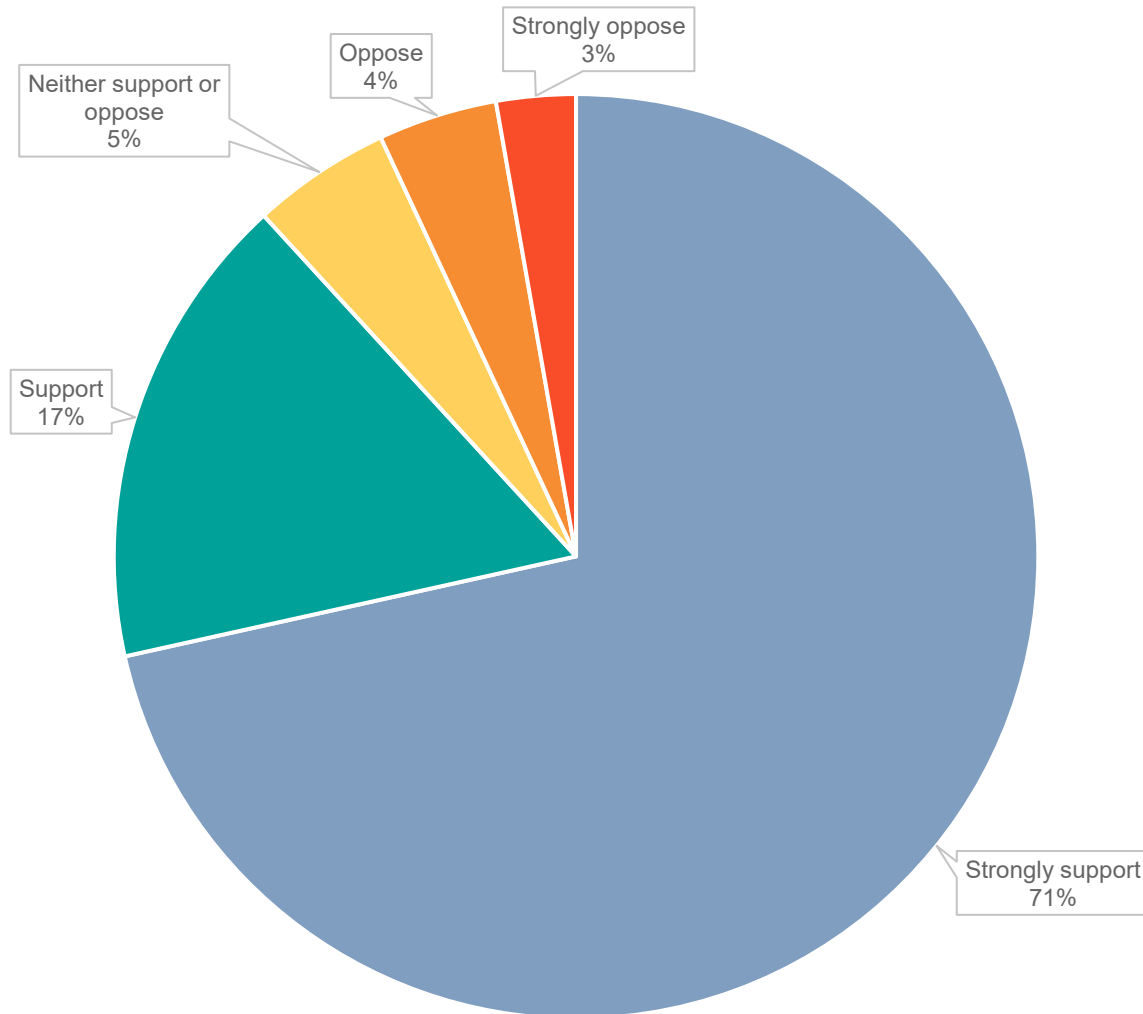


Other methods respondents access the town centre:

- Usually bus but car if it's late in the evening (1 response);
- Bus services are unreliable (1 response);
- Train services are poor (1 response);
- 'Spiritually' (1 response);
- Sometimes taxi (1 response); and
- Mersey link (1 response).

St Helens Town Centre Regeneration  
January 2022

Question 4: Do you support our ambition to transform St Helens town centre and deliver a new vibrant, accessible, and enjoyable space where people will want to live, work and visit?



# St Helens Town Centre Regeneration

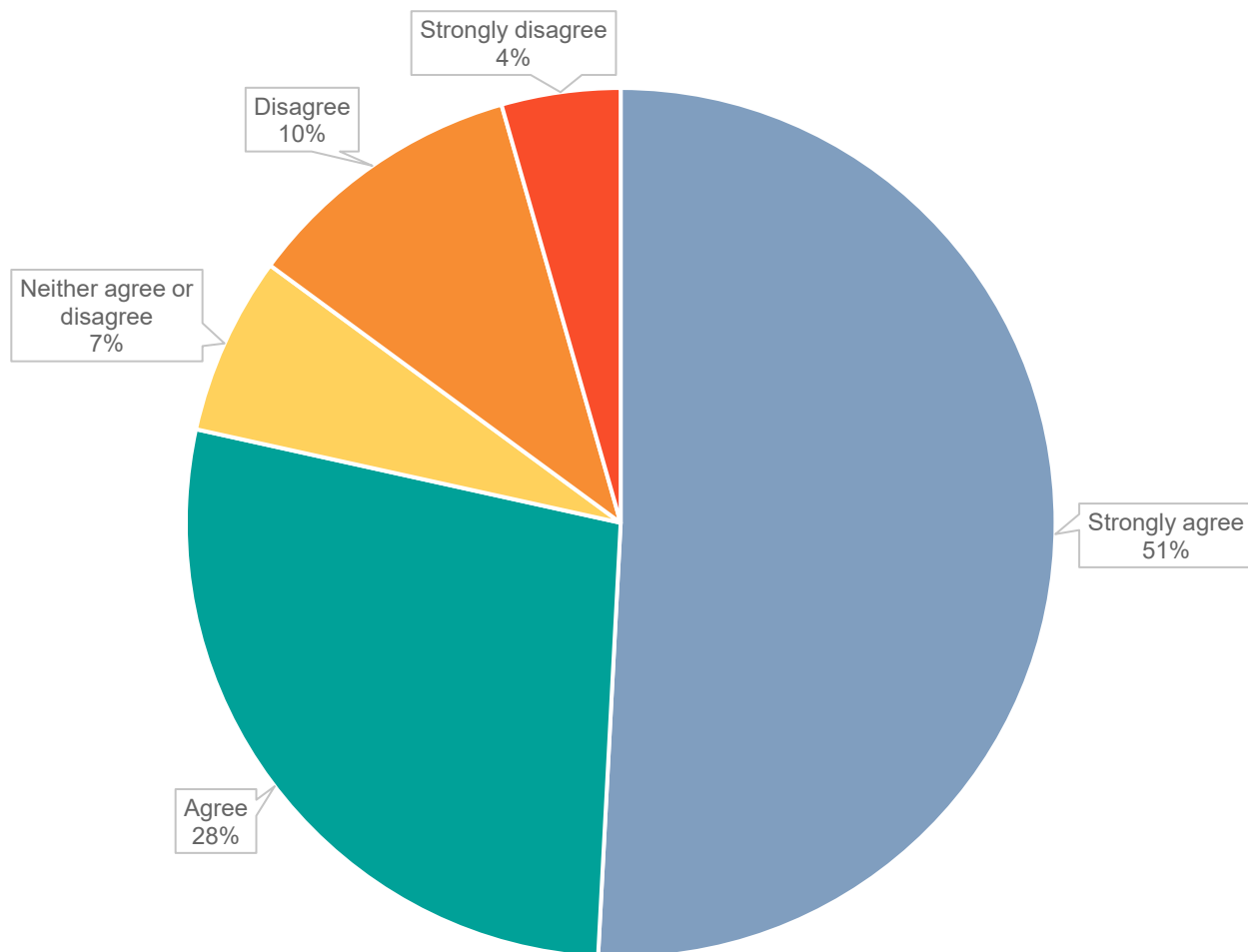
January 2022

Analysis of additional comments:

Theme	Total no. of respondents (Per theme)	Sub-theme	No. of resp. (Per sub-theme)
Sentiment	28	Supportive	28
Comments /recommendations for delivery	9	More / better shops needed in the town centre	4
		More casual dining areas needed	2
		Does not believe the plans will draw more people to the town centre	1
		More entertainment options needed	1
		More live music in the town centre	1
Vision	8	Does not think the current proposals will achieve the ambitions set out in the question	3
		Town centre needs a focal point	2
		Unsure the plans will happen	1
		Does not support removing the Hardshaw Centre	1
		Does not think population growth will support the plans	1
Environment and sustainability	2	Development should be environmentally friendly	1
		Supports more green spaces	1
Parking	1	More free parking needed	1
Transport	1	More buses needed	1
Heritage	1	Town centre needs a focal point	1
Other	2	Retail parks have killed the town centre	1
		This is the wrong time to pursue the proposals	1

St Helens Town Centre Regeneration  
January 2022

Question 5: Do you agree with our ambitions to redevelop some of the existing retail space and deliver a diverse and modern offering, including a central market hall?



Analysis of additional comments:

Theme	Total no. of respondents (Per theme)	Sub-theme	No. of respondents (Per sub-theme)
Sentiment	12	Supportive	11
		Not-supportive	1
Comments/recommendations for delivery	18	Need more retailers and independent shops	9



# St Helens Town Centre Regeneration

January 2022

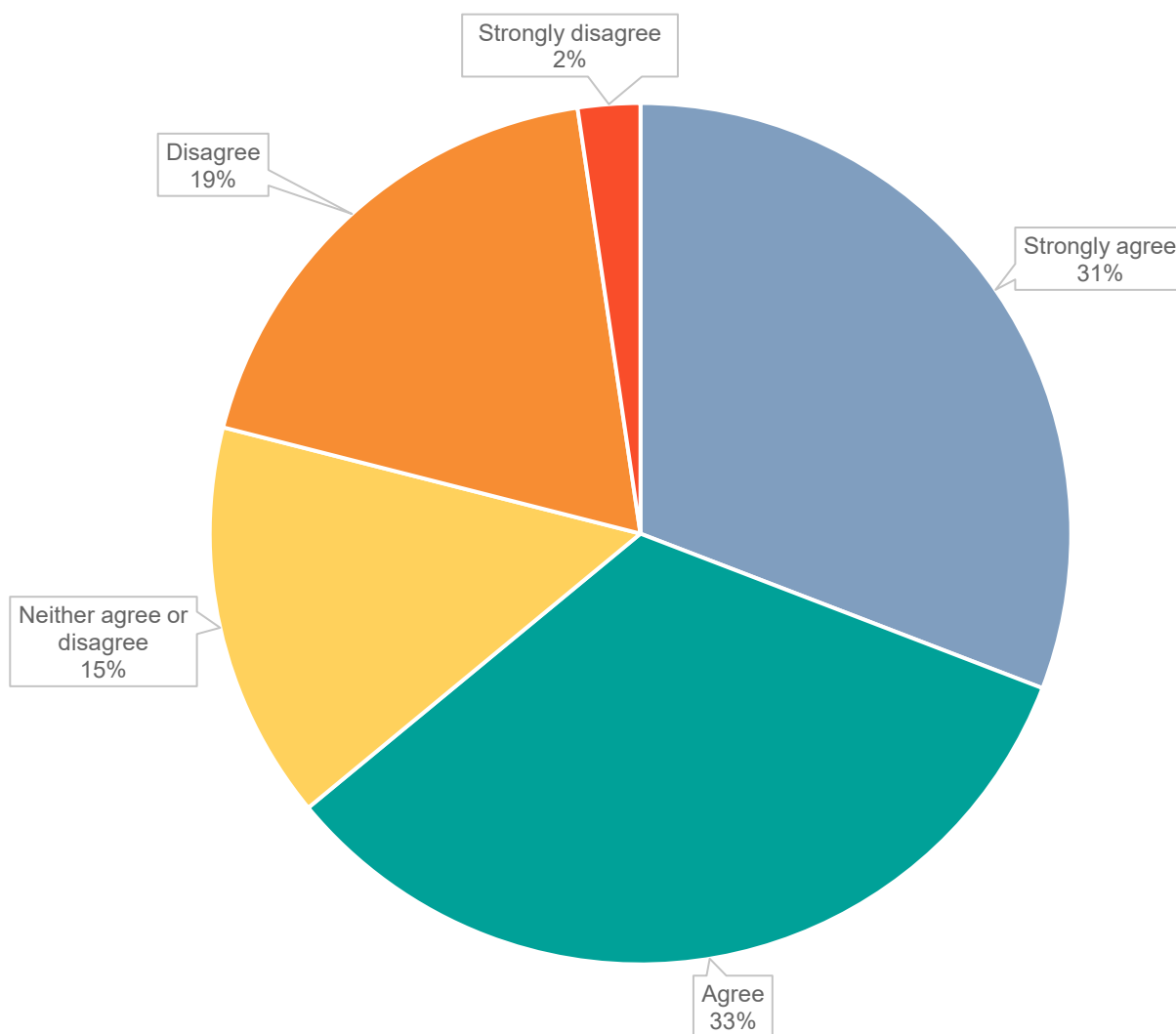
		Need cheaper rates	3
		Need a Primark	1
		Plans will increase footfall to markets	2
		Need an alternative to supermarkets	1
		More choice of market stalls with a focus on fresh food	1
Vision	18	Does not believe the plans will draw more people to the town centre	3
		Market redesign should be a priority	3
		Town centre should adapt to modern market needs	2
		Market hall shouldn't be the main focus	2
		The private sector should lead the regeneration	1
		Complete redevelopment needed	1
		Focus should be on leisure, not workspaces	1
		Unconvinced by town centre living	1
		Relocate St Mary's Market	1
		Hardshaw Centre should be utilised	1
		Traditional market would be better	1
		Limit the amount of demolition proposed	1

# St Helens Town Centre Regeneration

January 2022

Transport and connectivity	2	Proposals should link town centre and retail parks	2
Parking	1	Free parking needed	1
Heritage	1	Does not want any historic buildings knocked down	1
Other	1	Councillors should be more positive	1

Question 6: Do you agree that providing modern sustainable commercial office space will allow existing business to grow and attract new businesses to the town centre?



# St Helens Town Centre Regeneration

January 2022

Analysis of additional comments:

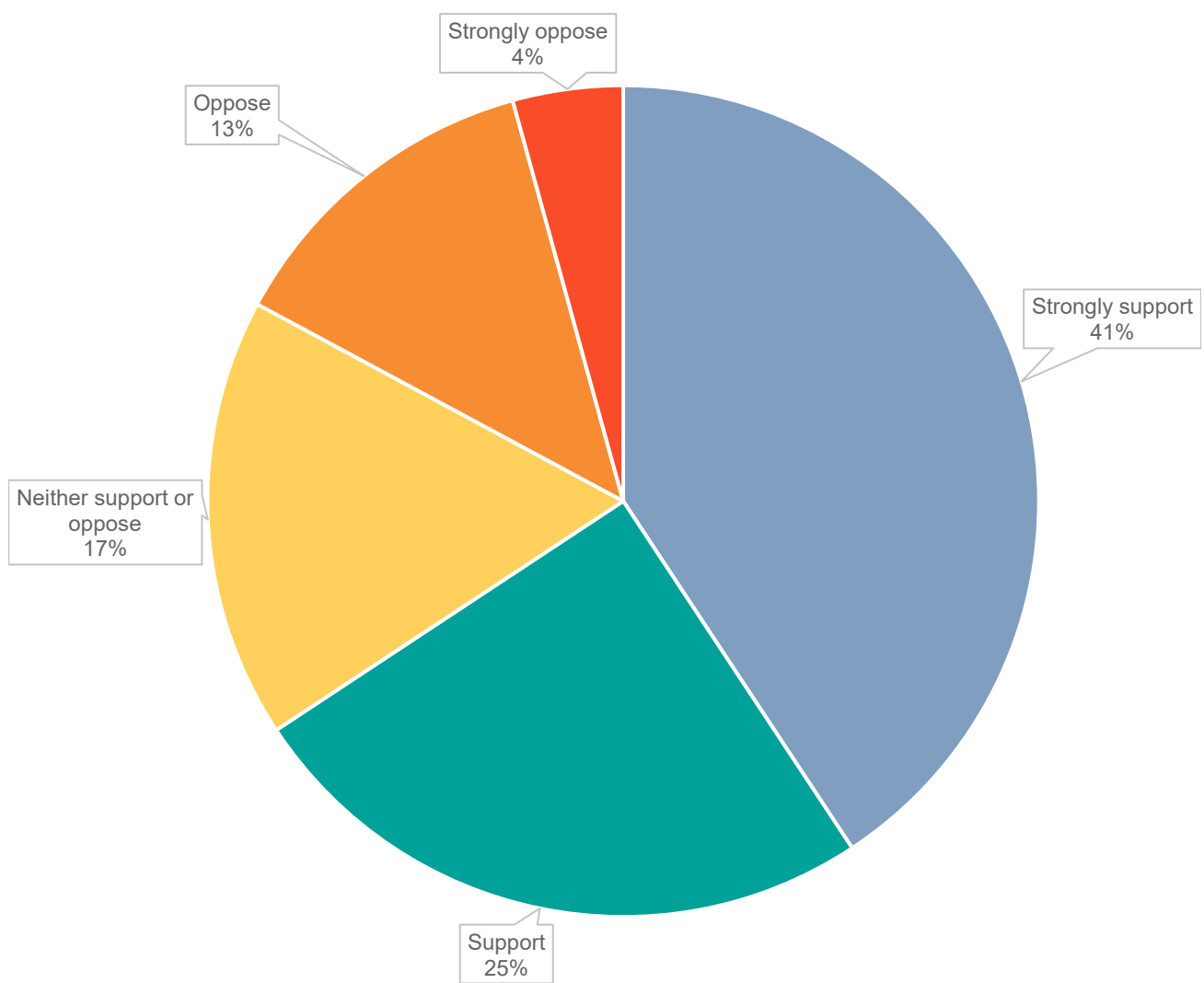
Theme	Total no. of respondents (Per theme)	Sub-theme	No. of respondents (Per sub-theme)
Sentiment	8	Supportive	4
Vision	18	Unused office space should be retained and regenerated	4
		No market for commercial office space	4
		More offices will bring more investment locally	3
		Businesses will go to business parks	2
		Supports more jobs	2
		Houses should be near road and rail	1
		Only supports offices over shops	1
		Building in the town centre is better than on the Green Belt	1
		Good location and services	1
Comments/recommendations for delivery	9	Business rates need to be reduced/ need to be affordable	5
		Flexible working spaces needed	2
		Dependent on cost	1
		Suggestion to use Century House	1

# St Helens Town Centre Regeneration

January 2022

Responding to COVID-19	9	Office space needed less post-pandemic so unsure of the need	9
Inclusivity, equality and diversity	1	Need space for young people	1
Other	1	Other towns better for employment space	1

Question 7: Do you support our proposals to deliver a residential offering as part of our regeneration ambitions?



# St Helens Town Centre Regeneration

January 2022

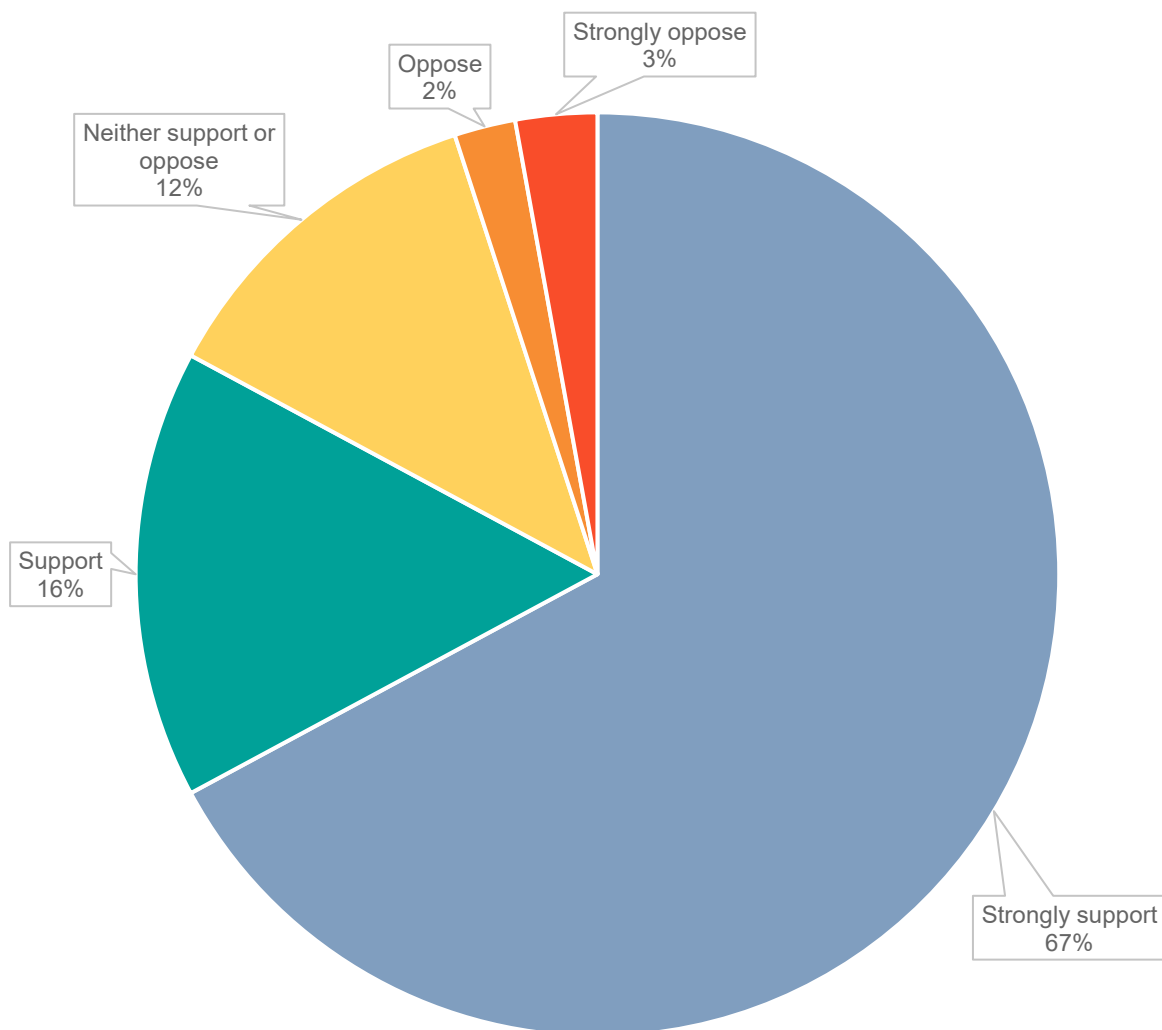
Analysis of additional comments:

Theme	Total no. of respondents (Per theme)	Sub-theme	No. of respondents (Per sub-theme)
Sentiment	11	Supportive	11
Vision	12	The plans will be a catalyst for wider regeneration	4
		Unsure who would want to live here	4
		Plans would boost nightlife	2
		Plans best suit certain demographics e.g. young professionals	2
Housing mix	7	Mix of housing needed	4
		Supports flats not housing	1
		Does not support flats	1
		Focus should be on homes with gardens	1
Tenure	6	Social/affordable housing needed	5
		Does not support more private housing	1
Housing need	5	No new homes needed	4
		Housing isn't important in the	1

St Helens Town Centre Regeneration  
January 2022

		context of the Masterplan	
Crime and safety	5	Concerns about anti-social behaviour	5
Comments/recommendations for delivery	1	Homes should be of high-quality	1
Others	1	Concern about Green Belt development	1

Question 8: Do you support the delivery of new green spaces, such as Discovery Park, within the wider Masterplan Framework?



# St Helens Town Centre Regeneration

January 2022

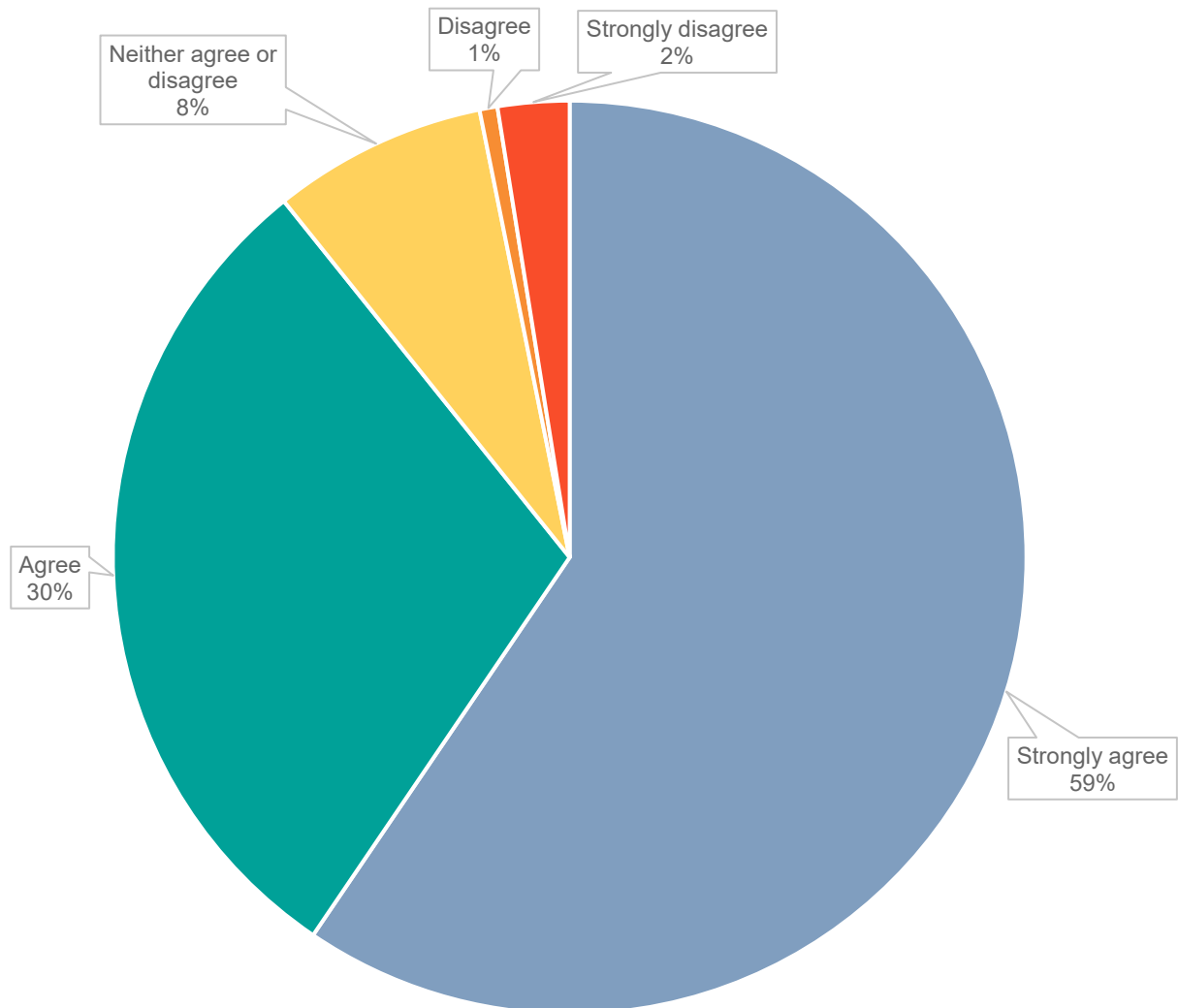
Analysis of additional comments:

Theme	Total no. of respondents (Per theme)	Sub-theme	No. of respondents (Per sub-theme)
Sentiment	25	Supportive	25
Crime and safety	5	Concern about anti-social behaviour	5
Environment and sustainability	4	Will improve the environment	2
		As much green space as possible for wildlife	2
Vision	4	Not appropriate/relevant for town centre	3
		Important space for families	1
Comments/recommendations for delivery	3	Needs to be professionally managed	2
		New name needed for park	1
Other	2	Concern about Green Belt development elsewhere	2
Inclusivity, equality and diversity	1	More seating for the elderly needed	1
Heritage	1	Redesign older buildings as a priority	1

# St Helens Town Centre Regeneration

January 2022

Question 9: Do you agree with our ambitions to improve connectivity to and within the town centre?



Analysis of additional comments:

Theme	Total no. of respondents (Per theme)	Sub-theme	No. of respondents (Per sub-theme)
Sentiment	2	Supportive	2
Transport and connectivity	18	Volume of public transport options needs to be made easier and cheaper	6



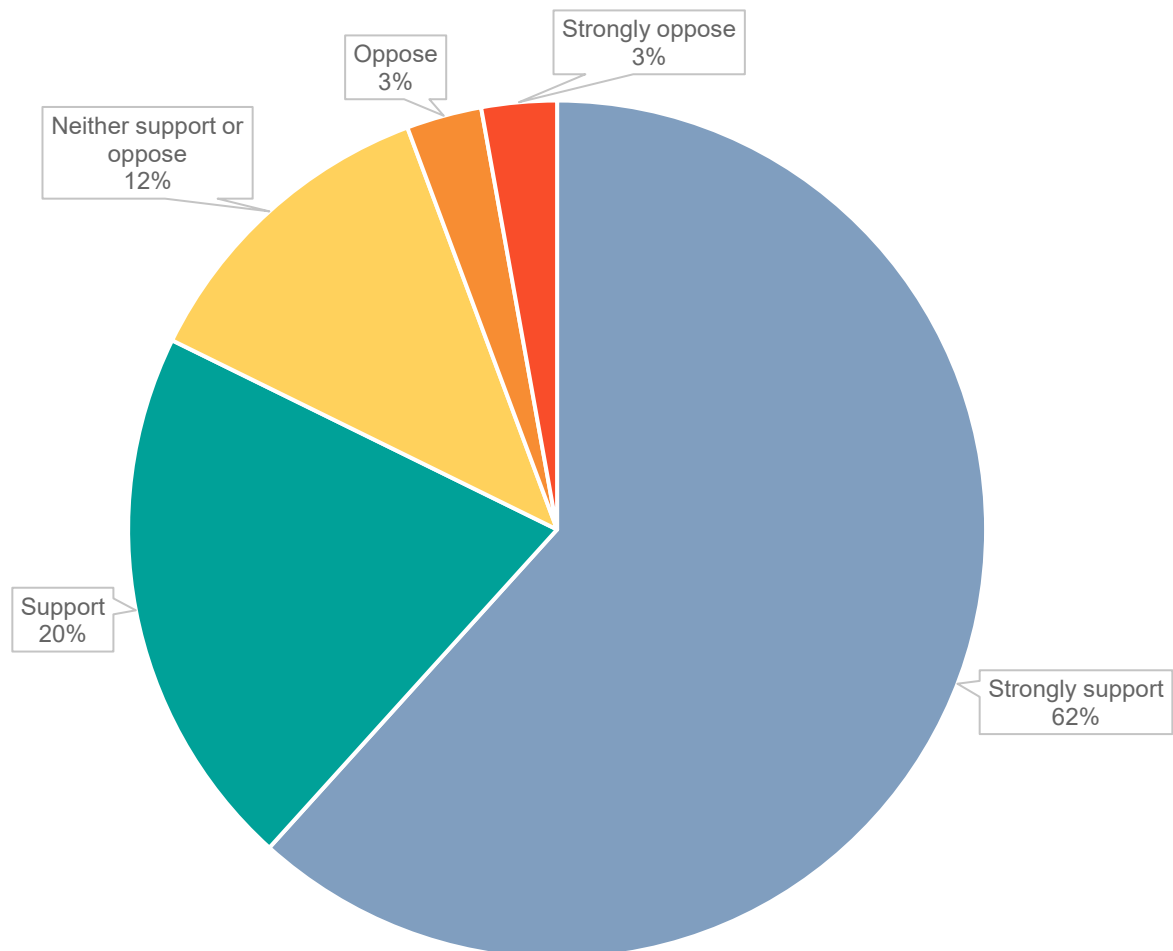
# St Helens Town Centre Regeneration

January 2022

		Walking and cycle access needs to be made easier	4
		More train services needed	3
		More bike lanes	2
		Should be able to drive through the town centre	1
		Links aren't bad at the moment	1
		Services are already good	1
Parking	9	More free and better parking	9
Vision	7	Proposals will increase footfall	3
		Plans aren't ambitious enough	1
		More people need to be able to access the town centre	1
		Town centre isn't big enough	1
		Do not need a hotel	1
Environment and sustainability	2	Will reduce pollution	1
		Focus on electric trains needed	1
Transport and connectivity	1	Need to link town centre to retail parks	1
Other	1	Bus Station should be covered	1

St Helens Town Centre Regeneration  
January 2022

Question 10: Do you support our ambitions to reconfigure the bus station to make this area safer and more welcoming and to encourage the use of public transport for those accessing the town centre?



Analysis of additional comments:

Theme	Total no. of respondents (Per theme)	Sub-theme	No. of respondents (Per sub-theme)
Sentiment	2	Supportive	1

St Helens Town Centre Regeneration  
January 2022

		Not-supportive	1
Design considerations	7	Bus station design is good	4
		Bus station should be in a more central location	1
		Supports a covered bus station	1
		Plans should include a covered area for pedestrians to wait	1
Transport and connectivity	9	Public transport services need improving	4
		Current bus station poor	2
		Current bus station set up is unsafe	2
		Current access to bus services poor	1
Comments/recommendations for delivery	5	Should not be a priority	3
		Concern about construction stage and impact	1
		More quality shops needed in the town centre first	1
Vision	4	Does not think the plans are ambitious enough	3
		Need an integrated hub	1

# St Helens Town Centre Regeneration

January 2022

Environment and sustainability	1	Focus on electric trains needed	1
Crime and safety	1	Concern about anti-social behaviour	1

Question 11: What do you consider to be the most important part of our proposals?

Answer	No. of responses
Creating a diverse offer in the town centre, via the introduction of a new market hall, spaces for food and drink outlets, and small businesses	87
Delivering high quality office space to encourage new types of employment	25
The reconfiguration of the bus station	37
Connectivity and pedestrian links	60
The delivery of more green space, such as Discovery Park	50
A commitment to delivering a sustainable town centre that recognises and responds to the climate emergency	39
The delivery of housing within the town centre	24
All of the above	31
Other	7

Additional comments:

Theme	Total no. of respondents (Per theme)	Sub-theme	No. of respondents (Per sub-theme)
Sentiment	1	Not-supportive	1
Comments/recommendations for delivery	9	Better shops needed	5

St Helens Town Centre Regeneration  
January 2022

		More activities for students / young people needed	1
		Accommodation for the homeless needed	1
		More support for local businesses	1
		Need a Primark	1
Connectivity and transport	7	Better links between shopping areas needed	3
		Wants St Helens Junction to open and connect to Manchester	1
		Better lighting and routes to the town centre needed for pedestrians	1
		Ease of movement key	1
		New skatepark needed	1
Vision	5	Shops should be nearer to the bus station, not a hotel	1
		Lower rent for businesses	1
		Use Warrington / Widnes as an example	1
		Fix what exists	1
		Need more trees	1
Parking	3	More / better parking needed	3

# St Helens Town Centre Regeneration

January 2022

Crime and safety	2	Concern about safety / Anti-social behaviour	2
Environment and sustainability	2	Need EV charging	2
Heritage	1	Proposals should celebrate history of town	1
Other	2	Supports town hall regeneration	1
		Open the canal	1

Question 12: Is there anything missing that should be included in the Masterplan?

Theme	Total no. of respondents (Per theme)	Sub-theme	No. of respondents (Per sub-theme)
Sentiment	8	Supportive	8
Comments/recommendations for delivery	22	Independent businesses need supporting	4
		More detail on street design needed	4
		More activities for younger people needed	4
		More benches for people to sit	2
		More detail needed more generally	2
		More seating for elderly people	2
		Concern over the cost of proposed leisure facilities	1
		More leisure facilities for over 40s needed	1

St Helens Town Centre Regeneration  
January 2022

		More leisure facilities needed in general	1
		Need an area for artisan workshops	1
Parking	17	More thought should be given to parking provision, i.e. free parking areas and focus on disabled car park facilities	17
Vision	9	Hotel should be nearer the park, not the bus station	2
		Bring empty spaces back into use	2
		More flats needed in the town centre	1
		Concern over where the shops will be	1
		Need a lido	1
		Unsure if plans will change behaviours and cultures	1
		Keep Hardshaw Centre	1
Heritage	8	Historic buildings need cleaning and maintaining	4
		Need a local heritage / tourism shop	3
		Need a heritage trail	1
Transport and connectivity	7	Train link between St Helens and Newton LW needed	2
		Need all-electric transport network	1
		Need EV charging points across the town centre	1

# St Helens Town Centre Regeneration

January 2022

		high-quality bike parking	1
		Reopen link between St Helens Central and St Helens Junction	1
		Walkway between Stadium and St Helens Retail Park needed	1
Environment and sustainability	4	More recycle bins/ cleaner streets	3
		Building materials should be climate friendly	1
Inclusivity, equality and diversity	1	The plans should value equality and diversity	1
Other	2	Restoration of the Sankey Canal	1
		Unsure where Discovery Park is	1

Question 13: Do you have any other comments on our proposals?

Theme	Total no. of respondents (Per theme)	Sub-theme	No. of respondents (Per sub-theme)
Sentiment	24	Supportive	23
		Supportive for the market plans	1
Vision		The focus should be on improving what's already in place	3
		Does not support delivery of a hotel	3
		Canal should be embedded into the design	2
		Focus should be on employment opportunities	1



St Helens Town Centre Regeneration  
January 2022

		Concern the feedback won't be listened to	1
		Doesn't think the anticipated cost warrants the investment due to lack of visitors to town centre	1
		Does not approve of the CGIs created for the MDF	1
		Plans should include a covered events area for winter	1
		Need more night time spaces e.g. music bars	1
		Town needs a USP	1
		Supports the plans over Green Belt development	1
		Keep the Hardshaw Centre	1
		Use Warrington as example	1
Comments/recommendations for delivery	16	Better shops needed	8
		Development needs to happen ASAP	5
		Business rates / rents should be reduced	2
		Small supermarket needed near bus station	1
Heritage	7	Church / other historic buildings should be respected and be the inspiration or restored for the wider design	5

# St Helens Town Centre Regeneration

January 2022

		1970s buildings should be retained	2
Parking	6	Parking concerns	6
Environment and sustainability	3	Sustainable design measures are needed	3
Equality and diversity	2	Need safe spaces for LGBTQ+ and BME people and their voices should be heard	2
Responding to COVID-19	1	Unsure of need for office space post-pandemic	1
Transport and connectivity	1	The focus should be on connectivity	1
Crime and safety	1	Anti-social behaviour is a concern at present	1
Other	3	Would like a freeport in the town	1
		Town centre needs cleaning	1
		Do not put anything for teenagers in Vera Page Park	1

## 5.0 Response to Feedback

The Council and ECF (the Partnership) are grateful to all those who took time to respond to the public consultation. All feedback has been reviewed by the project team and a response to the most frequently raised comments and themes are provided below.

### 5.1 Support for the proposals

The feedback submitted raised several different topics but overall was supportive of the proposals.

#### 5.1.2. General support

Almost 60% of responses were submitted via the feedback form which provides the opportunity for respondents to give support to specific aspects of the proposals, such as the inclusion of housing or office space and the reconfiguration of the bus station.

#### 5.1.2 Question specific sentiment analysis

In response to question four, 88% of all respondents were either strongly supportive (71%) or supportive (17%) of the ambitions to redevelop the town centre. The response to questions five (provision of a new market), eight (provision of green spaces), nine (improve pedestrian connectivity) and ten (reconfiguring the bus station) were similar, with levels of support at 79%, 83%, 89% and 82% respectively.

The provision of commercial office space and housing within the town centre did not garner the same levels of support but were still supported by majorities of 64% and 66% respectively.

#### 5.1.3 Feedback channel specific analysis

During the public exhibitions, a comments book was provided for respondents to leave comments. A total of 14% of responses were submitted in this manner. These comments were overwhelmingly positive and can be viewed in appendix E.

In addition, respondents were able to submit comments on Shape Tomorrow – Feedback Map and via email or letter. Respondents who submitted via these methods were still largely positive but took the opportunity to raise further topics.

The widespread support for the principle of the redevelopment of St Helens town centre is positive and suggests that the proposals are broadly in line with what residents want to see for the area.

### 5.2 Recommendations for delivery

#### 5.2.1 Future consideration of recommendations

The draft MDF seeks to set out a clear vision, objectives and development principles to catalyse transformational change in St Helens town centre. Plans are still at an early stage, with further

details provided at the planning application stage. Feedback relating to detailed delivery, such as the types /operator of shops, have been noted for future consideration.

There will be a clear focus on ensuring that social value and its approach is embedded in all elements of the Masterplan Development Framework ranging from new jobs being created to new supply chain opportunities being accessed by local business.

**FOR MORE INFORMATION SEE ST HELENS TOWN CENTRE DRAFT MASTERPLAN DEVELOPMENT FRAMEWORK:**

**PURPOSE AND STATUS OF THIS MASTERPLAN FRAMEWORK, PAGE 6.**

### 5.2.2 Business rates

Several respondents raised concerns about business rates, with seven responses calling for business rates to be reduced or made more affordable. Plans have been developed in collaboration with local businesses to ensure the MDF supports existing businesses and revitalises the retail offer in the town. Business rates policy is set nationally by Government and therefore not included in the MDF. The Council is keen to ensure local businesses can thrive and support a healthy, growing local economy. Throughout the process, there will be an open approach to understanding what businesses need to thrive and develop.

**FOR MORE INFORMATION SEE ST HELENS TOWN CENTRE DRAFT MASTERPLAN DEVELOPMENT FRAMEWORK:**

**PLANNING POLICY, NATIONAL POLICY, PAGE 12;**

**PLANNING POLICY, SUB-REGIONAL POLICY, PAGE 14;**

**STRATEGIC OBJECTIVES, PAGE 31.**

### 5.3 Vision

#### 5.3.1 Deliverability

Responses identified with the vision focussed on it either being deliverable, not creating a vibrant town centre or that existing buildings should be regenerated rather than rebuilding aspects of the town centre.

The Masterplan vision has been developed following extensive previous consultation and developed with relevant stakeholders. Early engagement with stakeholders was undertaken in 2016/17 to create the 'St Helens Story' and the '#StHelensTogether: Our Borough Strategy 2021-2030.' In October 2021, the Council engaged with stakeholders and offered the opportunity to further shape the vision for St Helens Town Centre.

The draft MDF has developed with these elements in mind and to radically transform the town centre through development that will nurture, celebrate, and host culture, building upon the Town's creative and innovative gene and positive legacy of its' industrial heritage.

The extensive stakeholder engagement assures the confidence that the Masterplan and vision to improve St Helens town centre is achievable, appropriate and will make a dramatic positive difference in creating a more vibrant town centre.

**FOR MORE INFORMATION SEE ST HELENS TOWN CENTRE DRAFT MASTERPLAN DEVELOPMENT FRAMEWORK:**

**TOWN CENTRE VISION, PAGE 29 – 31.**

#### 5.4 Parking

A total of 59% of all respondents still access the town centre by car. Only 23% use the bus services available, and 16% walk. This shows there is still a reliance on the private car to access local services and amenities. This explains why the most common comment submitted across all feedback methods was to raise the provision of car parking spaces in the vicinity of the town centre.

A clear theme within the feedback was also the need for an increase in the number of free parking spaces within easy access of the town centre, which was submitted by nine respondents. The need for more public transport options which are both easier and cheaper than current options was identified by six respondents. In addition, several respondents raised the need to make the town centre more bike friendly, and to provide cycling access from areas outside of the town centre

Whilst sustainable methods of travel are preferred, the Council has commissioned a town centre car parking strategy to ensure parking arrangements and capacity meets the town's needs. The report also includes a review of electricity charging at key locations around the town centre.

In response to the feedback, it is proposed that a new multi-story car park should be incorporated into the Masterplan Framework and will be built to help meet the future parking demand and requirements of the town. It is recognised that this should have regard to the need to balance the use of more sustainable travel options. The masterplan has been amended to reflect this change, it sets out that any new facility should be built to modern functional requirements including appropriate provision for disabled users, parent and child, electric charging points, car share providers, and should also include for the storage of bicycles. The new car park will have extended opening times to meet the requirements of the evening economy and be designed to meet Secure by Design standards with good lighting and CCTV coverage. Potential locations for the new multi-story car park will be explored alongside the detailed phased development delivery plan of the phased development.

**FOR MORE INFORMATION SEE ST HELENS TOWN CENTRE DRAFT MASTERPLAN DEVELOPMENT FRAMEWORK:**

**SUMMARY, PAGE 26;**

**CHARACTER ZONE 1: CENTRAL RETAIL, MOVEMENT, PAGE 38;**

**MOVEMENT STRATEGY, PAGE 51.**

## 5.5 Green spaces

As mentioned above, a total of 83% of respondents either strongly supported or supported the provision of green spaces in the proposals. Respondents were given the opportunity to submit additional comments in response to question eight on the feedback form, with 41 comments received. The most frequently cited response, submitted by 25 respondents, was to express support for the plans. In addition to the feedback form, the topic was raised several times in comments submitted by email or on the Shape Tomorrow - Feedback Map.

The provision of green space is the focus of the Discovery character zone. The draft MDF seeks to create a new green space called Discovery Park, a large new green space in the centre of the town. This provides an opportunity for increasing the number of trees, planting and lawn areas which will bring multiple benefits to the people of St. Helens as well as for biodiversity. Access to high quality green space has huge benefits to people's wellbeing whilst also helping to tackle issues of flooding and reducing the carbon footprint of urban environments. This will be complemented by new development along the canal edge which the park will link back to the town centre.

**FOR MORE INFORMATION SEE ST HELENS TOWN CENTRE DRAFT MASTERPLAN DEVELOPMENT FRAMEWORK:**

**CHARACTER ZONE 3: DISCOVERY, PUBLIC REALM, PAGE 40.**

## 5.6 Connectivity and transport

### 5.6.1 Bus and train station

The proposals to reconfigure St. Helens bus and train stations were widely supported by 82% of respondents and only 6% who opposed or strongly opposed the plans. The remaining 12% expressed neither for support nor opposition for this aspect of the wider Masterplan.

As with other questions, respondents were offered the opportunity to provide other comments. Several respondents raised concern about the need to improve public transport services, and that the plans were not ambitious enough.

As part of the Masterplan it is the aim to improve the access to the town centre for residents who can and choose to use sustainable modes of travel. By improving the bus and train stations, and creating a transport hub, it is hoped this will encourage people to use these methods of travel more often by making them easier to access and use.

This will create an improved sense of arrival through the development of high quality, safe public realm space. In addition, the links between the train and bus stations will be strengthened and the multi-modal travel option will be improved.

Several respondents stated that they want to see a covered bus station. Plans for a reconfigured bus station include canopies to cover bus waiting areas.

**FOR MORE INFORMATION SEE ST HELENS TOWN CENTRE DRAFT MASTERPLAN DEVELOPMENT FRAMEWORK:**

**CGI IMAGE OF PROPOSED BICKERSTAFFE STREET, PAGE 40;**

**CHARACTER ZONE 2: CIVIC AND HERITAGE, MOVEMENT, PAGE 42;**

**A RECONFIGURED BUS STATION, PAGE 52.**

### 5.6.2 Transport and connectivity

Respondents were asked whether they supported the aims to improve connectivity and pedestrian access to the town centre. This was supported by 89% of respondents while only 3% opposed it.

The Masterplan seeks to create a more pedestrian friendly town centre, with attractive shop frontages and better links through the creation of a new Market Street link to the bus station and the spaces and streets around the new market hall building. Hall Street North will be enhanced with wider pavements and street trees with an extension of Hall Street to the south.

Movement in the central retail zone will be focused on walking and cycling. The area will be largely pedestrianised and will feature attractive, safe street design for all that will help to encourage walking and be supplemented by cycle parking directly outside key retail spaces.

**FOR MORE INFORMATION SEE ST HELENS TOWN CENTRE DRAFT MASTERPLAN DEVELOPMENT FRAMEWORK:**

**CHARACTER ZONE 1: CENTRAL RETAIL; MOVEMENT; PAGE 38;**

**CHARACTER ZONE 2: CIVIC AND HERITAGE, PUBLIC REALM, PAGE 42; URBAN DESIGN PRINCIPLES PAGE 43;**

**CHARACTER ZONE 3: DISCOVERY, PUBLIC REALM & MOVEMENT, PAGE 46;**

**CHARACTER ZONE 4: EDUCATION AND ENTERTAINMENT, PAGE 49 & 50;**

**MOVEMENT STRATEGY, PAGE 51.**

### 5.7 Crime and safety

A total of five respondents raised concerns about anti-social behaviour. Whilst the Partnership appreciates respondents concerns about how spaces can be misused, the proposals would seek to significantly increase footfall in the area and make the whole town centre much more secure with the increased observation from residents, shop owners, visitors, and other users which would discourage unwanted behaviour.

When planning applications are submitted the local police will be consulted to ensure Secured by Design principles are followed to improve the security of buildings and their immediate surroundings to provide safe places to live, work, shop and visit, .

## 5.8 Heritage

Throughout the consultation a number of respondents raised questions around heritage protection. There were suggestions to redesign historic buildings before building new ones and that the Masterplan should have more of a focus on celebrating the town's history – through either a local heritage shop or a heritage trail.

The Masterplan takes heritage protection seriously and promoting the town's rich history is a key focal point of the plans. St Helens has a proud industrial heritage, formed through hard work, strength and innovation. The transformation of St Helens town centre will focus on its heritage, sporting and cultural assets, building on its uniqueness to do things differently and innovatively, including the global opportunity of Glass Futures and Foundation Industries. This focus will in turn help create vibrancy within the town centre for all to use, value and enjoy, making St Helens an attractive place in which to live, work, visit, and invest.

Character Zone 2 within the Masterplan focuses on the civic and heritage of St Helens. The zone comprises the area between St Helens Central (rail station), existing bus station around Bickerstaffe Street, George Street Quarter Conservation Area, Victoria Square Conservation Area, and the parcel of land between College Street and Birchley Street. This zone includes many of the town centre's heritage assets. The Masterplan understands the need to be sensitive to the unique character of the Conservation Areas – to preserve and/or enhance the heritage assets through bringing forward appropriate and sensitively-considered development in terms of scale, massing and use of materials.

### **FOR MORE INFORMATION SEE ST HELENS TOWN CENTRE DRAFT MASTERPLAN DEVELOPMENT FRAMEWORK:**

**INTRODUCTION OVERVIEW, PAGE 5;**

**INTENDED ROLE FOR ST HELENS TOWN CENTRE WITHIN THE BOROUGH, PAGE 11;**

**CURRENT PERFORMANCE OF THE TOWN CENTRE, PAGE 16;**

**TOWN CENTRE VISION, PAGE 30;**

**CHARACTER ZONE 2 CIVIC AND HERITAGE PAGE, 41 – 43.**

## 5.9 Environment and sustainability

Enhancing the environment and promoting sustainability were top priorities for many respondents and a large majority responded positively to the plan to increase green space within the town centre. Other suggestions to improve the environment consisted of retaining existing trees and ensuring there is a focus on environmentally friendly practices.

On sustainability, suggestions were made for additional EV charging points, electric trains, more recycling bins and using environmentally friendly building materials.

All these suggestions have been taken on board. A key aspect of the Masterplan is developing a sustainable strategy within the proposals. A key cross-cutting theme and objective for the Draft Masterplan Development Framework is sustainability and ensuring that key sustainability principles are adhered to. This approach is in line with the pledge that the Council has made in its Pathway to Net Zero by 2040 Climate Response Plan.



It will be vital to deliver a town centre that is future-proofed to be able to respond to the climate emergency, deliver low carbon buildings, increase biodiversity across the town centre and reduce waste through construction and operational activities. ECF has also agreed a Sustainable Development Strategy and prepared a robust Sustainable Development Brief that sets out key objectives that all new development and projects should meet. Other development coming forward within St Helens Town Centre will also be encouraged to sign up to these sustainability principles, in addition to those set out within the emerging Local Plan.

### **FOR MORE INFORMATION SEE ST HELENS TOWN CENTRE DRAFT MASTERPLAN DEVELOPMENT FRAMEWORK:**

#### **SUSTAINABILITY STRATEGY, PAGE 56.**

##### 5.10 Inclusivity, equality and diversity

St Helens has a diverse population and the Masterplan to redevelop the town centre has an ambition to be open and accessible to all. From the feedback received, the importance of including a space for young people, seating for older people and a safe space for LGBTQ+ and ethnic minorities were expressed.

Considerations to enhance inclusivity, equality and diversity will be further considered moving forwards.

##### 5.11 Housing

Question seven asked respondents if they supported the delivery of a residential offering as part of the regeneration ambitions. The feedback was overwhelmingly positive, with 41% considering themselves strongly supportive and 25% supportive of a residential element. Of those that opposed (with 13% opposing and 4% strongly opposing), there were concerns raised on the appeal of living within the town centre, that the proposed housing was only suitable to younger people, on the housing mix and that there needs to be more social and affordable housing. Some respondents called for no new houses at all.

The Council has a requirement to meet Government targets to increase the supply of homes in the area as outlined in the Draft Housing Strategy 2022 - 2027. The housing should provide quality and accessible homes for all.

The Borough has experienced significant housing growth over recent years. Much of this housing growth has been typically focused on family homes provided by larger national housebuilders within the outer neighbourhoods of the Borough, but there has been little recent growth in the town centre housing offer.

The Masterplan understands there is an opportunity to create a unique housing offer in the town centre that allows residents to make use of the town centre facilities, take advantage of being well-connected to employment areas, and have excellent transport connectivity. Thus, allowing the town centre to offer a housing choice which is a point of difference to the rest of the Borough, broadening the housing stock.

This offer is likely to attract young professionals, but also downsizers, and provides an alternative offer for young families who recognise the benefits of being close to amenities and want the vibrancy of a town centre location.

**FOR MORE INFORMATION SEE ST HELENS TOWN CENTRE DRAFT MASTERPLAN DEVELOPMENT FRAMEWORK:**

**CONTEXT NATIONAL POLICY, PAGE 12;**

**CURRENT PERFORMANCE OF THE TOWN CENTRE HOUSING OFFER, PAGE 19;**

**STRATEGIC OBJECTIVES, PAGE 31;**

5.12 Responding to COVID-19

A small number of respondents raised the need for post-pandemic office space due to reduced need and increased home working.

Whilst the final impact of COVID-19 is still uncertain, the Partnership recognises that the town centre must adapt and evolve in response to the impact of the pandemic, and to longer-term trends such as working from home. That said, it is anticipated that flexible, modern and sustainable office space will still be required, and a mix of complementary Town Centre uses will encourage people into the town centre and ensure its future vibrancy and success. Such office accommodation will ensure that provision of the right type of property is available to allow existing St Helens' businesses to grow and help attract inward investment.

## 6.0 Conclusions

In bringing forward proposals to reimagine and redevelop St. Helens town centre, the development team has undertaken a robust consultation following the Council's Statement of Community Involvement, the Localism Act 2011, the National Planning Policy Framework and National Planning Practice Guidance.

This has provided an opportunity for residents and local stakeholders to learn about the plans and provide their feedback.

The applicant and the wider development team would like to thank all of those who took part in the consultation process and provided feedback on the plans. The consultation resulted in 248 responses from residents, stakeholders and those interested in the plans, and all comments have been reviewed and will be considered as the proposals progress.

The Partnership want St. Helens town centre to be a source of pride. A child and family friendly place, home to thriving local businesses, quality homes, leisure and outdoor spaces, and great transport links. Many respondents have supported this ambition and expressed their support.

The most common concern raised by respondents to the consultation queried the provision of car parking spaces within easy access to the town centre. The team want to reassure those who have raised this topic that, work is being undertaken to produce a strategy which will address where and how much car parking is to be provided across town centre. The investigations conducted during the development of this strategy will be reviewed on a regular basis in line with the phased development.

This report reflects the views expressed by residents, stakeholders and elected members during the public consultation and addresses the feedback received regarding the development. Whilst the feedback has resulted in relatively minor changes for the MDF, feedback received will continue to be considered and channels of communication will remain open so that the local community can contact the development team throughout the planning process.

Appendix A – Consultation Poster



# ST HELENS TOWN CENTRE REGENERATION PUBLIC CONSULTATION

**St Helens Borough Council** and **The English Cities Fund** are bringing forward a once in a generation opportunity to regenerate **St Helens Town Centre**.



Visit our consultation website to **find out more** and **have your say** before **Monday 13 December 2021**.

scan the QR code or visit: [www.sthelenstowncentre.co.uk](http://www.sthelenstowncentre.co.uk)



43 LEXCOMM.CO.UK

Appendix B – Social Media adverts



### St Helens Town Centre Regeneration

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Have you heard about the exciting plans for St Helens town centre? This once in a generation proposal will change to face of the town centre for the better, delivering new shops, food and drink facilities, leisure space and homes. Click the link below to find out more and have your say! #StHelensTogether #FutureStHelens



### St Helens Town Centre - Have Your Say!

Get involved in our public consultation on the future of St Helens Town Centre today! Click the link to find out more.

[WWW.STHELENSTOWNCENTRE.CO.UK](http://WWW.STHELENSTOWNCENTRE.CO.UK)

Learn More

20

12 Comments 3 Shares

Like

Comment

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St Helens Town Centre Regeneration  
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### St Helens Town Centre Regeneration

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Over the next 20 years, St Helens town centre will undergo a significant programme of regeneration that will ignite transformational change and deliver a vibrant, accessible and enjoyable space where people will want to live, work and visit. Want to find out more? Click the link below to visit our website today! #StHelensTogether #FutureStHelens



### St Helens Town Centre - Have Your Say!

Get involved in our public consultation on the future of St Helens Town Centre today! Click the link to find out more.

[WWW.STHELENSTOWNCENTRE.CO.UK](http://WWW.STHELENSTOWNCENTRE.CO.UK)

Learn More

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12 Comments 3 Shares

Like Comment Share



## St Helens Town Centre Regeneration

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Have your say! We want to hear your views on our exciting ambitions for the future of St Helens town centre. Our vision is built upon recognising the importance of the town's rich industrial heritage and harnessing the strong community pride and spirit that is already present in the town and borough. Click the link below to find out more! #StHelensTogether #FutureStHelens



### St Helens Town Centre - Have Your Say!

Get involved in our public consultation on the future of St Helens Town Centre today! Click the link to find out more.

[WWW.STHELENSTOWNCENTRE.CO.UK](http://WWW.STHELENSTOWNCENTRE.CO.UK)

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## St Helens Town Centre Regeneration

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We're consulting on a draft Masterplan Development Framework that sets out a clear vision, objectives and set of development principles that will ignite transformational change across St Helens town centre. In addition, we want your views on the initial phase of development that could be pursued next year. Want to find out more? Click the link below. #StHelensTogether #FutureStHelens



### St Helens Town Centre - Have Your Say!

Get involved in our public consultation on the future of St Helens Town Centre today! Click the link to find out more.

[WWW.STHELENSTOWNCENTRE.CO.UK](http://WWW.STHELENSTOWNCENTRE.CO.UK)

Learn More

20

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## Appendix C – Press Release



### **AMBITIOUS PLANS TO REGENERATE ST HELENS AND EARLESTOWN TOWN CENTRES TAKE A LEAP FORWARD**

Draft proposals which are set to see ‘game-changing’ transformation of St Helens and Earlestown town centres have been published by St Helens Borough Council ahead of a cabinet meeting on Wednesday 20 October.

If approved, the proposed plans will look to facilitate transformational change that will build upon each of the town centres existing assets, heritage, strengths and aspirations, through the delivery of high-quality, sustainable regeneration - repurposing these key centres into exciting, vibrant and connected places for residents, businesses and visitors to enjoy.

Both town centres are the subject of separate draft Masterplan Development Frameworks, which set out the multi-million-pound vision and principles for each. The frameworks have been prepared by St Helens Council in partnership with regeneration experts, The English Cities Fund (ECF).

The draft Masterplan Development Frameworks illustrate the first thoughts and ideas around the significant commercial and leisure investment that will completely transform both areas over the coming years. The documents will include a series of design principles, initial ambitions for key areas, along with a development guide to support future planning applications.

The ambitions for St Helens town centre are expected to span the next 20 years, with an initial phase one planning application anticipated to be submitted early next year. The proposals for St Helens town centre divide the area into four distinct zones, which will play a role in the transformation of the town. These zones are: Retail; Civic and Heritage; Discovery; Entertainment and Education.

Proposed plans include bold ambitions to repurpose the town centre by reducing the overall retail footprint and replacing it with a striking new mixed-use development including a new market, commercial Grade A office space, a redesigned bus station extensive new public realm around the rail station, new town centre homes and a hotel. A new, large green space in the centre of the town called ‘Discovery Park’ is also proposed as part of future phases.

In Earlestown, the draft Masterplan Framework seeks to return the town to its former glory as a thriving market town, by creating a vibrant high street and marketplace. It is hoped this can be achieved through a variety of measures, including reopening the town hall and re-defining Market Square as a place for people with a multi-use offer. In addition, proposals include the relocation of the bus station to create a new transport hub that is adjacent to the rail station. It is hoped this will promote multi-modal journeys, which is key to boosting the economic vitality of the area and will enable commuters to travel and interchange conveniently. An initial phase one application for Earlestown town centre is also anticipated to be submitted in early 2022.

The major transformational ambitions complement similar projects being pursued by the town centre regeneration experts, ECF, across the country. ECF is a national strategic partnership between leading urban regenerator, Muse Developments, Legal and General and Homes England, which was initially formed in 2001.

# St Helens Town Centre Regeneration

January 2022

Councillor David Baines, Leader at St Helens Borough Council, said: "I am delighted to finally unveil these transformational masterplans for both St Helens and Earlestown town centres. The proposals will deliver once in a lifetime redevelopment at the heart of our towns.

"We want our town centres to be child and family-friendly, safe and sustainable thriving places for local businesses, shoppers, visitors, and residents, and that's what these plans will help to deliver.

"The plans will now go to a special meeting of cabinet on the 20<sup>th</sup> October, and then a period of public consultation and a series of events across the borough will begin from 1st November for six weeks. We want as many residents, businesses and community groups as possible to have their say and to help shape the plans before planning applications are submitted early in the new year."

Commenting on the proposals, Leon Guyett, Development Director at Muse, said:

"We're delighted to be working with St Helens Council on such an incredibly exciting and transformational set of proposals. The English Cities Fund has a track record of delivering repurposed and revitalised town centres across the country, from Salford to Newham, and we look forward to bringing our expertise and knowledge to St Helens and Earlestown over the next twenty years."

Public consultations on the draft Development Masterplan Frameworks will be launched on Monday 1<sup>st</sup> November. This will be an opportunity for residents, communities and local businesses to have their say on the plans and will include a series of physical engagement events across the borough during the six-week consultation period, as well as a number of ways to engage online. Proposals can be viewed prior to the cabinet meeting by visiting [www.sthelenstowncentre.co.uk](http://www.sthelenstowncentre.co.uk) and [www.earlestown.co.uk](http://www.earlestown.co.uk).

**Ends**

**Notes to Editors**

### **About the Development Team**

St Helens Council and the English Cities Fund (ECF) are bringing forward ambitious plans to transform St Helens town centre via a once in a lifetime regeneration project set to span the next two decades.

ECF is a partnership between Muse Developments, Legal and General and Homes England. The partnership was formed in 2001 and has worked with councils, landowners and communities to create exceptional places across the UK. ECF brings together investment, regeneration expertise and long-term commitment to shape towns and cities for the better.

### **Contact details**

Lexington contact  
Charlotte Nelson, Associate Director  
[charlotte.nelson@lexcomm.co.uk](mailto:charlotte.nelson@lexcomm.co.uk) / 0161 711 0336

# St Helens Town Centre Regeneration January 2022

## Appendix D – Media Coverage

The screenshot shows a news article on the St Helens Star website. The main headline is "Consultation open to public on St Helens town centre plans". The article text includes:

**RESIDENTS can have their say on the regeneration plans for St Helens town centre.**

A public consultation will be held on Monday, November 15 and Tuesday, November 16, for six weeks a week from 10am to 4pm.

The town council has also shared a video showing a flythrough of the proposed regeneration.

St Helens Council's cabinet approved a draft masterplan framework in October that set out the vision for an inclusive centre, and a vibrant town centre.

Leader Cllr David Stokes said the draft plans for St Helens are ambitious but deliverable.

He told members this is a "once in a lifetime opportunity" and said: "I, and we, intend to seize it."

He added: "This is a hugely important moment as we will for the first time in this town, see the items before us are among the most significant ones that any of our citizens will ever take with us to the council."

"We want both St Helens and surrounding town centres to be a source of jobs, skills, and vitality for our residents, and to be a source of pride and outdoor spaces with great transport links, digital connectivity and future-proofed to attract the outside world – and to be a source of partnership with the ECF and other partners."

The cabinet also approved an interactive consultation period to give as many people as possible, residents and business owners, partners and people from outside of the borough the chance to have their say on the plans which will see "once in a generation" remodelling of the two town centres.

The masterplans have been prepared by St Helens Borough Council in partnership with regeneration experts, the ECF.

Delivery of the ambitions for St Helens town centre are expected to span the next 20 years, with the first phase of planning and construction anticipated to be completed early next year. This will see a new residential development, including a new market, a hotel, a long edge flexible commercial all-leisure & office space, a redesigned bus station and improved connectivity anticipated in the first five years of the programme.

Thinking Of Remodelling Your Bathroom? See The Latest...  
A Simple Method to Reduce Neuropathy (Watch)

It also includes space for new high-quality homes for families to live and grow.

The long-term proposals for St Helens town centre divide the town centre into four zones, each of which will play a role in the wider transformation of the town centre.

These zones are the central retail zone, civic and heritage zone, discovery zone, and the education and residential zone.

An initial phase one planning application for half-street town centres is also anticipated in early 2022.

During the consultation period on the plans for St Helens town centre, there are several ways people can comment on the proposals, including writing to the regeneration team, making a call to the team or attending in person events taking place between Tuesday, November 16 and Sunday, November 21.

The in-person events will be at:

- Home - Home 4 at 10am on Church Street
- Monday - 10am - 12pm
- Tuesday - 10am - 12pm
- Wednesday - 10am - 12pm
- Thursday - 10am - 12pm

St Helens Town Centre Christmas lights switch on  
7pm - 8pm

50 LEXCOMM.CO.UK

# St Helens Town Centre Regeneration January 2022

**ECHO** St Helens

Home News Local Sport Business Community

**Towns to be transformed in 'once in a lifetime' regeneration**

St Helens and other towns in the Mersey Valley are set to be transformed by a regeneration programme worth £1.2 billion.

**7.9 MILLION** could be added to your street

**HARTLEY'S SKIP HIRE**  
Mini, Midi, Large  
TEL: 01638 753640  
07989 908192

**51 LEXCOMM.CO.UK**

# St Helens Town Centre Regeneration

## January 2022



**£120 million of new St Helens town centre could look like as part of the new 20-year masterplan.** [By Hugh Hallett](#)

The proposed new town centre will be a mix of modern and traditional architecture, with a mix of residential and commercial buildings. The new town centre will be a mix of modern and traditional architecture, with a mix of residential and commercial buildings. The new town centre will be a mix of modern and traditional architecture, with a mix of residential and commercial buildings.



**£120 million of new St Helens town centre could look like as part of the new 20-year masterplan.** [By Hugh Hallett](#)

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**£120 million of new St Helens town centre could look like as part of the new 20-year masterplan.** [By Hugh Hallett](#)

The proposed new town centre will be a mix of modern and traditional architecture, with a mix of residential and commercial buildings. The new town centre will be a mix of modern and traditional architecture, with a mix of residential and commercial buildings.

**Start something new**

£10.50

Start something new

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Get your EXCLUSIVE 20% off here.

**Complete The Set**

There are 10 items in the set. Complete The Set. There are 10 items in the set. Complete The Set.

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Appendix E – Public Consultation Website

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HOME THE MASTERPLAN THE ZONES PHASE 1 FAQs VIRTUAL EXHIBITION ABOUT US YOUR VIEWS

THE ENGLISH CITIES FUND ST HELENS

# ST HELENS TOWN CENTRE REGENERATION

Public Consultation Website

THE ENGLISH CITIES FUND ST HELENS

# ST HELENS TOWN CENTRE REGENERATION

## WELCOME TO OUR WEBSITE

**St Helens Borough Council and the English Cities Fund (ECF) are bringing forward ambitious plans to transform St Helens town centre via a once in a lifetime regeneration project set to span the next two decades.**

The vision for the new town centre has been set out within a document called the draft Masterplan Development Framework. This document has been created to guide and support the positive transformation of the town centre, ensuring that the development coming forward is of a high quality, is sustainable and has the people of St Helens at its heart. It provides an aspirational vision for the town centre, with a focus on deliverable transformation.

We want our town centre to be child and family friendly, safe and sustainable thriving places for local businesses, shoppers, visitors, and residents, and that's what these plans will help to deliver.

You can view the draft Masterplan Development Framework by clicking the button below. You can also find out more by visiting 'The Masterplan' page.

Our proposals are being brought forward to benefit you – someone who lives, works or plays in St Helens. That's why it's important to us that we hear your views. We recently consulted on the proposals, and we are in the process of reviewing your feedback. If you want to find out more about our consultation, as well as ways to provide feedback so you do so by visiting the 'Your Views' page.

St Helens Town Centre animation

St Helens Draft Masterplan Development Framework

How can I have my say on the draft Masterplan Development Framework?

Click here to view the draft Masterplan Development Framework. [CLICK HERE](#)

St Helens TOWN CENTRE REGENERATION

THE ENGLISH CITIES FUND ST HELENS

TELEPHONE: 0333 358 0502  
(weekdays 9.00am – 5.30pm)

Email: [STHELENS@HAVINGYOURSAY.CO.UK](mailto:STHELENS@HAVINGYOURSAY.CO.UK)

ADDITIONAL LINKS

- HOME
- THE MASTERPLAN
- THE ZONES
- PHASE 1
- FAQS
- VIRTUAL EXHIBITION
- ABOUT US
- YOUR VIEWS

# St Helens Town Centre Regeneration

## January 2022

St Helens
HOME THE MASTERPLAN THE ZONES PHASE 1 FAQS VIRTUAL EXHIBITION ABOUT US YOUR VIEWS

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## THE MASTERPLAN

**St Helens... A culturally centred vibrant town centre that matches the borough's potential with people at the heart**

Our plan for the town centre has been put out for public consultation. **Masterplan Development Framework** is a vision for the town centre that will be the central focus of the regeneration process. It is a vision that will be developed in consultation with the community and will be a central focus of the regeneration process.



You can view and download the **Masterplan Development Framework** [here](#). [CLICK HERE](#)

The plan for the town centre will be developed in consultation with the community and will be a central focus of the regeneration process. It is a vision that will be developed in consultation with the community and will be a central focus of the regeneration process.

Our plan for the town centre has been put out for public consultation. **Masterplan Development Framework** is a vision for the town centre that will be the central focus of the regeneration process. It is a vision that will be developed in consultation with the community and will be a central focus of the regeneration process.

- Working together for a better town centre
- Working together for a better town centre
- Working together for a better town centre

All of the details are in the **Masterplan Development Framework**.

**Once adopted**, the plan will be used to guide the regeneration process. It will be a central focus of the regeneration process. It is a vision that will be developed in consultation with the community and will be a central focus of the regeneration process.



### Building upon St Helens rich industrial heritage to shape a vibrant future

Our plan for the town centre will be developed in consultation with the community and will be a central focus of the regeneration process. It is a vision that will be developed in consultation with the community and will be a central focus of the regeneration process.

The town centre will be developed in consultation with the community and will be a central focus of the regeneration process. It is a vision that will be developed in consultation with the community and will be a central focus of the regeneration process.



### A plan that responds to future ways of living, working and playing

Our plan for the town centre will be developed in consultation with the community and will be a central focus of the regeneration process. It is a vision that will be developed in consultation with the community and will be a central focus of the regeneration process.

The town centre will be developed in consultation with the community and will be a central focus of the regeneration process. It is a vision that will be developed in consultation with the community and will be a central focus of the regeneration process.



You can view and download the **Development Masterplan Framework** [here](#). [CLICK HERE](#)

**St Helens** TOWN CENTRE REGENERATION



TELEPHONE: 0333 358 0502  
Monday to Friday, 9am to 5pm

EMAIL: [STHELENS@HAVINGYOURSN.CO.UK](mailto:STHELENS@HAVINGYOURSN.CO.UK)

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- THE ZONES
- PHASE 1
- FAQS
- VIRTUAL EXHIBITION
- ABOUT US
- YOUR VIEWS

# St Helens Town Centre Regeneration

## January 2022

St Helens
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HOME THE MASTERPLAN THE ZONES PHASE 1 FAQs VIRTUAL EXHIBITION ABOUT US YOUR VIEWS

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## THE ZONES

The regeneration plan for St Helens town centre is divided into five zones, each with its own set of objectives and proposals. The zones are: Central Retail Zone, Civic & Heritage Zone, Discovery Zone, Education & Entertainment Zone, and the St Helens Park Zone. Each zone has its own set of objectives and proposals, which are available to download separately.


[CLICK TO DOWNLOAD](#)

---

### Central Retail Zone

The Central Retail Zone is the heart of the town centre, and the area is rich in history. It is home to many of the town's most important buildings, including the former St Helens Railway Station, which is now a museum. The zone is also home to many of the town's most important businesses, including the former St Helens Railway Station, which is now a museum. The zone is also home to many of the town's most important businesses, including the former St Helens Railway Station, which is now a museum.

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CLICK IMAGE TO VIEW LARGER VERSION OR


[CLICK TO DOWNLOAD](#)

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### Civic & Heritage Zone

The Civic & Heritage Zone is the heart of the town's history and heritage. It is home to many of the town's most important buildings, including the former St Helens Railway Station, which is now a museum. The zone is also home to many of the town's most important businesses, including the former St Helens Railway Station, which is now a museum.

The zone is also home to many of the town's most important businesses, including the former St Helens Railway Station, which is now a museum. The zone is also home to many of the town's most important businesses, including the former St Helens Railway Station, which is now a museum.



CLICK IMAGE TO VIEW LARGER VERSION OR


[CLICK TO DOWNLOAD](#)

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### Discovery Zone

The Discovery Zone is the heart of the town's future. It is home to many of the town's most important buildings, including the former St Helens Railway Station, which is now a museum. The zone is also home to many of the town's most important businesses, including the former St Helens Railway Station, which is now a museum.

The zone is also home to many of the town's most important businesses, including the former St Helens Railway Station, which is now a museum. The zone is also home to many of the town's most important businesses, including the former St Helens Railway Station, which is now a museum.



CLICK IMAGE TO VIEW LARGER VERSION OR


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### Education & Entertainment Zone

The Education & Entertainment Zone is the heart of the town's education and entertainment. It is home to many of the town's most important buildings, including the former St Helens Railway Station, which is now a museum. The zone is also home to many of the town's most important businesses, including the former St Helens Railway Station, which is now a museum.

The zone is also home to many of the town's most important businesses, including the former St Helens Railway Station, which is now a museum. The zone is also home to many of the town's most important businesses, including the former St Helens Railway Station, which is now a museum.



CLICK IMAGE TO VIEW LARGER VERSION OR

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You can view and download the draft Development Masterplan Framework [here](#).

---

St Helens

TOWN CENTRE REGENERATION



TELEPHONE: 0333 358 0502  
(weekdays 9.30am - 5pm)

Email: [STHELENS@HAVINGYOURSAV.CO.UK](mailto:STHELENS@HAVINGYOURSAV.CO.UK)

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HOME

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PHASE 1

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## PHASE ONE

Transformation at this scale must be managed and takes time. Delivery of this ambitious Masterplan Development Framework will be phased to maximise benefits and minimise negative impacts. This will help minimise disruption in the town centre, including on existing businesses and access. We will however be bringing forward an initial first phase of development, which will create significant impacts on the town centre in the short term, kickstarting our vision for the future.

Phase 1 is proposed to include:

- Delivery of a new and extended bus station;
- Creation of the new Gamble Square;
- Extensive demolition of the Hardshaw Centre;
- A new Grade A office designed to the highest sustainable standards;
- A 120+ bed branded hotel;
- A new modern market hall, incorporating food and beverage stalls;
- New homes, including apartments and townhouses;
- New retail units;
- Extensive public realm linking the new development to the rail station, bus station and Church Square.



You can view and download the draft Development Masterplan Framework here:

[CLICK HERE](#)



# St Helens Town Centre Regeneration January 2022

**St Helens** 2022 **REGENERATION** THE FUTURE OF ST HELENS **REGENERATION** THE FUTURE OF ST HELENS

## FAQS

### The Proposals

#### Q What are you planning?

Our vision for St Helens is to create a vibrant, modern town centre that is a mix of housing, retail, leisure, and community facilities. We want to create a place where people want to live, work, and play. Our proposals include:

- New housing developments
- New retail and leisure spaces
- Improved public spaces and greenery
- New transport links and infrastructure
- New community facilities

#### Q How will the proposals be funded?

The proposals will be funded through a combination of public and private investment. We are currently exploring various funding options, including:

- Public funding from the council
- Private investment from developers and investors
- Funding from the private finance initiative (PFI)
- Funding from the local enterprise partnership (LEP)

#### Q What is the proposed development framework document?

The development framework document is a key planning tool that sets out the strategic vision for the town centre regeneration. It will provide a framework for the development of the town centre and will be used to guide the planning process. The framework document will cover:

- The overall vision for the town centre
- The types of development that are encouraged
- The types of development that are discouraged
- The location of development
- The design and appearance of development

#### Q What are the proposed traffic and highway changes?

The proposals include a range of traffic and highway changes to improve the town centre and to encourage more people to walk, cycle, and use public transport. The changes include:

- New pedestrian crossings
- New cycle lanes
- New bus lanes
- New parking spaces
- New street lighting
- New street furniture

#### Q How do you plan to reduce the Council's carbon footprint?

The proposals include a range of measures to reduce the Council's carbon footprint, including:

- Energy efficiency measures
- Renewable energy measures
- Sustainable procurement
- Carbon footprint reporting

#### Q How have you evaluated the performance of the Council's current services?

We have carried out a range of evaluations to assess the performance of the Council's current services, including:

- Customer surveys
- Staff surveys
- Performance indicators
- Benchmarking

#### Q What are the benefits for the Council's residents and businesses?

The proposals will bring a range of benefits to the Council's residents and businesses, including:

- Improved housing
- Improved retail and leisure opportunities
- Improved public spaces and greenery
- Improved transport links and infrastructure
- Improved community facilities

### Traffic & Highways

#### Q How will you ensure the development is accessible by public transport?

The proposals include a range of measures to ensure that the development is accessible by public transport, including:

- New bus lanes
- New bus stops
- New bus shelters
- New bus routes

#### Q How do you plan to encourage walking and cycling?

The proposals include a range of measures to encourage walking and cycling, including:

- New pedestrian crossings
- New cycle lanes
- New cycle paths
- New cycle parking spaces
- New street lighting
- New street furniture

#### Q What are your plans for the station and railway station?

The proposals include a range of measures to improve the station and railway station, including:

- New passenger facilities
- New cycle parking spaces
- New bus lanes
- New bus stops
- New bus shelters
- New bus routes

#### Q Do you have any parking spaces, where will you use them?

The proposals include a range of measures to provide parking spaces, including:

- New parking spaces
- New parking spaces for disabled people
- New parking spaces for electric vehicles
- New parking spaces for bicycles

### Economic

#### Q Do you have any plans to improve the town centre's economic performance?

The proposals include a range of measures to improve the town centre's economic performance, including:

- New retail and leisure spaces
- New housing developments
- Improved public spaces and greenery
- Improved transport links and infrastructure
- New community facilities

#### Q Are you interested in opening up business in the town centre - how can you help?

We are currently exploring various ways to help businesses in the town centre, including:

- Providing information and advice
- Providing financial support
- Providing training and skills development opportunities
- Providing marketing and promotion opportunities

#### Q What social and health benefits will the proposals bring to the residents of St Helens?

The proposals will bring a range of social and health benefits to the residents of St Helens, including:

- Improved housing
- Improved retail and leisure opportunities
- Improved public spaces and greenery
- Improved transport links and infrastructure
- Improved community facilities

### Consultation

#### Q How do you plan to consult with the public?

We are currently exploring various ways to consult with the public, including:

- Public meetings
- Public consultations
- Surveys
- Focus groups
- Open spaces

#### Q How can community groups help?

Community groups can help to improve the town centre in a number of ways, including:

- Providing information and advice
- Providing financial support
- Providing training and skills development opportunities
- Providing marketing and promotion opportunities

#### Q How do you plan to monitor and evaluate the progress of the proposals?

We are currently exploring various ways to monitor and evaluate the progress of the proposals, including:

- Performance indicators
- Customer surveys
- Staff surveys
- Benchmarking

#### Q How do you plan to involve the public in the decision-making process?

We are currently exploring various ways to involve the public in the decision-making process, including:

- Public meetings
- Public consultations
- Surveys
- Focus groups
- Open spaces

**St Helens** 2022 **REGENERATION** THE FUTURE OF ST HELENS **REGENERATION** THE FUTURE OF ST HELENS

ADDITIONAL LINKS

- HOME
- THE MASTERPLAN
- THE PHASES
- PHASE 1
- TALK
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- ABOUT US
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TELEPHONE: 0333 558 0522  
Kew Road, St Helens, Merseyside, L25 0UN

ST HELENS REGENERATION  
ST HELENS REGENERATION



## ABOUT US

St Helens Borough Council has formed a 20-year partnership with the English Cities Fund to bring forward a once in a generation opportunity to regenerate St Helens Town Centre.

ECF is a partnership between Muse Developments, Legal and General and Homes England. The partnership was formed in 2001 and has worked with councils, landowners and communities to create exceptional places across the UK. ECF brings together investment, regeneration expertise and long-term commitment to shape towns and cities for the better. You can learn more St Helens Borough Council [here](#) and ECF [here](#).

Muse Developments is one of the country's leading names in mixed-use development and urban regeneration and will be promoting a Sustainable Development Strategy for development throughout the lifetime of this project. You can read this document [here](#).

You can view and download the draft Masterplan Development Framework [here](#):

[CLICK HERE](#)



TELEPHONE : 0333 358 0502  
(weekdays 9.00am - 5.30pm)

Email : [STHELENS@HAVINGYOURSAY.CO.UK](mailto:STHELENS@HAVINGYOURSAY.CO.UK)

### ADDITIONAL LINKS

- HOME
- THE MASTERPLAN
- THE ZONES
- PHASE 1
- FAQS
- VIRTUAL EXHIBITION
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## YOUR VIEWS

We are bringing forward this once in a lifetime opportunity for the existing St Helens community, with the ambition of unlocking a plethora of social, physical, and economic benefits that will change the borough for the better.

Our proposals are being brought forward to benefit you and that's why it's important to us that we hear your views on what we are proposing.

Our public consultation ran between Monday 1 November and Monday 13 December. During this time, there are several ways to comment on the proposals. The consultation is now closed and we are reviewing the feedback submitted. During this time, you can still contact us in one of the following ways:

### WRITE TO US

Via the following:

Freepost, YOURVOICECOUNTS, St Helens  
Council, WA10 1HP

### FREEPHONE

Call our dedicated Community Information  
Line at

**0333 358 0502**

(Monday to Friday 9.00am to 5.30pm)

### EMAIL

Any additional comments or questions to us  
at:

**sthelens@havingyoursay.co.uk**

We will review all the feedback, comments and questions submitted and explore opportunities to incorporate the feedback before we finalise the Masterplan Development Framework. Subject to the comments received, it is anticipated that a planning application relating to the proposed phase 1 will be submitted in early 2022.

Any feedback provided will be used for the purposes of informing the final Masterplan Development Framework and the submission of future planning applications. A summary of all responses will be collated into a Consultation Statement that will be submitted as part of future planning applications to the Council. The data will be held securely in accordance with data protection guidelines.



### ADDITIONAL LINKS



# St Helens Town Centre Regeneration

## January 2022

### Appendix F – Exhibition Boards

**ST HELENS**

# WELCOME

**Welcome to our public exhibition. St Helens Borough Council and The English Cities Fund (ECF) are bringing forward ambitious plans to transform St Helens Town Centre via a once in a lifetime regeneration project.**

The vision for the new town centre has been set out within a document called the draft Masterplan Development Framework. This document has been created to guide and support the positive transformation of the town centre, ensuring that development coming forward is of a high quality, is sustainable and has the people of St Helens at its heart. It provides an aspirational vision for the town centre, with a focus on deliverable transformation.

Copies of this document are available to view at this exhibition, and the boards on display today provide more information about what is being proposed.

**WE WANT TO HEAR YOUR VIEWS!**

Please take the time to review the information on display today and provide your feedback. More information about how you can do this is included on the "Your Views" board.



**ST HELENS**

## KEY MESSAGES FROM PREVIOUS PUBLIC ENGAGEMENT

- "CREATE AN IDENTITY FOR ST HELENS"
- "PREFERENCE TO RELOCATE THE EXISTING MARKET HALL"
- "NEED TO MAKE MORE OF THE CULTURAL OFFER AND NIGHT-LIFE"
- "AMBIENT LIGHTING AND CLEAN AND GREEN STREETS"
- "THE TOWN CENTRE IS LACKING A FAMILY OFFER AS WELL AS NIGHT-TIME ECONOMY"
- "THE DEVELOPMENT OF CLEAR ZONES OR QUARTERS, WHICH ARE CLEARLY DEFINED AND OFFER A WIDER VARIETY OF CHOICE"
- "PROVISION FOR GREATER LEISURE OPPORTUNITIES"
- "HUB FOR QUALITY EDUCATION, SKILLS AND ENTERPRISE"
- "A NEED TO IMPROVE SAFETY AND SECURITY"
- "PLACES FOR ENTREPRENEURS AND ARTISANS TO FLOURISH"
- "THE TOWN CENTRE NEEDS TO BE SMALLER, FOR THE RETAIL TO SHRINK AND CREATE SMALLER, NICHE, BOUTIQUE INDEPENDENTS"
- "A NEED TO DELIVER A MODERN AND SUSTAINABLE TOWN CENTRE LIVING OPTION"
- "PUBLIC ART THAT REFLECTS THE BOROUGH'S HERITAGE, INGENUITY AND INDIVIDUALITY"
- "A NEED TO REPLACE RETAIL WITH QUALITY HOUSING AND LIFESTYLE OFFER"
- "IMPROVED CONNECTIVITY TO ALLOW COMMUNITIES TO MAKE GREEN TRAVEL CHOICES AND LINKED TRIPS TO THE RETAIL PARKS"
- "PROVIDE SMALL MAKER SPACES WHICH ARE COOL AND INNOVATIVE"
- "IT IS ESSENTIAL TO UNLOCK THE CANAL"



ST HELENS

**DRAFT MASTERPLAN DEVELOPMENT FRAMEWORK**

**WHAT IS THE DRAFT MASTERPLAN DEVELOPMENT FRAMEWORK?**

Our vision for the new town centre has been set out within the draft Masterplan Development Framework. This document sets out the aspirations for St Helens Town Centre, whilst taking into account the opportunities and challenges that exist, as well as the feedback submitted during previous consultations. It illustrates the first thoughts and ideas around the significant investment that will completely transform the area for the benefit of local people.

**WHAT ARE THE BASIC PRINCIPLES OF THE PROPOSALS?**

The town centre has been divided into four proposed character zones which will each play a role in the wider transformation of the town centre. These zones are the Central Retail Zone, the Civic and Heritage Zone, the Discovery Zone, and the Education and Entertainment Zone. More information about each of these can be found on the following boards.

To ensure co-ordinated, strategic development that reflects the vision we have for St Helens town centre, all future development will need to adhere to a series of design principles. **These include:**

- Improving and linking public space, historic, cultural buildings, the canal and existing streets;
- Creating opportunities to provide experiences through a range of placemaking activities and events which animate the spaces and create interest;
- Creating positive and active frontages throughout the town centre; and
- Drawing upon the heritage of buildings and streets and seeking opportunities to restore the historic layout of the area with connected shared spaces.

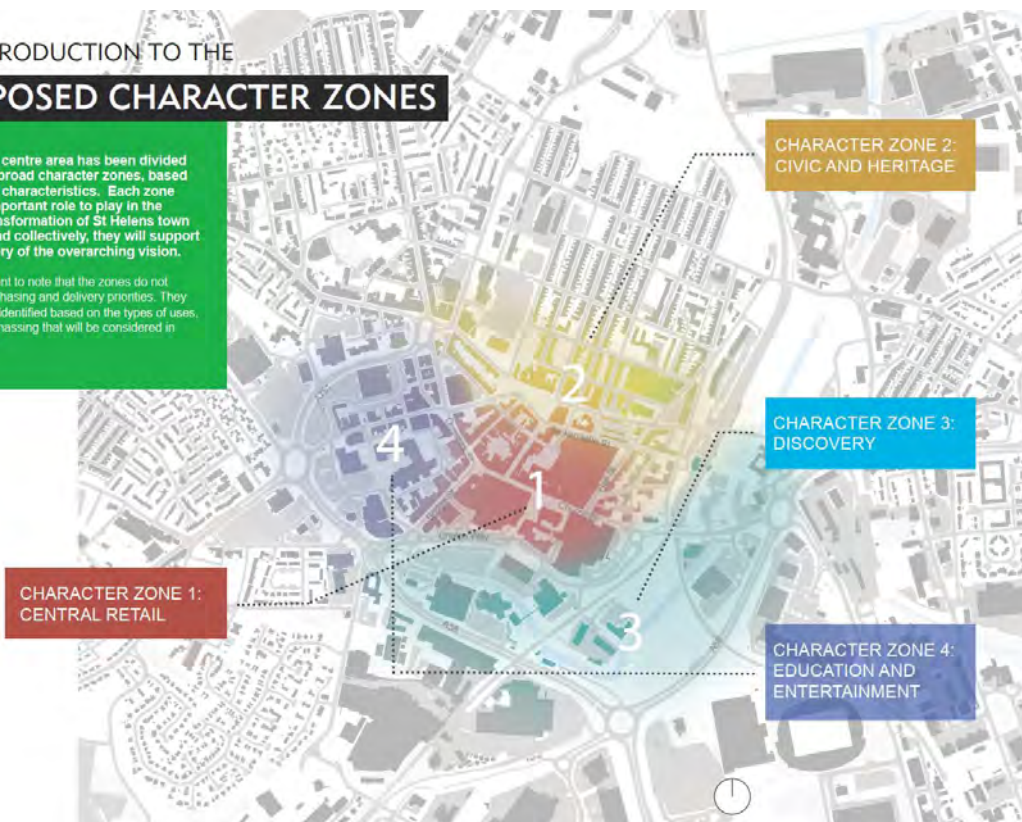
Once adopted, the Masterplan will guide development across the town centre and will form a material consideration in the determination of all future planning applications across the area.



**AN INTRODUCTION TO THE PROPOSED CHARACTER ZONES**

The town centre area has been divided into four broad character zones, based upon key characteristics. Each zone has an important role to play in the wider transformation of St Helens town centre, and collectively, they will support the delivery of the overarching vision.

It is important to note that the zones do not represent phasing and delivery priorities. They have been identified based on the types of uses, scale and massing that will be considered in each area.



**CHARACTER ZONE 1: CENTRAL RETAIL**

**CHARACTER ZONE 2: CIVIC AND HERITAGE**

**CHARACTER ZONE 3: DISCOVERY**

**CHARACTER ZONE 4: EDUCATION AND ENTERTAINMENT**

## CHARACTER ZONE 1

### CENTRAL RETAIL

The Central Retail Zone provides the opportunity to create a strong heart and focus to the town centre.

This area relates to the heart of the town, currently occupied by traditional high street uses, and centred around a key asset for St Helens – Church Square and the Grade II listed St Helens Parish Church.

Whilst there has been some private investment here in recent years, which is strongly supported and encouraged, there are clear opportunities in this area to reduce the dominance of the insular shopping centres that reduce the permeability in this part of the town centre and to improve the landscaping and public realm.

In this context, the ambition here is to demolish the existing Hardshaw Shopping Centre and replace it with a new mixed-use development. This will allow a re-introduction of the original street pattern to create better links north to south through the town centre. The new development will provide a link through from an improved bus station at Bickerstaffe Street through a newly created 'New Market Street' and create a vista down to St Helens Parish Church.

Engagement with existing traders and occupiers will be undertaken to ensure that appropriate alternative premises can be found within the town centre whilst this work is being undertaken.

The development proposes the following:

- New townhouses fronting onto Hall Street (overlooking the George Street Quarter Conservation Area);
- A new hotel, with the opportunity for an active street frontage onto Bickerstaffe Street;
- Small to medium sized retail and leisure units fronting onto the newly created New Market Street at ground floor level and residential apartments above;
- Provision of small-scale retail kiosks to provide the opportunity for independents and start-ups to occupy space within the heart of the town centre; and
- A new market hall occupying the corner of Church Street and Hall Street, with the opportunity for spill-out space in Church Square and in New Market Street.

### PREFERRED USES

- Mixed use, retail and leisure led development with a variety of unit sizes to accommodate local independents as well as options for high street multiples where appropriate;
- High quality residential.



## CHARACTER ZONE 2

### CIVIC AND HERITAGE

The Civic and Heritage Zone includes some of the town's key heritage buildings and assets, which are recognised given that the zone includes two Conservation Areas – George Street and Victoria Square.

Development coming forward in these locations must respect the Conservation Area, and where possible seek out opportunities for new development that enhance and make a positive contribution to heritage assets contained within the Area.

The Zone encompasses:

- The area around St Helens Central Railway Station and the George Street Conservation Area, spanning from Church Street/Parr Street to the south, just beyond Corporation Street to the north, and Hall Street to the west;
- The area from Hall Street through to Victoria Square, including the bus station, transport museum, The Gamble and Town Hall buildings; and
- The area between College Street and Birchley Street, including Birchley Street Car Park, Police Station and Law Courts.

Within this part of the town centre there is the opportunity to create more of a civic heart to St Helens, building on the existing assets of the Town Hall and the Gamble Building and focusing on the spaces between these buildings to create a space where people want to dwell. Equally

important is the need to define a positive arrival point into the town centre – both from St Helens Central Rail Station and the bus station as key public transport nodes for St Helens.

Development within the Civic and Heritage Zone includes the following:

- A new Commercial Office to provide high-quality employment space for the town centre;
- A redesigned bus station to provide a more pleasant and safer environment for pedestrians;
- The creation of a new public square to the rear of the Gamble building;
- Improved landscaping and public realm from St Helens Central Train Station, along Bickerstaffe Street and into Victoria Square;

### PREFERRED USES

- High-quality transport facilities;
- Commercial-led development at an appropriate scale and massing;
- Ancillary retail and leisure led development;
- High-quality public realm and landscaping;
- Community-focused buildings and amenities;
- High quality residential.



## CHARACTER ZONE 3

### DISCOVERY

The Discovery Zone includes the area from Church Street to the north (currently occupied by St Mary's Shopping Centre and existing market hall), The World of Glass, and the area around the Sankey Canal. This part of the town centre is currently dominated by highway infrastructure.

The development proposes the following:

- St Mary's Shopping Centre and associated multi-storey car park is proposed to be demolished and over time, to be replaced by new residential development. These sites can come forward in phases dependent upon market requirements and will likely be a mix of townhouses and apartments.
  - Closing off a significant part of Chalton Way to through-traffic, allowing the improvement of pedestrian movement through this part of the town. In order to continue to allow buses to move from Foundry Street to the bus station, it is proposed that a new link from Foundry Street to Hall Street will be constructed.
  - There are opportunities here longer-term to create development sites in and around the canal, improving the environment and public realm around The World of Glass and developing the former Chalton Way Car Park site.
- The jewel in the crown of this Draft Masterplan Development Framework from a public realm perspective is the creation of Discovery Park. A large new green space in the centre of the town. An opportunity for increasing the number of trees, planting and lawn areas which will bring multiple benefits to the people of St Helens as well as for biodiversity. Access to high quality green space has huge benefits to people's wellbeing whilst also helping to tackle issues of flooding and reducing the carbon footprint of urban environments.
- Through implementing these key moves, this part of the town centre will be better connected into the retail core as well as to the Chamber of Commerce, the Stadium, the proposed new Youth Hub that forms part of the Town Deal initiative, and the area which is being developed for Glass Futures.



## CHARACTER ZONE 4

### EDUCATION AND ENTERTAINMENT

This area lies to the west of the primary shopping area and includes St Helens College Campus, Westfield Street and leisure/food and beverage uses, extending out towards Duke Street.

Proposed future development in this zone is, for now, focused on enhancements to the public realm, pedestrian, and cyclist connectivity. This includes:

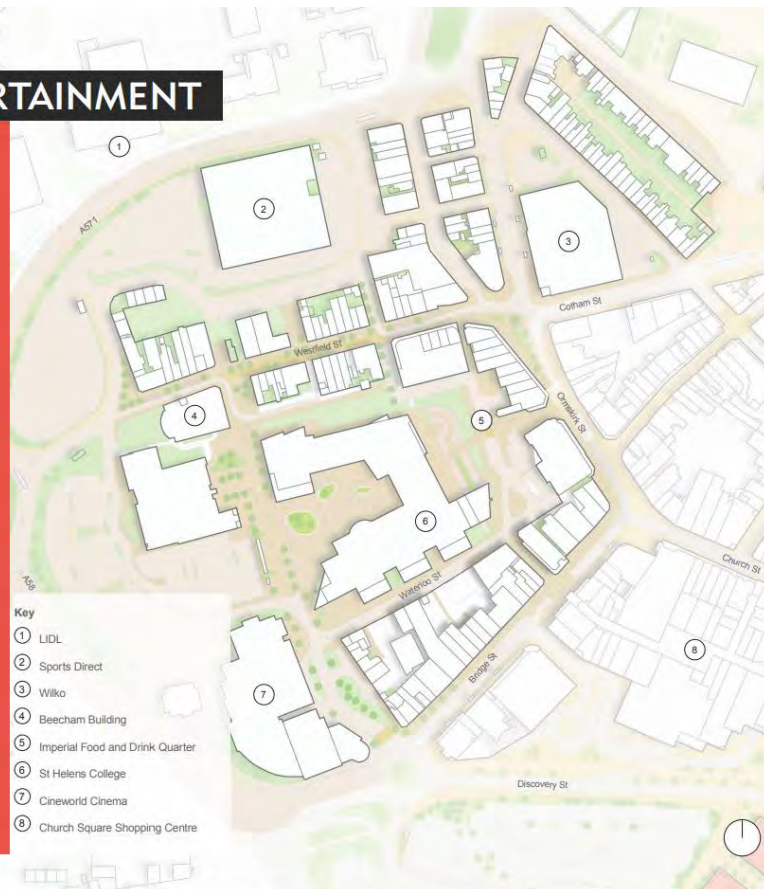
- Enhancing the landscaping and public realm within Westfield Street, to create a more pleasant experience for pedestrians;
- Providing improved pedestrian and cyclist connectivity over the Linkway to provide better connections to local communities who live close by.

There are some key streets that provide important access routes into the town centre and these would benefit from widened footpaths where possible, the de-cluttering and rationalisation of street furniture, the provision of more courtesy pedestrian crossings at key locations and more street trees.

Westfield Street in particular has the opportunity to be enhanced into a high-quality pedestrian priority street that should stimulate the regeneration of businesses within this area.

### PREFERRED USES

- Mixed use, retail and leisure led development with a variety of unit sizes to accommodate local independents as well as options for high street multiples occupiers where appropriate;
- Education-related uses associated with St Helens College;
- High quality public realm and landscaping: Encourage high quality evening economy uses, such as the growing independent sector on Barrow Street.





# St Helens Town Centre Regeneration

## January 2022

### ST HELENS

## PHASE 1 APPLICATION

In order to get it right, our long term ambitious Masterplan will be delivered over a series of phases. This will help minimise disruption in the town centre, including on existing businesses and access. We will however be bringing forward an initial first phase of development, which will create significant impacts on the town centre in the short term, kickstarting our vision for the future.

#### Phase 1 is proposed to include:

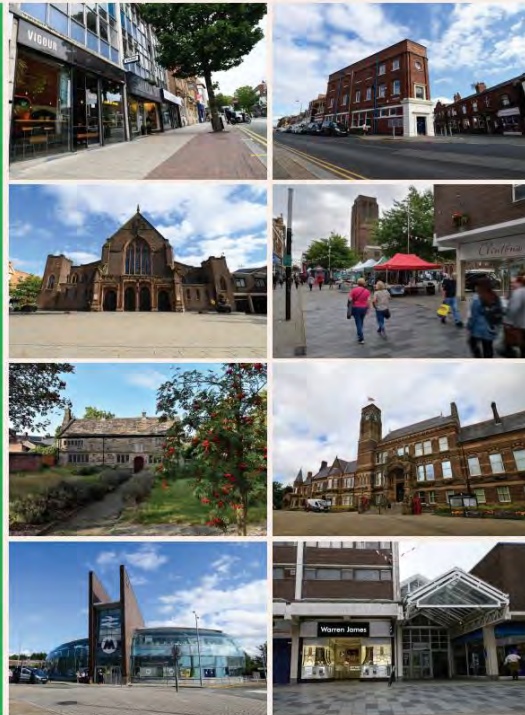
- Delivery of a new and extended bus station
- Creation of the new "Gamble Square"
- Extensive demolition of the Hardshaw Centre
- A high-quality office building to support a growing business community
- A 120+ bed branded hotel
- A new modern market hall, incorporating food and beverage stalls;
- New homes, including apartments and townhouses;
- New retail / leisure units
- Extensive public realm linking the new development to the train station, bus station and Church Square.

### REGENERATION

## BENEFITS

The Draft Masterplan Development Framework provides an opportunity to drive transformational change for St Helens town centre. This will generate physical regeneration benefits on the ground but also have wider-reaching positive impacts for the local community, businesses and occupiers in the town over the next 20 years. Such benefits include:

- Driving economic growth and job creation;
- Enhanced green space and public realm;
- A more sustainable town centre - adapted to climate change, with less reliance on the private car;
- Increasing the visitor economy;
- Celebration of the borough's unique cultural and heritage assets;
- Addressing local housing need;
- Positively changing perceptions of St Helens (and the wider Borough) and attracting future inward investment into the town;
- Provision of new community facilities;
- Social value embedded into the development;
- Enhanced biodiversity;
- Attracting meanwhile uses and events.



### ST HELENS

## YOUR VIEWS

We are bringing forward this once in a lifetime opportunity for the St Helens community, with the ambition of unlocking a plethora of social, physical, and economic benefits that will change the borough for the better. Our proposals are being brought forward to benefit you and that's why it's important to us that we hear your views on what we are proposing.

Our public consultation is live between Monday 1 November and Monday 13 December. During this time, there are several ways you can comment on the proposals:



#### ONLINE FEEDBACK FORM

Visit our website and fill in the feedback form or drop your comments onto our interactive map at: [www.sthelensowncentre.co.uk](http://www.sthelensowncentre.co.uk)



**EMAIL** Any additional comments or questions to us at: [sthelens@havingyoursay.co.uk](mailto:sthelens@havingyoursay.co.uk)



**WRITE TO US** Via the following: Freepost, YOURVOICECOUNTS  
Address line 1, Address line 2



**FREEPHONE** Call our dedicated Community Information Line at **0333 358 0502** (Weekdays 9.00am - 5.30pm)



**LOOK OUT** For a series of pop-up events in areas across the borough - visit our website and St Helens Borough Council social media [@sthelenscouncil](https://www.facebook.com/sthelenscouncil) for more information

Following the end of the consultation, we will review all the feedback, comments and questions submitted and explore opportunities to incorporate the feedback before we finalise the Masterplan Development Framework. Subject to the comments received, it is anticipated that a planning application relating to the proposed phase 1 will be submitted in early 2022.

Any feedback provided will be used for the purposes of informing the final Masterplan Development Framework and the submission of future planning applications. A summary of all responses will be collated into a Consultation Statement that will be submitted as part of future planning applications to the Council. The data will be held securely in accordance with data protection guidelines.



ST HELENS

**QUESTION & ANSWERS**

**Who is bringing these plans forward?**

The Council has entered into a 20-year partnership with the English Cities Fund and alongside the draft Masterplan Development Framework, has developed a proposal for an initial mixed-use development which will form the initial Phase 1 of the transformation of St Helens town centre.

**How do these plans reflect the Council's wider ambitions?**

The Draft Masterplan Framework has been prepared in the context of the wider regeneration ambitions for borough. It aligns directly with the #StHelensTogether Our Borough Strategy 2021-2030, together with the vision and ambition that is set out within the St Helens' Town Investment Plan. This Masterplan will harness and build upon the positive activity already happening across the Borough.

All of these plans have developed by listening to residents, communities, businesses and stakeholders to understand their experiences of dealing with the Covid-19 pandemic and planning how we can all build a more prosperous and successful borough, support the changing needs of our communities and unlock our full potential.

**What are the timings for the Framework's adoption and the associated Phase 1 application?**

**The next steps for our plans are as follows:**

- We will launch a public consultation on the Framework and Phase 1 proposals on 1 November 2021. This six-week consultation will centre around a dedicated project website, which will have a wealth of information about the vision and the draft Masterplan for the town centre.
- At the end of the consultation, we will review all of the feedback submitted and compile this into a Statement of Community Involvement which will help us shape the final Masterplan and Phase 1 application.

- We hope to submit a Phase 1 application early next year. We hope this application, which will be in outline and set out the principle of development, will be determined by mid-2022.
- Once the outline application is approved, we will submit a detailed Reserved Matters application.
- Demolition and infrastructure works relating to Phase 1 is expected to begin in late 2023, which the construction of Phase 1 beginning in April 2024.

**It is hoped that Phase 1 will be completed by late 2025.**

**How have you evaluated the performance of the current Town Centre when drafting this Draft Masterplan Development Framework?**

Before preparing the Draft Masterplan Development Framework, a town centre health check was undertaken, which informed the St Helens Town Investment Plan. A number of key considerations were noted, including: that the local retail property market is dominated by large scale monolithic indoor shopping precincts hidden from view; a significant number of smaller properties are in poor condition and offer little to attract new and exciting independent retailers; there is a poor sense of arrival in the town centre; and a number of the town centre's architectural heritage and cultural offers are underutilised.

We also have also reviewed the top ten key trends likely to influence the retail sector over the next 20 years, including the rise of experience-driven shopping, the resurgence of local markets, the reduction in the personal ownership of cars and the rise of wellness establishments. All of these things have helped us to create a Draft Masterplan Framework that has been designed for both the now and the future.



ST HELENS

**QUESTION & ANSWERS** *continued*

**Will the plans respect existing cultural assets?**

The heritage assets that distinguish St Helens from other town centres is what makes it special. We are proud to be home to a concentration of listed buildings, a canal side setting and two Conservation Areas covering George Quarter and Victoria Square. Our vision therefore ensures that these assets are respected and enhanced as far as possible.

**How will the plans cater for the less abled bodied and those with dementia?**

The proposed masterplan will provide a more accessible town centre, with the introduction of new pedestrianized streets which will better connect to the bus station. Accessibility standards will be complied with, and we will also include disabled parking spaces where they are needed.

**How will you mitigate against the plans creating wind tunnels?**

The buildings being proposed will be low to medium rise and won't create wind tunnels around the town centre. This will however be tested as part of the planning submission.

**What measures are you taking reduce the carbon footprint of these proposals?**

The proposed sustainability strategy looks to deliver highly sustainable buildings, targeting net zero carbon in construction and operation and low embodied carbon in line with the LETI Guidance. In addition, the proposed sustainability strategy will look to deliver at least 10% net biodiversity gain across the town centre. This will be achieved with the introduction of street trees and improved landscaping to the public realm as well as green roofs to the new buildings.

**How will you make the town centre more accessible by public transport?**

Although St Helens town centre has good connections to the strategic road network, an active bus station, as well as rail links to Liverpool, Preston and Wigan, there are several transport and movement challenges. Primarily, the main entrances to the town centre do not feel like welcoming gateways to a modern, vibrant and accessible town. As such, the Draft Masterplan Framework seeks to address this

**If you are removing parking spaces, where will I park when I visit?**

The current car parking facilities are poor and largely associated with commercial and retail uses. A comprehensive review of car parking spaces has been considered as part of the wider Masterplan Framework. This has considered future demand and future requirements, whilst recognising the longer-term ambition to encourage more active modes of transport such as cycling and walking. The review has considered that maintaining accessibility for those with mobility issues is a priority, as well as considering options for Electric Vehicle charging points and Parent and Child spaces.

**I am interested in opening a new business in the town centre - how can you help?**

The initial Phase 1 application is intended to be submitted in January 2022, and we hope it will be determined by Spring 2022. This will allow us to start on site in 2023, and hopefully finish construction by 2025. There will be opportunities for small businesses relating to this development, and we'd encourage you to keep an eye on our website to keep up to date with what's happening.



# St Helens Town Centre Regeneration

## January 2022

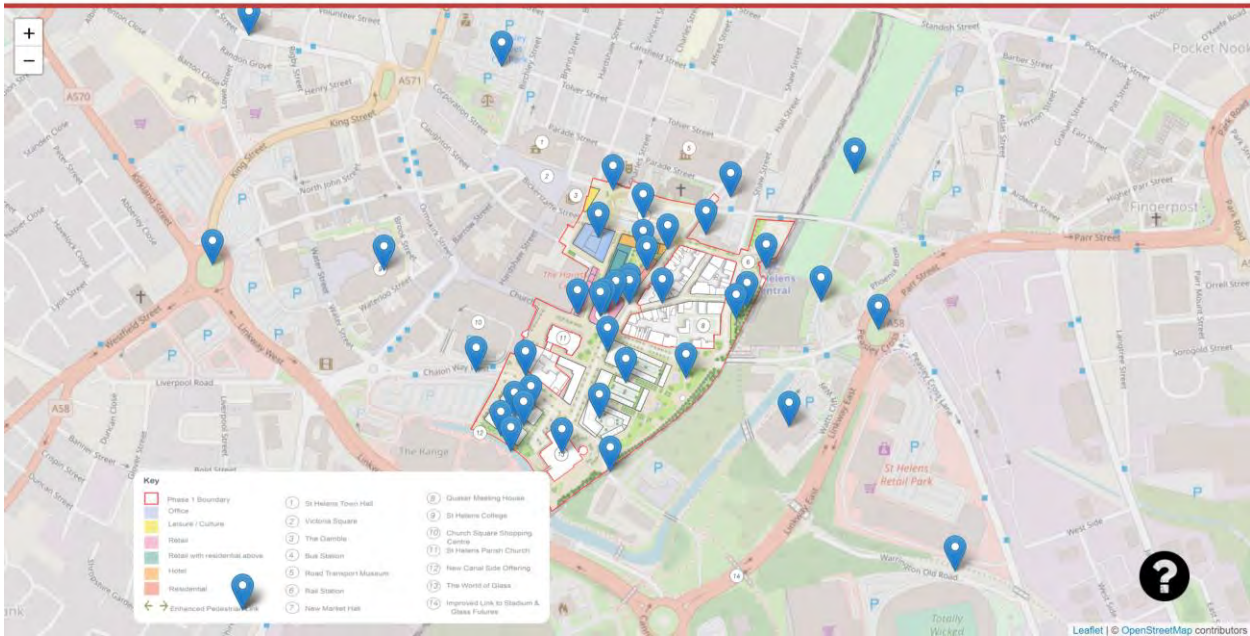
### Appendix G – Shape Tomorrow Map



**Step One** Click on the map to drop your marker. You can click again in another place to move it.

**Step Two** Once you're happy, click on your marker to bring up the form.

**Step Three** Complete the form and click submit to add your comments.



## Appendix H – PLACED Report



### St Helens and Earlestown Town Centre Regeneration Masterplans: Report on PLACED engagement Nov–Dec 2021

#### Overview

##### 1. Engagement purpose

St Helens Council are working in partnership with The English Cities Fund (ECF) on plans for Phase 1 of a 20-year regeneration of St Helens and Earlestown town centres. St Helens Council and ECF delivered a series of public engagement events and opportunities between 1<sup>st</sup> November and 13th December.

To support this engagement and engage specific identified groups, St Helens Council invited PLACED to deliver eight additional supporting events with key groups, specifically; young people, disabled people, older people, and young care leavers / social workers / foster carers. Most of these sessions were delivered in response to a specific expression of interest from local organisations who were keen for their groups to be consulted due to their specific needs.

##### 2. Workshops

Workshops were delivered through a combination of face to face and online workshops.

Due to the sensitive nature of some of the discussion, some sessions were for closed groups, with invites being sent through council contacts. These sessions were the Special Educational Needs (SEN) young people, young care leavers and foster parents / social workers. A closed session was also organised through PLACED contacts with Carmel College.

Both older people sessions, the disabled people's groups and the 8<sup>th</sup> December young person's online session were open. They were promoted heavily through direct email from St Helens Council to key contacts and organisations, as well as St Helens Council and PLACED social media.

Target group	Format	Date	No. Participants
St Helens Older People	Open session, online	26th November	1
St Helens Disabled People's Groups	Open session, online	30th November	4
St Helens Older People	Wetherspoons, Earlestown. Face to face open session	1st December	17
Children in care / Foster parents / social workers	Care Leavers	6th December	3
St Helens Young people	Carmel College. Face to face	7th December	22
St Helens Disability groups	SEN young people. Face to face	7th December	4
Children in care / Foster parents / social workers	Foster parents / social workers. Online	8th December	6
St Helens Young people	Open session, online. Whilst an open session, it was originally intended to for the Youth Parliament.	8th December 6-8pm	1
<b>Total</b>			<b>58</b>

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## PLACED

PLACE EDUCATION

### 3. Take up

These sessions were largely scheduled at the request of organisations of representatives of key groups who felt there was an existing network of people that should input into the masterplan. They were proposed as a mix of face to face and online to accommodate people's different needs, and in response to Covid.

Despite the significant promotion along with the flexibility offered in dates - with several sessions being rescheduled on the request of organisations - all sessions saw low attendance. Even the Wetherspoons workshop saw much lower attendance than previous events on the same day, with the manager mentioning that Covid - and in particular news of the Omicron variant - has impacted trade. Whilst very disappointing, the discussion with those who did attend was of a good quality, informative and insightful.

Aside from the face-to-face session in Wetherspoons in Earlestown and the online session with Care Leavers, there was generally more feedback on St Helens town centre, which most participants frequented and felt more familiar with.

### 4. Workshop format

All sessions had three key questions:

1. How do you feel about the Town Centres of St Helens and Earlestown today?
2. What's missing currently? What challenges exist for you?
3. Do the proposals go any way towards addressing the problems you've identified?

During the events, Questions 1 and 2 were generally approached as a single discussion and as such the findings will be presented in this way.

The format in the sessions was adopted to fit the format as follows:

- **Online:** Participants were invited to input responses themselves or have PLACED staff record their comments on an interactive presentation. Sessions began with Question 1 and Question 2 before showing a video of Steph Ramsden, St Helens Council, outlining the details of the development framework. This was followed by a discussion about whether the proposals address the problems people had identified. Participants were then asked if there was anything else they wanted to share before closing the session.

The exception to this format was the first workshop, where Steph Ramsden from the council was able to attend and deliver a brief presentation.

- **Carmel College and Mill Green School:** These two sessions followed the format of the online sessions, albeit face to face. Students were encouraged to use post-it notes to write down their thoughts and responses to the three questions. The students at Mill Green opted to have their responses scribed. In addition to consulting on the three questions, we tasked the pupils at Carmel College to consider their own approach to regenerating the town centres by redesigning the public realm around either St Helens or Earlestown market. They are now working on this as an ongoing independent design project.

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## PLACED

PLACE EDUCATION

- **Wetherspoons:** An A0 visual of the masterplan and A1 visual boards outlining details of the development framework were displayed in Wetherspoons in Earlestown. Members of the public were free to approach the boards on display and begin an informal discussion with PLACED staff. Responses were recorded on post-it notes by participants and scribed by PLACED staff.

### Findings

The following provides an overview of the findings from discussion. Due to the small number of participants, we have presented this as qualitative rather than quantitative data.

#### **PART 1: The town centres today**

**Questions 1:** *How do you feel about the Town Centres of St Helens and Earlestown today?*

**Question 2:** *What's missing currently? What challenges exist for you?*

A diverse range of views were shared about the two town centres. Outlined below are key themes that were identified across the eight engagement sessions.

We have grouped the findings under the broad key themes that emerged either as comments that are applicable to both Earlestown and St Helens, comments specific to only St Helens, and comments specific to only St Helens.

#### **1. Services and amenities**

##### **a. Comments applicable to both town centres:**

- Many people would opt to go elsewhere for services and amenities, feeling there are better places to visit e.g. Warrington, Widnes, Liverpool and Manchester.
- Several people noted that there needs to be a 'reason to visit', and that increased footfall would make for a more vibrant place.
- Empty shop units were a common theme with many commenting how the town centres have declined over time and that progress is slow.
- Several people across the sessions said that empty shop units could be repurposed as information points / independent businesses / support services for specific groups.
- In the Disabled People workshop, it was suggested that there are potential opportunities for those with additional needs to gain life skills from repurposing empty shop units for community-based activity and initiatives.
- Some people said that there needs to be more community-based and family activities, including skills and training opportunities.
- People talked about the current retail, food and drink offer being limited, not diverse and old-fashioned.
- A lack of nightlife was noted in both town centres.
- Several people mentioned a need for more leisure, sports, and arts facilities and noted that there are limited facilities for young people.
- A common theme was a sense of the heritage and history of the town centres being an undervalued asset. Some young people also mentioned the need to preserve old architecture.

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## PLACED

PLACE EDUCATION

- A common theme in the Foster Parents / Social Workers session was that there is '*nothing for young people.*' Specifically, limited affordable activities, no teenage hub / space for young people to safely meet and spend time without the police asking them to move along. It was mentioned that young people have become mistrusting of the services and activities that are available to them and that significant groundwork needs to be done to ensure young people are properly consulted and their needs understood to help them feel valued and included in any new development plans.
- In the Disabled People's Group, it was mentioned that there is limited information on what services are available for disabled people E.g. where public toilets with wheelchair access can be located. It was suggested that an information / help point would be beneficial for disabled people and those with additional needs. It was noted that calming measures, street maps, support and guidance for people if they get lost are measures that work well. Access to a centrally located, quiet, 'safe space' in case of sensory overload would be beneficial.
- The Disabled People's Group noted that businesses could make small changes to accommodate different needs E.g. a café in Liverpool that trialed a visual menu saw increased revenue, enabling children with additional needs to order for themselves (a key life skill.)
- Feedback from the deaf community was that there is nothing for them apart from at the Deafness Resource Centre in St Helens. Pop-up provision and support in town centres has stopped due to covid and has made it increasingly hard to engage communities and support people in the same way.
- It was highlighted that there is a significant, well-connected deaf/hard of hearing community in the Northwest. They felt that if there was something accessible delivered, potentially in partnership with and promoted by the centre, it would be well attended due to being so little on offer. Given sharing of any events, work opportunities etc is done so efficiently within the deaf community, it would draw people in from across the region and there is huge potential for revenue.

### **b. Comments specific to St Helens:**

- A common theme was that the town centre is lacking a 'reason to visit'. Many view St Helens as a transient place or stop-off on way to somewhere else rather than a destination in its own right.
- Some felt the costs and challenges of parking outweigh what is on offer.
- Many said they choose to visit the retail parks instead of the town centre or go to surrounding towns and cities instead.
- Many young people mentioned that St Helens town centre is missing a nightlife and whilst 'some bars look nice, others 'look horrible' or 'dodgy.'
- Several young people indicated the lack of variety in food and beverage options with limited healthy options (just fast food.)
- One of young people in the SEN session commented that St Helens town centre has good statues which reminds them of the town's history.
- A few young people mentioned that the existing bowling alley and arcade are 'okay.' They did not want to lose these facilities and felt there needs to be more places for young people to spend time.
- Several people mentioned that they used to use the library (Gamble) before it closed.
- It was noted that St Helens has good quality existing buildings which could be enhanced, celebrated and made more accessible to the public, specifically; the Town Hall, St Mary's Market, The Gamble, and the Church. Some felt that there is potential for these buildings to be reused / repurposed for community use.

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- In the Disabled People's Group, it was noted that the Gamble building has the potential to become a 'safe space' for those who need it.
- Several people noted the missed potential of empty shop units which could be repurposed for community-based activities, skills, training, support services or redeployed for small businesses.

### c. Comments specific to Earlestown:

- Many noted that Earlestown town centre is busy due to people coming for the market.
- Across several sessions, people said they value the existing market both for its offer, support for the local economy and heritage, with some stating that it is the 'powerhouse' of Earlestown and makes the town centre 'feel alive'.
- Others mentioned that it gets affected by the weather and needs improving and 'tidying up.'
- Multiple people said the town centre needs more quality, affordable shops (clothes) and consequently, they currently travel elsewhere for retail.
- A small number noted that the shop facades also need modernising.
- One person noted that there are a few new shops and overall, it is a nice area, but outdated.
- Others said they would choose to go to Earlestown if it had different shops.
- Three people mentioned how the recent Christmas fayre activities in Earlestown town centre had been great and that they would like to see more of this.
- It was noted in the Foster Parents / Social Workers session that there is currently no youth provision in Earlestown town centre.
- In the SEN young people session, one young person said that Earlestown should have a bowling alley and arcade like there is in St Helens.
- Several mentioned that pub closures have affected nightlife in Earlestown and there are no live music venues or family-friendly pubs.
- Many felt that Earlestown town centre is missing green space and it was noted that you need to travel for a good park.
- Several people mentioned how the town centre is missing a 'meeting point' where people of all ages could come together.
- Some people mentioned the town hall as a building that needs a 'good plan' or 'an innovator'. It was noted how the building has potential e.g. concerts, a museum to celebrate the town's heritage.

## 2. Wayfinding / Signage

### a. Comments applicable to both town centres:

- Many people referenced that signage needs to be better so people can orientate themselves and 'read how a place works.' In the Disabled People's Session and session with SEN young people, it was stressed that signage and directions need to be clear and inclusive e.g. braille, visuals.

### b. Comments specific to St Helens:

- People in several sessions noted that St Helens town centre is challenging to drive and walk around. In the session at Carmel College, many young people said that the road layouts are difficult and dangerous to cross.



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- A common theme across sessions was that St Helens town centre feels disorganised, spread out and 'bitty' and that shops and other places of interest could be better linked-up.
- In the session with SEN young people, participants said that they find St Helens okay to walk around because '*it's familiar*'. They thought it had a 'good layout' and is 'easier to walk around than Earlestown.'

### c. Comments specific to Earlestown:

- Several people noted that Earlestown is easier to navigate than St Helens town centre.
- A few mentioned that the people in Earlestown are friendly, welcoming, and approachable and will help with directions.

## 3. Transport

### a. Comments applicable to both town centres:

- Bus routes no longer operating in rural areas makes it difficult for older people to access the town centres.

### b. Comments specific to St Helens:

- People in several sessions noted that the roads in St Helens town centre are dangerous for pedestrians and cyclists, with traffic and crossings being a challenge and concern.
- Multiple participants said that more traffic calming measures are needed. The Linkway was mentioned by several people as a particularly challenging connection.
- Some noted it is easier to get to the retail parks than the town centre by bus or train.
- Many said St Helens needs better connections to surrounding towns and cities, with more frequent trains and buses. Travel passes between areas was also identified as a barrier.

### c. Comments specific to Earlestown:

- Many people said that the town centre is easier to navigate than St Helens by car or foot and that the traffic is not as bad as in St Helens
- Several people noted that the train station is not accessible and hard to find if you are not from the town.
- One person said that the connections provided by the train and motorway are great.
- In contrast, others said that the trains get very busy and too full.

## 4. Accessibility

### a. Overarching:

- Buildings need to be designed to be more accessible e.g. doorways are too narrow for wheelchair users / prams / mobility scooters, fire alarms should flash in addition to making a noise for those who are deaf.
- There needs to be more accessible meeting spaces in the town centre open to public use.
- Information about the services available for disabled people needs to be better communicated e.g. where public toilets with wheelchair access can be found. Additionally,

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more public toilet facilities with wheelchair access would mean disabled people and families with disabled children could spend longer in the town centre.

- There is a need for better, more inclusive signage (e.g. visual signage), information points, street maps, people to help with directions etc.
- There needs to be more training and employment opportunities for disabled people and those with special needs. Businesses need to be more aware of how best to support different needs.
- It was noted in one session that those who are neurodivergent can find certain street lighting behaviour triggering, making the town inaccessible to them.
- More reasonably priced facilities and activities for young people are needed.
- Several people said there is no provision for homeless people.

**b. Comments specific to St Helens:**

- The town centre is difficult to navigate which can be a challenge for vulnerable people
- There is no disabled parking

**c. Comments specific to Earlestown:**

- The train station is inaccessible

### 5. Safety

**a. Comments applicable to both town centres:**

There were no comments specific to both areas.

**b. Comments specific to St Helens:**

- A common theme across all sessions was that St Helens town centre does not feel safe, especially at the edges of the town centre and at night-time. Many people said that they stick to familiar areas.
- Many people noted that the busy roads make it unsafe for pedestrians and cyclists.
- Late night drinking, rough sleepers, begging, drug addicts, drug dealing, vandalism and crime were reasons listed by some people as to why the town centre feels unsafe and uninviting to them.
- A few young people felt that the town centre is missing security and that more police presence / safe spaces to spend time would be appreciated. Those in the SEN session feel safe in the day as there is always someone with them but feel less safe at night.

**c. Comments specific to Earlestown:**

There were no comments specific to Earlestown.

### 6. General 'feeling' / emotive responses to the town centres

**a. Comments applicable to both town centres:**

- A common theme across all sessions was that people feel both St Helens and Earlestown town centres have potential.

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### **b. Comments specific to St Helens:**

- Many people referred to St Helens town centre as a 'ghost town', using words such as 'dull', 'depressing', 'empty', 'gloomy' and 'unsafe' to describe it.
- Several people talked about fond memories of how the town centre used to be and how it has since declined.
- There was a general feeling that people want to feel proud of the town again.

### **c. Comments specific to Earlestown:**

- When asked how they feel about Earlestown, several people referred to the town centre as 'rubbish', 'scruffy', 'run down', 'outdated' and a 'dump'.
- Some participants said it felt sad compared to other places, like an older town that has not grown with the times.
- Several people said that they used to love living in Earlestown and that they want it to feel loved again.

## **PART 2: Reflecting on the Masterplans**

Further to sharing the videos / boards, we asked "Do the proposals go any way towards addressing the problems you've identified?"

The analysis below focuses first on St Helens, and then on Earlestown. It highlights the key responses and feedback for each of the masterplans.

### **St Helens Masterplan**

#### **1. Central retail:**

- First impressions from many people were that the vision for St Helens town centre looks good and is promising. They thought the proposals were *attractive, had a nice feel, made the town look more inviting, friendly, family-friendly, open, welcoming, spacious, pleasant, green, and with a focus on social aspects.*
- Some said that it is a realistic proposal compared to previous plans.
- Several people asked why the plans do not include the broader area currently seen as part of the town centre.
- Some people noted that reducing the retail would increase footfall and make the centre feel busier, more vibrant. In contrast, one young person noted that shops draw visitors and are a big economic contributor so questioned the decision to reduce retail for this reason.
- People acknowledged that the hotel and new offices offer potential for job opportunities. It was noted that there needs to be a focus on employing local people.
- Several people noted that they liked the proposal for a covered, pedestrianised market and felt it was safer. Participants also thought it a good idea that the kiosks and market focus on supporting local and independent business
- One person mentioned that the church is distinctive architecturally, and it would be nice if this was echoed in the design of surrounding public realm and buildings.

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- Though demolition was popular with some young people, they also referenced the need to preserve old buildings.
- It was noted that accessible, inclusive signage and signposting to help wayfinding in the town centre does not seem to be addressed.

### 2. Civic and Heritage

- Many people across all sessions felt it was a good idea to join the train and bus station (Arrival Point).
- It was noted in the session with SEN young people that joining the bus and train station will help facilitate training the young people for independent travel.
- One person asked if the cycle lane developments will lead up to the town centre.
- It was noted that the current traffic issues need to be addressed fully and that the Gamble is near a main road which is unsafe because of cars and buses
- Several people across different sessions expressed concerns about car access and parking with some saying that car usage is still a reality that cannot be ignored
- One person said those working in hospitality work unsociable hours which isn't conducive to only using public transport
- Several people mentioned that the hotel needs to be affordable and were unsure who it was aimed at. It was not popular with some young people who questioned who it was for, how affordable it would be and what the reason to stay in the town centre is other than business. Others felt it would bring more business and job opportunities.
- It was noted that there needs to be a balance between new and traditional developments – individuality is nice but there should be consistency in quality with some stressing that they 'do not want St Helens to feel like every other town.'

### 3. Discovery Zone

- People across different sessions thought the Discovery Zone looked wonderful and that it was great to give the canal / nature a focus.
- Several people highlighted current issues in the area that would need to be addressed such as safety, drug dealing, litter, narrow paths (access), no security, no lighting at night.
- Several people said it was good that new housing will cater for and attract people of all ages.
- Many felt housing in the town centre will help balance out feeling unsafe at night.
- The participant at the Older People session said that the council need to ensure housing is generous as older generations do not want to scale down.
- It was mentioned in the Older Persons' session the importance of not creating 'ghettos' by putting expensive apartments next to poor quality housing, and that the two need to be well integrating.
- In the session with young people, it was mentioned that there should also be a consideration for housing in the town centre for those that do not drive.
- Some young people felt that there is currently not enough housing being proposed.

### 4. Education and Entertainment

- Multiple young people felt that extra facilities for students, young people, and children to visit and spend time safely would be good. Many felt that the proposals did not appear to address the lack of nightlife.

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- A common theme in the session with Foster Parents / Social Workers was a feeling that the teenage population are not addressed sufficiently - if at all - in the proposals for the town centre. It was asked that if there is no youth provision or designated space and facilities for young people, then how will the town centre have changed for them, despite improvements to the public realm and transport connectivity.
- In the same session, it was suggested that young people could be actively involved in creating and developing youth designated spaces thus gain skills, training and a sense of ownership in the process.
- Many participants felt that the development needs to create jobs and opportunities for local people.

### Earlestown Masterplan

#### **1. Arrival Hub and public realm**

- Several people liked the idea to link up the bus and train station in Earlestown and felt this would be more welcoming and accessible.
- Across all sessions, people liked the plans for more greenery in the public realm and thought it looked very inviting.
- People felt that plans for the public realm addresses the need for Earlestown to have a meeting point / place to come together, a space to sit and people watch etc.

#### **2. Market Street and Queen Street Junction**

- The plans for pop-up kiosks were popular across all sessions. One person specifically stated these open units would work better than independent lockups that had been unsuccessful in Kirkby.
- Several people talked about the potential of the town hall, such as using the stage for concerts or a museum to celebrate the town's heritage. They felt that this 'needs a good plan' and development should start now to help convince local people that wider change will happen. One individual commented that plans to reopen the town hall for public use is very positive. The individual used to help at a volunteer-run pop-up café there for market goers which generated a sense of community.
- It was noted that the cobbled street as shown on the computer-generated images is not accessible for wheelchair users.
- Some young people noted that Earlestown is not an affluent area and stressed the importance of not 'pushing out the locals' with rising house prices and new shops.
- It was noted that many people still do drive and removing all car access and the car park at the market square is not accommodating of this, potentially making it inaccessible for some.

#### **3. Market Square**

- Most people thought the plans for a covered market looked excellent and that having a cover is a good idea. Some compared it to developments in Warrington and said they would happily shop there.
- People liked the start-up units proposed.
- It was mentioned that the market heritage should be celebrated and that it is important to integrate current stalls into the new market.

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- A few people mentioned that the market area looked smaller in the plans than it is today and asked if there is a plan to shrink the size of it.
- Several people across different sessions questioned the plan to remove the car parking as they felt this would be a challenge for stall holders and would potentially see the disappearance of the Saturday car boot sale and flea market - a tradition highly valued by locals and visitors.
- Some questioned how the landscaping of the square showing different ground levels would work well for events and accessibility.
- One person questioned how well-utilised the square would be (open air seating etc) given the reality of UK weather and felt it would be better to focus on enabling more events to take place instead.
- Another person felt street planting would be more effective rather than designated green space in the market square as Earlestown can feel like a 'concrete jungle.'
- One person asked whether there are plans to replace the public toilet block as it is currently well-used and well-maintained.

### Summary

As noted at the beginning of this document, it was disappointing that there was not greater engagement during sessions, given that there are established interest groups. However, discussion was positive and informative.

Overall, there was broad support for the proposals. People felt the masterplans, as they stand, go a long way to address some of the physical changes required to make the town centres more attractive places to spend time. In particular, adding high quality public spaces for people to come together was popular, whether the market in Earlestown or the Discovery Zone in Earlestown.

Access to the town centres, and the experience on arrival, are key considerations. Traffic is a key issue in St Helens that people will need more detail on before being able to comment. Plans to merge the bus and train stations was very popular in Earlestown.

It was clear that there also needs to be a significant consideration to how certain group, in particular disabled people, can use the town centres with a sense that more could be done. Ongoing and detailed conversation with these groups is recommended.

Several factors highlighted in this report, such as the type of shops and leisure facilities are outside of the scope of the masterplans themselves. However, there was a clear sense from all groups that there does need to be significant work to bring in private investment and community focused services that together create town centres that people see as destinations, and places that people will choose to visit and spend time, over others in the region.

## Appendix I – Feedback

### Emails and Letters

Enquiry
Requested copy of draft Masterplan Development Framework.
Local supplier who is supportive of the plans and is interested in tendering for future work.
Concern about impact on parking provision. Concern about current anti-social behaviour.
Supportive of the plans. Wants to see pedestrians prioritised, with cyclists second. Would like to see less buses on main roads. Suggestion not to focus on car parks as a priority.
Local business owner supportive of the plans and interested in finding out more.
Suggestion to set up a public meeting to discuss the proposals.
Suggestion that more free parking should be delivered within the proposals.
Supportive of the plans, but concerned about the proposed external materials to be used on new buildings with regards to them aging quickly. Suggestion that the town centre should be kept clean and tidy.
Concern about lack of free parking in the town centre.
Supports the plans and suggests delivery of: living walls and more greenery; places for families to be entertained; play spaces for children of all ages; low rents for businesses; welcoming outdoor spaces; more residential properties in the town centre; more nightlife for 25 – 30 year olds; more affordable transport to other towns and cities.
Supports the proposals, particularly: more green spaces; an anchor store such as Apple or Primark; a sensory zone for disabled people; a dedicated space for buskers; free wifi.
Support for the plans and desire for new shops and leisure facilities to encourage people that have stopped visiting to return.
Enquirer is disabled and would like to see the plans consider the needs of disabled users, e.g. even paving
Suggestion to include more trees and flats with balconies
Question regarding whether the plans include for lorry parking
Would like to see more anchor retailers, such as Primark
Supports the plans and suggests inclusion of: relocation of probation services away from town centre; clean-up of the canal and turn this area into a leisure opportunity; better lighting and CCTV; turn Reflection House into flats; focus on allowing local people to buy properties over out-of-town property developers; new walkways to connect retail parks and St Helens RLFC stadium; more free parking.
Supports the plans and suggests inclusion of: more shops, including anchor stores such as Primark; and outdoor/indoor play area for children; more and free parking; more space for live entertainment.
Concern about demolition of car park and lack of retail choice.
Supports the plans and wants them to be progressed as quickly as possible. Supports the proposed covered market. Unsure about the proposed hotel.
Has mobility difficulties and would like to see the proposals take accessibility into account. Suggests the plans include provision of usable mobility scooters, disabled car parking spaces and disabled toilets. Would like to see the local homelessness issue resolved.
Concern about the impact on existing shops and cost of development.
Supports the plans, but concern about the openness of the town centre on wet and windy days. Question regarding whether the plans will change subject to public opinion.
Email comes from a investment management company on behalf of business freeholders in the area. Supportive of the plans more generally but does not support additional cinema in the area.
Letter from St Helens College citing it is pleased to have been recognised as a driver of footfall in the town centre and broadly supports the proposals.

# St Helens Town Centre Regeneration

January 2022

Concern about ASB and littering. Suggests a tram system to link to other areas. More activities and spaces for young people.
--

## Telephone Call

Enquiry
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Enquiry about new jobs
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## Feedback Map

Enquiry
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Suggestion more free car parking is needed across the town centre.
--

Station needed in next to St Helens RLFC stadium with electrified link to Central and Junction stations.
--

Supports the layout of the masterplan and believes it could create a café culture.
--

Concern about parking being taken away from the station, which could result in less people using the train to travel.
---

Concern about the removal of the old M&S façade being removed. Suggestion to retain as much of the pre-WW2 design as possible for to balance and break-up new design.
---

Query regarding massing of cultural buildings, such as The World of Glass and Theatre Royal to create a critical mass of activity.
--

Supports adding frontages to most buildings to create busier, safer streets.
--

Supports extra green spaces and trees, but suggests more needed to tackle climate change
--

and deal with flooding / a reduction in pollen count.
---

Supports greenery around the bus station to improve air quality.
--

Suggestion that moving health facilities into the town centre could improve footfall.
---

Suggestion to move Carmel College into the town centre to increase footfall.
--

Concern about business case for redeveloping the Gamble Building. Suggestion that the back entrance should be opened to allow footfall from the bus station.
--

Query regarding why the car park off Hall Street isn't included in the red line boundary.
---



## St Helens Town Centre Regeneration

January 2022

Suggestion to encourage footfall between retail parks and town centre via inclusion of new footpaths between the areas.
Supports proposed design of the market hall. Suggests exploring additional floors.
Suggestion to include more green surfaces over hard surfacing.
Suggestion to include more parking for rail users close to the station.
Suggestion to engage Network Rail regarding railway sidings, which could be used to deliver new residential units or office space.
Supports retention of filled-in old canal route for future reinstatement of the canal.
Supports green/living roofs on more buildings.
Suggestion to cut new channel for the canal to bring water closer.
Suggestion to explore a communication strategy regarding recycling water during demolition works.
Suggestion to explore opportunities to redesign the train station.
Suggestion to retain Hall St spire.
Suggestion to retain as much green infrastructure as possible during the construction.
Unsure about the location of the hotel.
Support for regeneration of canal side into an attractive and well-designed area.
Suggestion to rehome the artist studios in the town centre.
Concern about removal of town centre parking.
Supports inclusion of new market, but concern about ensuring quality of stalls.
Suggestion that green space should include play area or skate park to encourage people to stay in this area. Suggestion to include car parking nearby.
Unsure regarding likelihood of anyone wanting to live in the town centre.
Suggestion to move bus stops Chalon Way. Suggestion to include more disabled parking.
Suggestion to include better access to the town centre via the link way
Support for the proposals. Suggestion that the design needs character. Suggestion that

## St Helens Town Centre Regeneration

January 2022

there needs to be more variety in the available shops.
Suggestion to improve junction between Kirkland Street and Linkway West to make it more attractive for cyclists and pedestrians.
Support for more leisure facilities and opportunities for local traders.
Suggestion to create better linkages between retail parks and the town centre.
Supports green links between World of Glass and St Helens RLFC stadium.
Suggestion to include a bigger public space in front of the Theatre Royal.
Suggestion to repurpose existing market hall as a food hall.

## Comments Book

Comment
"Brilliant, much need if managed properly and the community needs are met"
"Let's look to the future"
"Looking forward to seeing the youth hub"
"Like the grass roof and the position of the new market. Keep the rents as low as possible"
"Much needed. Greening looks v.g."
"Bad 1 hourly bus and train service"
"Currently there are bad shops but with the new scheme we have a bright future"
"Sort seating that doesn't get wet"
"The future's bright, the future's St Helens"
"Start listening to ALL residents in the Borough"
"Get young people involved. Accessibility at the rail station. One way system?!"
"The plans are looking positive"
"Looks great"
"Looks like progress at last well done"
"Good"
"Fantastic!"
"Public infrastructure (park and ride)"
"Amazing and beautiful paradise"
"More public arts, ensure development in phases so we have something nice to look at in phases"
"Great ideas! More jobs for local people should be great!"
"Fabulous ideas! Transport connection to retail park!"
"I think this is great"
"You must take Wigan and Warrington on"
"Most encouraging development. Disappointed Century House omitted. Update on Gamble use?"
"More info for tenants?"
"Could the bus station be put on Chalon Way?"
"A great opportunity for the town centre"
"Great opportunity, just needs the correct implementation"

# St Helens Town Centre Regeneration

January 2022

"Good idea. Great opportunity for the future St Helens population"
"Some very good ideas. Hope it comes quickly and the whole thing could be very beneficial"
"Great ideas very positive for the town centre. Looking forward to the changes"

## Appendix IJ13

**Sainsbury's Supermarkets Ltd v Wolverhampton City Council and Tesco Stores [2011] A.  
C. 437**



Easter Term  
[2010] UKSC 20  
*On appeal from: [2009] EWCA Civ 835*

## **JUDGMENT**

### **R (on the application of Sainsbury's Supermarkets Ltd) (Appellant) v Wolverhampton City Council and another (Respondents)**

before

**Lord Phillips, President**  
**Lord Hope, Deputy President**  
**Lord Walker**  
**Lady Hale**  
**Lord Brown**  
**Lord Mance**  
**Lord Collins**

**JUDGMENT GIVEN ON**

**12 May 2010**

**Heard on 1 and 2 February 2010**

*Appellant*  
Christopher Lockhart-  
Mummery QC  
Eian Caws  
Charles Banner  
(Instructed by CMS  
Cameron McKenna LLP)

*1<sup>st</sup> Respondent*  
Neil King QC  
  
Guy Williams  
  
(Instructed by Wragge &  
Co LLP)

*2<sup>nd</sup> Respondent*  
Christopher Katkowski  
QC  
Scott Lyness  
(Instructed by Ashurst  
LLP)

## **LORD COLLINS:**

### ***Introduction***

1. This appeal is about compulsory acquisition of private property by local authorities under the Town and Country Planning Act 1990 (“the 1990 Act”) in connection with the development or re-development of land. It raises for the first time, in the context of compulsory acquisition, a number of controversial issues which have arisen in the context of planning permission, including these: how far a local authority may go in finding a solution to problems caused by the deterioration of listed buildings; to what extent a local authority may take into account off-site benefits offered by a developer; and what offers (if any) made by a developer infringe the principle or policy that planning permissions may not be bought or sold.

2. The Raglan Street site is a semi-derelict site situated immediately to the west of, and just outside, the Wolverhampton Ring Road, which encircles the Wolverhampton City Centre retail, business and leisure core. Sainsbury’s Supermarkets Ltd (“Sainsbury’s”) owns or controls 86% of the site and Tesco Stores Ltd (“Tesco”) controls most of the remainder. Sainsbury’s and Tesco each wish to develop the Raglan Street site. Outline planning permission has been granted to Tesco, and the local authority has resolved to grant outline planning permission to Sainsbury’s.

3. Tesco controls a site in the Wolverhampton City Centre known as the Royal Hospital site, which is about 850 metres away from the Raglan Street site on the other side of the City Centre. The Royal Hospital site is a large site with a number of listed buildings which are in poor condition. It has been an objective of Wolverhampton City Council (“the Council”) over several years to secure the regeneration of the Royal Hospital site. Tesco’s position has been that it was not financially viable to develop the Royal Hospital site in accordance with the Council’s planning requirements and its space requirements on the site for the Primary Care Trust. It offered to link its scheme for the Raglan Street site with the re-development of the Royal Hospital site and said that this would amount to a subsidy at least equal to the loss it would sustain in carrying out the Royal Hospital site development.

4. The Council accepted that the Royal Hospital site would not be attractive to developers if it were restricted to the Council’s scheme. Even on optimistic assumptions, there did not appear to be a level of profit available which would

make the site an attractive proposition when weighed against the risks. Development was unlikely to take place for the foreseeable future unless Tesco's proposals were brought forward through a cross-subsidy from the Raglan Street site.

5. In January 2008 the Council approved in principle the making of a compulsory purchase order ("CPO") under section 226(1)(a) of the 1990 Act in respect of the land owned by Sainsbury's at the Raglan Street site to facilitate a development of the site by Tesco. In resolving to make the CPO, the Council took into account Tesco's commitment to develop the Royal Hospital site (and indeed passed a resolution which indicated that one of the purposes of the CPO was to facilitate the carrying out of the Royal Hospital site development).

6. Sainsbury's wishes to develop the Raglan Street site and claims that it is illegitimate for the Council, in resolving to make a CPO of the Sainsbury's land on the Raglan Street site, to have regard to the regeneration of the Royal Hospital site to which Tesco will be committed if it is able to develop the Raglan Street site. Elias J dismissed the claim by Sainsbury's for judicial review of the Council's decision, and the Court of Appeal dismissed an appeal in a judgment of Sullivan LJ, with whom Ward and Mummery LJ agreed: [2009] EWCA Civ 835.

### ***Compulsory purchase***

7. Section 226 of the 1990 Act (as amended) provides:

"(1) A local authority to whom this section applies shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily any land in their area –

- (a) if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land, or
- (b) which is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

(1A) But a local authority must not exercise the power under paragraph (a) of subsection (1) unless they think that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objects –

- (a) the promotion or improvement of the economic well-being of their area;



- (b) the promotion or improvement of the social well-being of their area;
- (c) the promotion or improvement of the environmental well-being of their area.”

8. CPOs made by a local authority under section 226 must be confirmed by the Secretary of State. If the owner of the land which is the subject of a CPO objects to the order, the Secretary of State will appoint an independent inspector to conduct a public inquiry. The inspector’s report and recommendation will be considered by the Secretary of State when a decision whether or not to confirm the CPO is taken. Where land has been acquired by a local authority for planning purposes, the authority may dispose of the land to secure the best use of that or other land, or to secure the construction of buildings needed for the proper planning of the area: section 233 (1).

9. Compulsory acquisition by public authorities for public purposes has always been in this country entirely a creature of statute: *Rugby Joint Water Board v Shaw-Fox* [1973] AC 202, 214. The courts have been astute to impose a strict construction on statutes expropriating private property, and to ensure that rights of compulsory acquisition granted for a specified purpose may not be used for a different or collateral purpose: see Taggart, *Expropriation, Public Purpose and the Constitution*, in *The Golden Metwand and the Crooked Cord: Essays on Public Law in Honour of Sir William Wade QC*, (1998) ed Forsyth and Hare, 91.

10. In *Prest v Secretary of State for Wales* (1982) 81 LGR 193, 198 Lord Denning MR said:

“I regard it as a principle of our constitutional law that no citizen is to be deprived of his land by any public authority against his will, unless it is expressly authorised by Parliament and the public interest decisively so demands ...”

and Watkins LJ said (at 211-212):

“The taking of a person's land against his will is a serious invasion of his proprietary rights. The use of statutory authority for the destruction of those rights requires to be most carefully scrutinised. The courts must be vigilant to see to it that that authority is not abused. It must not be used unless it is clear that the Secretary of State has allowed those rights to be violated by a decision based upon the right legal

principles, adequate evidence and proper consideration of the factor which sways his mind into confirmation of the order sought.”

11. Recently, in the High Court of Australia, French CJ said (in *R & R Fazzolari Pty Ltd v Parramatta City Council* [2009] HCA 12, at [40], [42], [43]):

“Private property rights, although subject to compulsory acquisition by statute, have long been hedged about by the common law with protections. These protections are not absolute but take the form of interpretative approaches where statutes are said to affect such rights.

...

The attribution by Blackstone, of caution to the legislature in exercising its power over private property, is reflected in what has been called a presumption, in the interpretation of statutes, against an intention to interfere with vested property rights ...

The terminology of ‘presumption’ is linked to that of ‘legislative intention’. As a practical matter it means that, where a statute is capable of more than one construction, that construction will be chosen which interferes least with private property rights ...”

### ***The facts***

12. It was originally envisaged by Tesco that the Royal Hospital site would be a suitable location for a scheme which made provision for a superstore whilst retaining and restoring much of the fabric of the former Royal Hospital buildings.

13. In January 2001, Sainsbury’s applied for outline planning permission to redevelop the Raglan Street site for a mixed-use development comprising retail uses, residential, leisure, parking and associated highway and access works. The application was called in by the Secretary of State and, following a public inquiry, planning permission was granted on November 12, 2002.

14. In early 2005 Sainsbury's informed the Council that it no longer intended to develop the Raglan Street site, because it had agreed to sell its interests in the Raglan Street site to Tesco, which was developing a revised scheme. Sale documentation was agreed and engrossments circulated for execution. In addition, Tesco acquired interests in the Raglan Street site owned by third parties.

15. On June 28, 2005 the Council's Cabinet (Resources) Panel reported on the proposed Tesco scheme, and said that the grant of permission would be linked to obligations relating to the Royal Hospital site. The Panel approved in principle the use of compulsory purchase powers to assemble the Raglan Street site should the need arise. This was on the then understanding that the interests of Sainsbury's would be transferred to Tesco by agreement and that any CPO would be required only to acquire minor interests within the site.

16. On November 3, 2005 Tesco entered into a conditional sale agreement with the Council, which provided for the sale of the Council's interest in the Raglan Street site to Tesco and for the Council to use its compulsory purchase powers, if necessary, to facilitate the acquisition of outstanding interests in the site. The agreement also imposed an obligation on Tesco to carry out and complete works of demolition and repairs at the Royal Hospital site before the commencement of works at the Raglan Street site. This agreement was replaced in July 2009 by a conditional agreement for lease.

17. Following exchange of the agreement with the Council and its acquisition of third party interests in the Raglan Street site, Tesco sought an exchange of its agreement with Sainsbury's. This did not happen because Sainsbury's decided that it did in fact wish to redevelop the Raglan Street site, and to submit a fresh planning application for re-development of the site.

18. In accordance with its obligations in the agreement with the Council, Tesco submitted planning applications to the Council for the development of both the Royal Hospital site (in April 2006) and the Raglan Street site (in July 2006). In October 2006, Sainsbury's submitted a planning application for a new scheme for re-development of the Raglan Street site. Both applications for the re-development of the Raglan Street site proposed a supermarket with parking and a petrol filling station, private flats, sheltered housing and small commercial units. The main differences between the schemes were that the Tesco supermarket was more than 50% larger than Sainsbury's, and the Sainsbury's scheme proposed retail warehouses and a leisure centre. Outline planning permission was recommended for both schemes.

19. On December 6, 2006 the Council's Cabinet noted that Tesco and Sainsbury's were unable to agree on how the site should be developed and resolved to approve in principle the use of CPO powers in relation to the Raglan Street site if necessary, subject to a further report to Cabinet setting out all relevant factors including the criteria for selecting the preferred re-development scheme.

20. Each of the applications by Sainsbury's and Tesco for development of the Raglan Street site came before the Council's Planning Committee on March 13, 2007 when it was resolved to grant both applications subject to various requirements. In the report to Committee concerning the application by Tesco, the Case Officer said:

“Initially Tesco indicated that they wished the development of the Royal Hospital site to be linked to the grant of permission for the development of Raglan Street. However, when their agents were asked how such a linkage could legitimately be made, they were unable to make a suggestion. There is therefore no such linkage for Committee to consider.”

21. Tesco's application for planning permission for development of the Raglan Street site was therefore considered without reference to the benefits of re-development of the Royal Hospital site. Planning permission for the Tesco proposal at the Raglan Street site was granted on July 22, 2009, which was also the date of a new conditional agreement for lease between the Council and Tesco replacing the conditional agreement for sale of November 3, 2005. The agreement gives the Council an option to purchase Tesco's interest in the Royal Hospital building. One of the terms is that, once certain works have been carried out by Tesco, then Tesco will make a balancing payment to the Council which is to be used solely in connection with the completion of the Royal Hospital building works: Sch. 1.

22. On June 27, 2007, in order to decide whose land to acquire compulsorily to facilitate the development of the Raglan Street site, the Council's Cabinet resolved to invite both Sainsbury's and Tesco to demonstrate the extent to which their respective development proposals met the Council's objectives for the Raglan Street area. It also resolved that Sainsbury's and Tesco be advised that the Council's preferred outcome remained that the parties would negotiate with each other to resolve the impasse.

23. On January 30, 2008 a report was presented to the Council's Cabinet which, having set out the statutory background and relevant advice in ODPM Circular 06/2004, *Compulsory Purchase and the Criche Down Rules*, stated:

“The remaining sections of this report consider the two Schemes against the legal and policy tests set out in the Act and the Circular and compare them with each other. There is no doubt that both the Tesco and Sainsbury's schemes would fulfil the statutory purpose of ‘facilitating the carrying out of development, re-development or improvement on or in relation to the land.’ ”

24. The report noted that both schemes for the Raglan Street site were acceptable in planning terms. The report went on to describe the circumstances relating to the development of the Royal Hospital site by Tesco. Tesco was no longer seeking planning permission for a retail store on the site. The Council had promoted a proposal by Tesco for a mixed use development comprising housing, offices, primary care centre and administrative offices, retail, financial services and professional offices and food and drink uses, together with associated parking. It would provide accommodation for a Primary Care Centre and offices for the Primary Care Trust.

25. The report said that Tesco's position was that a Royal Hospital site development in accordance with the Council's aspirations was not viable and that the return to a developer in a scheme according with the Council's aspirations (including 20% affordable housing content) would involve a substantial loss, which would mainly be caused by the refurbishment of the listed building element for the Primary Care Trust. The scheme would be viable only through a cross-subsidy from the development of the Raglan Street site.

26. The report went on to say that whilst there was disagreement between Tesco and Sainsbury's about the viability of the Royal Hospital site development, it was clear that Tesco was unlikely to carry out its scheme unless it was selected as the operator of the store at Raglan Street and were thus able to cross-subsidise the Royal Hospital site development.

27. The report concluded:

“ both Schemes would bring appreciable planning benefits and would promote and improve the economic, social and environmental well-being of the City. However, the Tesco Scheme enjoys a decisive advantage in that it will enable the development of the RHS to be brought forward in a manner that is consistent with the Council’s planning objectives for that site. Making a CPO for the Tesco Scheme will therefore result in a significantly greater contribution to the economic, social and environmental well-being of the Council’s area than would making a CPO for the Sainsbury’s Scheme. On this basis, and subject to the satisfactory resolution of the matters identified in the Recommendations set out at the beginning of this report, there is a compelling case in the public interest to make a CPO to enable the Tesco Scheme to proceed”.

28. In accordance with the recommendation made in the report, the Council’s Cabinet resolved to approve the principle of the making of a CPO of land owned by Sainsbury’s to facilitate the carrying out of (i) Tesco’s development proposals for the Raglan Street site and (ii) a mixed use retail, office and residential development of the Royal Hospital site, subject to, amongst other matters, Tesco producing satisfactory evidence of a commitment to the carrying out of the development of the Royal Hospital site before consideration be given to a resolution to authorise the making of the CPO. The Cabinet decision of January 30, 2008 was referred to the Council’s Scrutiny Board and on February 19, 2008 the Board resolved that the report be received and noted.

### *The issues*

29. In the absence of agreement between Sainsbury’s and Tesco, the only way in which the Raglan Street site can come forward for re-development is through the exercise of compulsory purchase powers. Section 226(1)(a) provides that the local authority has power to acquire compulsorily any land in its area if it thinks “that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land.” A local authority may use its powers of compulsory purchase to assemble a site for development by a preferred developer: *Standard Commercial Property Securities Ltd v Glasgow City Council (No 2)* [2006] UKHL 50, 2007 SC (HL) 33, at [6]. It is common ground that the compulsory acquisition of the outstanding interests in the Raglan Street site would facilitate the carrying out of development, re-development or improvement on the land under either the Tesco scheme or the Sainsbury’s scheme such that the test in section 226(1)(a) is met.

30. So also it is common ground that both schemes of re-development on the Raglan Street site would promote and improve the economic, social and environmental well-being of the city and therefore satisfy the requirement in section 226(1A) that a local authority must not exercise the power unless it thinks that “the development, re-development or improvement is likely to contribute to the achievement” of the well-being objects set out in the subsection. It is also agreed that the re-development of the Royal Hospital site as proposed would bring well-being benefits to the Council’s area, but Sainsbury’s says that, contrary to the approach of the Court of Appeal, those well-being objects are not within section 226(1A), because they do not flow from the proposed re-development of the Raglan Street site.

31. The issues on this appeal are these:

- (1) Whether, on a proper construction of section 226(1A), the Council was entitled to take into account, in discharging its duty under that subsection, a commitment by the developer of a site part of which was to be the subject of a CPO to secure (by way of cross-subsidy) the development, re-development or improvement of another (unconnected) site and so achieve further well-being benefits for the area.
- (2) Whether the Council was entitled, in deciding whether and how to exercise its powers under section 226(1)(a), to take into account such a commitment by a developer.

32. On the first issue, relating to the interpretation and application of section 226(1A), the Court of Appeal, differing from Elias J, found in favour of the Council and Tesco. On the second issue, relating to section 226(1)(a), Elias J found in favour of the Council and Tesco, but the Court of Appeal did not find it necessary to decide the point because of its conclusion on section 226(1A).

### ***The judgments of Elias J and the Court of Appeal***

#### *Section 226(1A)*

33. Elias J decided that, contrary to the argument of the Council and Tesco, on a proper construction of section 226(1A), the Royal Hospital site benefits did not fall within its ambit. They would have been well-being benefits in relation to a CPO of that site, but in order to fall within section 226(1A) in relation to the development of the Raglan Street site, the benefits must flow from the development of the Raglan Street site alone, since that was the site covered by the

CPO. The fact that a link between the two developments could be achieved by an agreement under section 106 of the 1990 Act did not entitle the Council to treat what were in reality well-being benefits resulting from development of the Royal Hospital site as if they were generated by development of the Raglan Street site.

34. The Court of Appeal held that the Council was entitled to take the Royal Hospital site benefits into account because they fell within section 226(1A). Whilst section 226(1)(a) focused the local authority's attention on what was proposed to take place on the CPO site itself and required the authority to be satisfied that the CPO would facilitate the re-development of the CPO site, section 226(1A) required it to look beyond the benefits that would accrue on the CPO site and to consider whether and to what extent the re-development of the CPO site would bring well-being benefits to a wider area. If the carrying out of the re-development of a CPO site was likely to act as a catalyst for the development or re-development of some other site or sites, then such catalytic effects were capable of falling within the scope of section 226(1A).

35. The financial viability of a proposed re-development scheme would be a highly material factor, and the proposed re-development of a CPO site might have to be cross-subsidised. It would be surprising if the potential financial implications of redeveloping the CPO site, including the possibility of cross-subsidy as a result of facilitating its re-development, were immaterial for the purposes of any consideration of the extent to which the carrying out of the re-development would be likely to contribute to wider "well-being" benefits.

36. The possibility of one development cross-subsidising another highly desirable development was capable of being a material consideration in the determination of a planning application under section 70(2) of the 1990 Act: *R v Westminster City Council, ex parte Monahan* [1990] 1 QB 87. The proposed cross-subsidy was a material consideration in the light of the Council's obligation under section 226(1A) to take wider, off-site "well-being" benefits into account and in the light of the significance of financial viability and economic well-being in the CPO context.

#### *Section 226(1)(a)*

37. Elias J held that for the purposes of section 226(1)(a), when choosing between two developments either of which would in principle be facilitated by a CPO, the Council was entitled to have regard to all the benefits which would flow from the development when determining in whose favour the CPO should be exercised, including any off-site benefits achieved by means of an agreement linking the development of the Raglan Street site to development of the Royal



Hospital site. The Court of Appeal decided that it was not necessary to rule on the alternative submission by the Council and Tesco that the Royal Hospital site benefits were material considerations under section 226(1)(a) in any event.

### *The CPO context*

38. There is no doubt that where a body has a power of compulsory acquisition which is expressed or limited by reference to a particular purpose, then it is not legitimate for the body to seek to use the power for a different or collateral purpose: *Simpsons Motor Sales (London) Ltd v Hendon Corporation* [1964] AC 1088, at 1118, per Lord Evershed. In *Galloway v Mayor and Commonalty of London* (1866) LR 1 HL 34, 43, Lord Cranworth LC said that persons authorised to take the land of others “cannot be allowed to exercise the powers conferred on them for any collateral object; that is, for any purposes except those for which the Legislature has invested them with extraordinary powers.” In *Clunies-Ross v Commonwealth of Australia* (1984) 155 CLR 193, 199 the High Court of Australia said that the statutory power to acquire land for a public purpose could not be used to “advance or achieve some more remote public purpose, however laudable.” See also *Campbell v Municipal Council of Sydney* [1925] AC 338, 443 (PC).

39. So also the familiar rules on the judicial control of the exercise of legislative powers apply in the CPO context as elsewhere: see e.g., among many others, *Hanks v Minister of Housing and Local Government* [1963] 1 QB 999 (Megaw J); *Prest v Secretary of State for Wales* (1982) 81 LGR 193 (CA) (as explained in *de Rothschild v Secretary of State for Transport* (1988) 57 P & CR 330); *Chesterfield Properties plc v Secretary of State for the Environment* (1997) 76 P & CR 117 (Laws J).

40. Nor can it be doubted that off-site benefits may be taken into account in making a CPO. *Standard Commercial Property Securities Ltd v Glasgow City Council (No 2)* [2006] UKHL 50, 2007 SC (HL) 33 was a decision on the Scottish compulsory purchase provisions in the Town and Country Planning (Scotland) Act 1997, which are similar to, but not identical with, the equivalent provisions in the 1990 Act. Section 191 provided in substance that where land is acquired or appropriated by a planning authority for planning purposes, the authority might dispose of such land to any person to secure the best use of the land, and that the land could not be disposed of otherwise than at the best price or on the best terms that could reasonably be obtained. The property in question was in a run-down part of Bath Street and Buchanan Street, Glasgow. Proposals for re-development of the site by the developer contained a strong element of planning gain. The issue was whether the planning authority, exercising its compulsory purchase powers to redevelop a site, had acted ultra vires by entering into a back-to-back agreement with the developer in which the Council had agreed to transfer the land to the

developer in return for the developer indemnifying the Council for the money expended in assembling the site and making it available. In effect the developer was to be put in the same position as if it had itself exercised the power of compulsory acquisition: [14]. It was held that the words “best terms” permitted disposal for a consideration which was not the “best price”, and so terms that would produce planning benefits and gains of value to the authority could be taken into account as well as terms resulting in cash benefits. It was accepted that the local authority could use its powers to assemble the site for development by a preferred developer: [6]. Lord Hope (at [39]) and Lord Brown (at [70]) also accepted that account could be taken by a planning authority of the wider, off-site planning gains which would result from the exercise of its compulsory purchase powers. But these were benefits directly related to the site, and directly flowing from the development, and the decision does not help in the solution of the present appeal.

### *Other contexts*

41. All parties, especially Sainsbury’s, relied on authorities relating to planning applications, and in particular on those relating to the extent to which conditions attached to a planning permission must relate to the development; and the extent to which off-site benefits (whether under a section 106 agreement or not) are “other material considerations” to which the authority must have regard under section 70(2) of the 1990 Act in deciding whether to grant or refuse planning permission (or to impose conditions). In the Court of Appeal Sullivan LJ did not think that a “read-across” from the limitations on the exercise of the section 70(2) power was appropriate in the context of section 226.

42. In summary, Sainsbury’s position was (a) the cases on the legitimate scope of planning conditions were relevant, from which it followed that the only off-site benefits which could be taken into account were those which fairly and reasonably related to the development in relation to which the CPO power was being exercised, that is the Raglan Street development; (b) the cases on section 70(2) also proceeded on the basis that there had to be a connection between the benefits and the permitted development; (c) a potential cross-subsidy was relevant only where there was a composite development. The position of the Council and Tesco was that the Court of Appeal was right to say that there should not be a read-across from the planning permission cases to CPO cases, but in any event the authorities showed that financial considerations, including off-site benefits through cross-subsidies, were relevant, and were essentially a matter for evaluation by the planning authority.

43. It is necessary to note, at the outset, the relevant legal differences between this case and the cases in which similar questions have previously arisen. The first

is that there is a difference between the exercise of powers of compulsory acquisition and the exercise of powers to control development and grant planning permission, which is rooted in the deep-seated respect for private property reflected in the decisions cited above. The second is that both compulsory acquisition and planning control are solely creatures of statute, and that while the provisions which are relevant on this appeal are contained in one statute, the 1990 Act, the statutory provisions are different. The relevant provisions of section 226 have been set out above, and it is only necessary to repeat that section 226(1)(a) gives the local authority power to acquire compulsorily if “the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land” and does not contain, by contrast with section 70(2) on planning applications, any express reference to the authority having regard to “any other material considerations.” Nevertheless the policies underlying planning permission and acquisition for development purposes are similar, and considerable assistance can be obtained from the learning in the case law on planning permissions.

***“Fairly and reasonably relate” and “material considerations”***

44. In *Pyx Granite Co Ltd v Ministry of Housing and Local Government* [1958] 1 QB 554 (reversed on other grounds [1960] AC 260) Lord Denning said (at 572) in relation to what is now section 70(1)(a) of the 1990 Act: “Although the planning authorities are given very wide powers to impose ‘such conditions as they think fit,’ nevertheless the law says that those conditions, to be valid, must fairly and reasonably relate to the permitted development.” Pyx Granite had the right to quarry in two areas of the Malvern Hills. The company required permission to break fresh surface on one of the sites. Conditions attached to the planning permission relating to such matters as the times when machinery for crushing the stone could be used and the control of dust emissions were held valid. The facts do not appear fully in the judgments, but it seems that the equipment was on the part of the land under the control of the company which was not the land in respect of which the application for permission related, but they could properly be regarded (for the purposes of the Town and Country Planning Act 1947, section 14) as “expedient ... in connection with” the permitted development. Lord Denning said (at 574): “It would be very different if the Minister sought to impose like conditions about plant or machinery a mile or so away.”

45. Lord Denning’s formula that “the conditions must be fairly and reasonably related to the development” was approved in *Newbury District Council v Secretary of State for the Environment* [1981] AC 578, 599 (Viscount Dilhorne), 607 (Lord Fraser), 618 (Lord Scarman), 627 (Lord Lane). Viscount Dilhorne said (at 599): “It follows that the conditions imposed must be for a planning purpose and not for any ulterior one, and that they must fairly and reasonably relate to the development permitted. Also they must not be so unreasonable that no reasonable planning

authority could have imposed them ...” As Lord Hoffmann said in *Tesco Stores Ltd v Secretary of State for the Environment* [1995] 1 WLR 759, 772, as a general statement this formulation has never been challenged. See e.g. *Grampian Regional Council v Secretary of State for Scotland*, 1984 SC (HL) 58, at 66. In the *Newbury* case itself it was held that the Secretary of State was entitled to come to the conclusion that a condition imposed by a local authority requiring the removal of existing substantial buildings was not sufficiently related to a temporary change of use for which permission was granted.

46. The effect of the adoption of the *Pyx Granite/Newbury* formula was to put severe limits on the powers of planning authorities: *Tesco Stores Ltd v Secretary of State for the Environment* [1995] 1 WLR 759, 772-3. Conditions requiring off-site roadway benefits were held to be unreasonable in, for example, *Hall & Co Ltd v Shoreham-by-Sea UDC* [1964] 1 WLR 240 (ancillary road condition held to be *Wednesbury* unreasonable); *Bradford Metropolitan City Council v Secretary of State for the Environment* (1986) 53 P & CR 55 (where it was suggested that it would make no difference if they were included in a section 106 agreement); cf. *Westminster Renslade Ltd v Secretary of State for the Environment* (1983) 48 P & CR 255 (not legitimate to refuse a planning application because it did not contain provisions for the increase of the proportion of car-parking space subject to public control: the absence of a benefit not a reason for refusing planning permission where the benefit could not have been lawfully secured by means of a condition).

47. Section 70(2) of the 1990 Act provides that in dealing with an application for planning permission, the local planning authority “shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.”

48. There are two decisions of the Court of Appeal, and a decision of the House of Lords, which have a bearing on the questions on this appeal: *R v Westminster City Council, ex parte Monahan* [1990] 1 QB 87 (CA); *R v Plymouth City Council, ex parte Plymouth and South Devon Co-operative Society* (1993) 67 P & CR 78 (CA); *Tesco Stores Ltd v Secretary of State for the Environment* [1995] 1 WLR 759 (HL). They deal with one or more of the following questions: the extent to which financial considerations are “material considerations” in planning decisions; what connection (if any) is required between the development site and off-site benefits for the purpose of material considerations; and the respective roles of the planning authorities and the courts in determining what considerations are relevant and what connection with off-site benefits is necessary.

49. *R v Westminster City Council, ex parte Monahan* and *R v Plymouth City Council, ex parte Plymouth and South Devon Co-operative Society* are both cases in which Lord Denning’s “fairly and reasonably relate” formula in relation to

conditions was extended to, or discussed in connection with, the issue of material considerations under section 70(2). In that context the decisions have been superseded by the decision in the *Tesco* case, but they contain valuable discussion by some distinguished members of the Court of Appeal on questions of some relevance to the determination of this appeal.

50. In *Monahan* Lord Denning's formula was discussed in a case involving enabling development, i.e. development which is contrary to established planning policy, but which is occasionally permitted because it brings public benefits which have been demonstrated clearly to outweigh the harm that would be caused. The decision also discusses the question of the extent to which the provision of off-site benefits by the developer may be material. In *Plymouth* one of the issues was the extent to which off-site planning benefits promised by a section 106 agreement were material considerations.

*R v Westminster City Council, ex parte Monahan*

51. In *R v Westminster City Council, ex parte Monahan* [1990] 1 QB 87 the Royal Opera House, Covent Garden Ltd, applied for planning permission and listed building consents to carry out a re-development, the central objective of which was to extend and improve the Opera House by reconstruction and modernisation to bring it up to international standards, and to develop the surrounding area consistently with that project. Parts of the site were proposed to be used for the erection of office accommodation, which would be a departure from the development plan. The planning authority granted permission for the whole proposed development on the basis that the desirable improvements to the Opera House could not be financed unless the offices were permitted. The applicants sought judicial review of that decision on the ground, inter alia, that the fact that a desirable part of a proposed development would not be financially viable unless permission were given for the other part was not capable of being a "material consideration" for the purposes of what is now section 70(2) of the 1990 Act in granting planning permission for the development as a whole.

52. It was held that financial considerations which fairly and reasonably related to the development were capable of being material considerations which could be taken into account in reaching that determination; and that the local planning authority had been entitled, in deciding to grant planning permission for the erection of the offices, to balance the fact that the improvements to the Opera House would not be financially viable if the permission for the offices were not granted against the fact that the office development was contrary to the development plan.

53. On this appeal Sainsbury's accepts that in the context of section 70(2) the possibility of one development cross-subsidising another desirable development is capable, in limited circumstances, of being a material consideration, and that *Monahan* is such a case, where both developments formed part of one composite development. The Council and Tesco say that *Monahan* supports their position because the Court of Appeal held the consequence of the financial viability of the proposed opera house development to be a relevant factor in the planning authority's determination.

54. Kerr LJ's reasoning was essentially this: (1) in composite or related developments (related in the sense that they can and should properly be considered in combination) the realisation of the main objective may depend on the financial implications or consequences of others; (2) provided that the ultimate determination is based on planning grounds and not on some ulterior motive, and that it is not irrational, there would be no basis for holding it to be invalid in law solely on the ground that it has taken account of, and adjusted itself to, the financial realities of the overall situation; (3) financial considerations may be treated as material in appropriate cases: *Brighton Borough Council v Secretary of State for Environment* (1978) 39 P & CR 46; *Sosmo Trust Ltd v Secretary of State for the Environment* [1983] JPL 806. He concluded (at 117) by agreeing with Webster J's conclusion at first instance. Webster J had said:

“It seems to me to be quite beyond doubt [but] that the fact that the finances made available from the commercial development would enable the improvements to be carried out was capable of being a material consideration, that is to say, that it was a consideration which related to the use or development of the land, that it related to a planning purpose and to the character of the use of the land, namely the improvements to the Royal Opera House which I have already described, particularly as the proposed commercial development was on the same site as the Royal Opera House and as the commercial development and the proposed improvements to the Royal Opera House all formed part of one proposal.”

55. The “fairly and reasonably related to the development” formula was applied by Kerr LJ (at 111), and Staughton LJ (at 122) (who also agreed that there was a composite or related development).

56. There was some discussion in the *Monahan* decision of the limits of what could be taken into consideration, by reference to two hypothetical examples. The first example (which Kerr LJ said was an extreme example) was the case of the

development of an undesirable office block in Victoria which was said to be necessary to generate the finance for a desirable development in Covent Garden. Kerr LJ said that a combination of this nature would be unlikely to be properly entertained as a single planning application or as an application for one composite development, and that such a case would involve considerations of fact and degree rather than of principle: at 117. Nicholls LJ dealt with this point by saying (at 121):

“I am not persuaded by this *reductio ad absurdum* argument. Circumstances vary so widely that it may be unsatisfactory and unwise to attempt to state a formula which is intended to provide a definitive answer in all types of case. All that need be said to decide this appeal is that the sites of the commercial development approved in principle are sufficiently close to the opera house for it to have been proper for the local planning authority to treat the proposed development of the office sites, in Russell Street and elsewhere, and the proposed improvements to the opera house as forming part of one composite development project. As such it was open to the planning authority to balance the pros and cons of the various features of the scheme. It was open to the authority to treat the consequence, for the opera house works, of granting or withholding permission for offices as a material consideration in considering the part of the application which related to offices.”

57. The second hypothetical example, the swimming pool at the other end of the city, was dealt with by Staughton LJ (at 122):

“The other extreme arises from the axiom of Lloyd LJ in *Bradford City Metropolitan Council v Secretary of State for the Environment* [1986] 1 EGLR 199, 202G that planning permission cannot be bought and sold. Suppose that a developer wished to erect an office building at one end of the town A, and offered to build a swimming-pool at the other end B. It would in my view be wrong for the planning authority to regard the swimming-pool as a material consideration, or to impose a condition that it should be built. That case seems to me little different from the developer who offers the planning authority a cheque so that it can build the swimming-pool for itself - provided he has permission for his office development. ...

Where then is the line to be drawn between those extremes? In my judgment the answer lies in the speech of Viscount Dilhorne in *Newbury District Council v. Secretary of State for the Environment* [1981] AC 578, 599, which Kerr LJ has quoted. Conditions imposed must ‘fairly and reasonably relate to the development permitted,’ if they are to be valid. So must considerations, if they are to be material.”

58. The ratio of the decision in *Monahan* is that where there are composite or related developments (related in the sense that they can and should properly be considered in combination), the local authority may balance the desirable financial consequences for one part of the scheme against the undesirable aspects of another part. In *R v Plymouth City Council, ex parte Plymouth and South Devon Co-operative Society* (1993) 67 P & CR 78, at 88, Hoffmann LJ observed that the *Monahan* decision concerned what was treated as a single composite development, and held that there was a sufficient nexus between the office development and the Opera House improvements to entitle the planning authority to say that the desirability of the latter fairly and reasonably related to the former, because of (1) the financial dependency of the one part of the development on the other and (2) their physical proximity.

59. The *Monahan* decision demonstrates, if demonstration were necessary, that financial considerations may be relevant in planning decisions. In *Sosmo Trust Ltd v Secretary of State for the Environment* [1983] JPL 806 (cited on this point with approval by Kerr LJ in *Monahan* at 116) Woolf J accepted that the consequences of the financial viability or lack of financial viability of a development were a potentially relevant factor: the true question was not whether a development would be viable but what the planning consequences would be if it were not viable: see at 807. See also *Sovmots Investments Ltd v Secretary of State for the Environment* [1977] QB 411, 425, per Forbes J (for further proceedings see [1977] QB 411; [1979] AC 144).

*R v Plymouth City Council, ex parte Plymouth and South Devon Co-operative Society Ltd*

60. The restrictive approach of the courts to conditions was one of the factors which led planning authorities to rely on planning obligations in attempting to secure planning gain. This led directly to the question whether planning authorities were entitled to treat benefits secured by way of a planning obligation as a material consideration in deciding whether to grant planning permission.



61. In *R v Plymouth City Council, ex parte Plymouth and South Devon Co-operative Society Ltd* (1993) 67 P & CR 78 it was held that the planning authority could (against the opposition of the Co-op) take into account offers by Tesco and Sainsbury's to enter into section 106 agreements providing for substantial off-site benefits. The off-site benefits included an offer by Sainsbury's of a payment of £1 million for infrastructure which would enable a separate site to be made available for industrial use, and an offer by Tesco of a park and ride facility on another site. The Co-op's position was that a consideration was only material to the question of whether to grant planning permission, if it was necessary to the grant of permission, *i.e.* overcame some objection to the proposed development which would otherwise mean that permission could not be granted. It was held that although the benefits had to be planning benefits and fairly and reasonably relate to the development, they did not have to be necessary.

62. This is a decision in which there was a connection between the development and the off-site benefits. All members of the court (Russell, Evans and Hoffmann LJ) accepted (at 82, 84, 87-88) that the off-site benefits related to the superstore development applications. The offer of £1 million by Sainsbury's for infrastructure would help to compensate for the reduction in the pool of resources for employment land. The park and ride facility offered by Tesco would counteract the increase in traffic caused by the superstore development: at 82-83; 90-91.

*Tesco Stores Ltd v Secretary of State for the Environment*

63. But, although it has not been expressly over-ruled and the result would be the same today, the reasoning of the *Plymouth* decision can no longer stand, based as it was on the "fairly and reasonably related to the development" test: see at pp. 81-82, 87, 89-90. In *Tesco Stores Ltd v Secretary of State for the Environment* [1995] 1 WLR 759 there were rival plans for the development of superstores on different sites in Witney, Oxfordshire, by Tesco and Sainsbury's (in conjunction with Tarmac). At an inquiry into proposals to alter the Witney local plan by building a new link road to relieve traffic congestion and a food superstore in the town centre, the inspector approved the proposal for a link road and rejected that for a town centre superstore. Tesco offered to provide full funding for the link road. The Secretary of State allowed the Sainsbury's/Tarmac appeal, and dismissed Tesco's application: the funding offer was not fairly and reasonably related in scale to the development; although there was a tenuous relationship between the funding of the link road and the proposed foodstore because of a slight worsening of traffic conditions (a 10% increase) the link was not needed. But if it were to be taken into account, then because of the tenuous nature of the connection, the partial contribution was too limited to affect the ultimate decision.

64. The House of Lords confirmed that the Secretary of State had fulfilled his duty by taking the offer into account but according it very little weight. It was held that a planning obligation offered under section 106 of the 1990 Act by a developer was a material consideration for the purposes of section 70(2) of the Act if it was relevant to the development; and that the weight to be given to such an obligation was a matter entirely within the discretion of the decision maker. Tesco's offer to fund the link road was sufficiently related to the proposed development to constitute a material consideration under section 70(2). For the purposes of this appeal, the importance of this decision is the light it throws on the nature of the necessary link between the development and the off-site benefit.

65. The House of Lords held that the *Pyx Granite/Newbury* test for planning conditions was not applicable in the context of the question whether section 106 obligations were material considerations under section 70(2). Lord Keith of Kinkel said (at 764, 770):

“Sir Thomas Bingham MR in the course of his judgment in this case said that ‘material’ in [section 70(2)] meant ‘relevant,’ and in my opinion he was correct in this. It is for the courts, if the matter is brought before them, to decide what is a relevant consideration. If the decision maker wrongly takes the view that some consideration is not relevant, and therefore has no regard to it, his decision cannot stand and he must be required to think again. But it is entirely for the decision maker to attribute to the relevant considerations such weight as he thinks fit, and the courts will not interfere unless he has acted unreasonably in the *Wednesbury* sense ...

...

An offered planning obligation which has nothing to do with the proposed development, apart from the fact that it is offered by the developer, will plainly not be a material consideration and could be regarded only as an attempt to buy planning permission. If it has some connection with the proposed development which is not *de minimis*, then regard must be had to it. But the extent, if any, to which it should affect the decision is a matter entirely within the discretion of the decision maker and in exercising that discretion he is entitled to have regard to his established policy.”

66. All members of the appellate committee agreed with Lord Keith's opinion, and the ratio of the decision is that for the purposes of section 70(2) any benefit whose connection with the development is more than de minimis will be a material consideration, but that the weight to be given to any particular material consideration is entirely a matter for the decision-maker.

67. It has often been said that planning permissions should not be bought or sold: see *Bradford Metropolitan City Council v Secretary of State for the Environment* (1986) 53 P & CR 55, 64, per Lloyd LJ (on which see *Plymouth* at 84, per Evans LJ; *Monahan* at 122, per Staughton LJ; *Tesco*, at 765, per Lord Keith of Kinkel, and 782, per Lord Hoffmann); and accepted as a matter of policy in ODPM Circular 05/2005, *Planning Obligations*, para B6 (reflecting its predecessors): "The use of planning obligations must be governed by the fundamental principle that planning permission may not be bought or sold. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms..."

68. Responding to the point that the approach in the *Plymouth* decision leads to the prospect of the sale and purchase of planning permissions, Lord Hoffmann contrasted cases in which there was a "sufficient connection" between the development and a planning obligations and those in which they were "quite unconnected." He said (at 782):

"This reluctance of the English courts to enter into questions of planning judgment means that they cannot intervene in cases in which there is sufficient connection between the development and a planning obligation to make it a material consideration but the obligation appears disproportionate to the external costs of the development. *R v. Plymouth City Council, Ex parte Plymouth and South Devon Co-operative Society Ltd*, 67 P & CR 78, was such a case, leading to concern among academic writers and Steyn LJ in the present case that the court was condoning the sale of planning permissions to the highest bidder. My Lords, to describe a planning decision as a bargain and sale is a vivid metaphor. But I venture to suggest that such a metaphor (and I could myself have used the more emotive term 'auction' rather than 'competition' to describe the process of decision-making process in the *Plymouth* case) is an uncertain guide to the legality of a grant or refusal of planning permission. It is easy enough to apply in a clear case in which the planning authority has demanded or taken account of benefits which are quite unconnected with the proposed development. But in

such a case the phrase merely adds colour to the statutory duty to have regard only to material considerations. In cases in which there is a sufficient connection, the application of the metaphor or its relevance to the legality of the planning decision may be highly debatable. I have already explained how in a case of competition such as the *Plymouth* case, in which it is contemplated that the grant of permission to one developer will be a reason for refusing it to another, it may be perfectly rational to choose the proposal which offers the greatest public benefit in terms of both the development itself and related external benefits. ...”

### ***Conclusions***

69. There is no doubt that in the light of the report of January 30, 2008, the Council had purportedly resolved in principle to make the CPO for the purpose of facilitating both the development of the Raglan Street site and that of the Royal Hospital site. That would be sufficient to vitiate the resolution. But Elias J and the Court Appeal accepted that there would be no point in quashing the resolution on that ground alone, since a more felicitously worded resolution could be passed if the benefits to be derived from the development of the Royal Hospital site were relevant under section 226(1)(a) or section 226(1A).

70. What can be derived from the decisions in the planning context, and in particular the *Tesco* case, can be stated shortly. First, the question of what is a material (or relevant) consideration is a question of law, but the weight to be given to it is a matter for the decision maker. Second, financial viability may be material if it relates to the development. Third, financial dependency of part of a composite development on another part may be a relevant consideration, in the sense that the fact that the proposed development will finance other relevant planning benefits may be material. Fourth, off-site benefits which are related to or are connected with the development will be material. These principles provide the answer to the questions raised in *Monahan* about the development in Victoria or the swimming pool on the other side of the city. They do not, as Kerr LJ thought, raise questions of fact and degree. There must be a real connection between the benefits and the development.

71. Given the similar context, there is no reason why similar principles should not apply to compulsory acquisition for development purposes provided that it is recognised that, because of the serious invasion of proprietary rights involved in compulsory acquisition, a strict approach to the application of these principles is required. There must be a real, rather than a fanciful or remote, connection

between the off-site benefits and the development for which the compulsory acquisition is made.

72. What is the connection in the present case? The expression “cross-subsidy” has been much used by Tesco and the Council. The expression bears a special meaning in this case. Its most common use is in the competition field, where it usually connotes improper allocation of costs in different product or geographic markets, which may result in predatory pricing or other anti-competitive activity. Here all it means is that Tesco says that (a) the Council’s requirements for the Royal Hospital site have the result that Tesco cannot develop it profitably; and (b) Tesco will undertake its development if it can develop the Raglan Street site. Tesco says that the consequence of (a) and (b) is that the Raglan Street site development will “cross-subsidise” the Royal Hospital site development. But the only connections between the proposed Raglan Street site and Royal Hospital site developments are that (a) Tesco says that it will develop the latter if it can develop the former; (b) it has contractually agreed to perform building works on the Royal Hospital site if it acquires the Raglan Street site. The commercial effect will be that the deficiency on the Royal Hospital site will be made up, or “cross-subsidised,” by the Raglan Street site development. Nothing in the papers before the Court suggests that this will be done by any direct subvention from the income or capital proceeds of the Raglan Street site, but this would not in any event make a difference. It is entirely a matter for Tesco how it funds any loss from, or presents any lower return from, the Royal Hospital site. This is only a connection in the sense that either (a) the Council is being tempted to facilitate one development because it wants another development; or (b) Tesco is being tempted to undertake one uncommercial development in order to obtain the development it wants.

73. The crucial question is whether that is a connection which the Council is entitled to take into consideration under section 226(1)(a) or section 226(1A). To take the latter first, Elias J was right to hold that section 226(1A) was not the crucial provision for the purposes of this case. It does not answer the prior question of what matters can be taken into consideration.

74. The power of compulsory acquisition must be capable of being exercised under section 226(1)(a) before the limitation in section 226(1A) applies. Once it applies the local authority must think that the development will contribute to the achievement of the well-being benefits. Section 226(1A) does not permit the Council to take into account a commitment by the developer of a site part of which was to be the subject of a CPO to secure the development, re-development or improvement of another (unconnected) site and so achieve further well-being benefits for the area. The Council was entitled to come to the view for the purposes of section 226(1A) that the Raglan Street site development would contribute to well-being in its area, but not on the basis of the benefits which would derive from

the Royal Hospital site development. The Raglan Street site development will not, in any legally relevant sense, contribute to the achievement of the well-being benefits flowing from the Royal Hospital site development.

75. But that matters little since the crucial question is whether the Council was entitled to take it into account under section 226(1)(a). There can be no doubt that, even if there is no express reference in section 226(1)(a) to the local authority taking into account material considerations (by contrast with section 70(2)), only relevant matters may be taken into account. For the reasons given above, the claimed financial connection between the two sites was not such as to amount to a relevant matter. It is true, as Sullivan LJ said (at [34]), that the financial viability of a proposed re-development scheme would be a highly material factor, and that a proposed re-development of a CPO site might have to be cross-subsidised. But Sullivan LJ was wrong to conclude that it followed that a cross-subsidy *from* a CPO site to another site was a material consideration. The fact that a conditional agreement for sale linked the obligation to carry out works on the Royal Hospital site was not a relevant connection.

76. Nor do I consider, despite the views of Lord Phillips and Lord Hope to the contrary, that a different result on this appeal is required by the fact that Sainsbury's and Tesco were in competition for the site, and that the Council is proposing to dispose of the land to Tesco under section 233. They accept that the Council was not entitled to take the benefits from the Royal Hospital site development into account in making the CPO, but consider that the opportunity for re-development of the Royal Hospital site would be a relevant matter to be taken into account by the Council in exercising the power of disposal to Tesco under section 233.

77. First, as a matter of principle it is impossible to put into separate compartments the exercise by the Council of its power of compulsory purchase of Sainsbury's property, and the exercise of the Council's power to dispose of Sainsbury's property to Tesco, and then to conclude that the Royal Hospital site development may not be taken into account for the former, but can be taken into account for the latter. It is wrong for the Council to deprive Sainsbury's of its property because the Council will derive from disposal of that property benefits wholly unconnected with the acquisition of the property.

78. Second, although it is plain that the power of compulsory purchase may be used to assemble a site for a preferred developer, there is nothing in *Standard Commercial Property Securities Ltd v Glasgow City Council (No 2)* [2006] UKHL 50, 2007 SC (HL) 33 which supports the proposition that unconnected benefits may be taken into account by a local authority in deciding whether property should be compulsorily acquired for the purpose of disposing of it to a preferred

developer. The background to the appeal was a competition between developers for the right to develop a run-down part of Buchanan Street, Glasgow. Two developers in particular were keen to develop the site, Atlas Investments and Standard Commercial, each of which owned part of the site. The Council, when inviting all the owners and occupiers of the land on the site to submit proposals for re-development, said that successful submissions should seek a mix of activities and functions which would bring added activity to the area outside normal retailing hours, and encouraged applicants to allocate a budget to the cost of integrating public art into the development and include improvements to the relevant areas of adjoining streets, and so contribute to the transformation of Glasgow City Centre. Those were the wider planning gain benefits to which Lord Hope referred in his opinion: [39]. Similarly Lord Brown (at [70]) referred to the Council's desire to obtain economic and social benefits for Glasgow. But it is clear from Lord Hope's opinion in that decision, as he accepts in his judgment on this appeal, that the benefits which the developers were invited to confer were related to the site, and the immediately adjoining area. There is nothing in the decision to support the conclusion that in this case the promise to develop the Royal Hospital site would have been a material consideration in a disposal under section 233.

79. I would therefore allow the appeal, and make an order declaring that the opportunity for re-development of the Royal Hospital site is not a lawful consideration in deciding whether to make a CPO in relation to the Raglan Street site.

## **LORD WALKER**

80. In agreement with Lady Hale, Lord Mance and Lord Collins, I would allow this appeal. I agree with the reasons set out in the full judgment of Lord Collins, supported by the shorter judgments of Lady Hale and Lord Mance. But in view of the difference of opinion within the Court I will try to summarise my reasons in my own words.

81. This appeal is concerned with compulsory acquisition of land *for planning purposes* (that being the general ambit of both paragraphs (a) and (b) in section 226(1) of the Town and Country Planning Act 1990 – “the 1990 Act”). The land is to end up, not in public ownership and used for public purposes, but in private ownership and used for a variety of purposes, mainly retail and residential. Economic regeneration brought about by urban redevelopment is no doubt a public good, but “private to private” acquisitions by compulsory purchase may also produce large profits for powerful business interests, and courts rightly regard them as particularly sensitive. To the authorities mentioned by Lord Collins in paras 9 to 11 of his judgment might be added the famous split of the United States

Supreme Court in *Kelo v City of New London, Connecticut* 545 US 469 (2005), discussed in Gray & Gray, *Elements of Land Law*, 5<sup>th</sup> Edition (2009) paras 11.2.6 and 11.2.7. The case of *Fazzolari Pty Ltd v Parramatta City Council* (2009) 237 CLR 603 mentioned by Lord Collins was also in substance largely a “private to private” acquisition, although the local authority used a declaration of trust to give the acquisition a better appearance.

82. Where a local authority is considering exercising powers of compulsory purchase for planning purposes, planning considerations must be central to the decision-making process. The public purse is to be protected against improvidence, but the local authority should not be exercising its powers in order to make a commercial profit. In *Standard Commercial Property Securities Ltd v Glasgow City Council* 2007 SC (HL) 33, Lord Brown, at para 75, described that proposition as “deeply unattractive.” Section 233 of the 1990 Act differs from its Scottish counterpart in that subsection (3) expressly contemplates a disposal “for a consideration less than the best that can reasonably be obtained,” though only with the consent of the Secretary of State. But both in Scotland and in England a “back-to-back” arrangement (under which the local authority makes neither a commercial loss nor a commercial gain from its participation, using section 226 powers, in a scheme of comprehensive urban redevelopment) is standard practice. The dominant aim is betterment in planning terms.

83. That to my mind is why the issue of what would be material considerations for the purposes of deciding an application for planning permission is also relevant to a decision to exercise powers of compulsory acquisition under section 226. The quality of the proposed redevelopment of the site is of crucial importance. Its larger impact on the authority’s area is also an essential element in the decision-making process, because of section 226 (1A). In common with all the members of the Court I consider that section 226(1A) has the effect of imposing an extra requirement which is a necessary but not a sufficient condition for the exercise of powers under 226(1). Section 226(1A) does not qualify, still less act as a substitute for, the requirements of the preceding subsection.

84. But the exercise of powers of compulsory acquisition, especially in a “private to private” acquisition, amounts to a serious invasion of the current owner’s proprietary rights. The local authority has a direct financial interest in the matter, and not merely a general interest (as local planning authority) in the betterment and well-being of its area. A stricter approach is therefore called for. As Lord Collins says in his conclusions at para 71 of his judgment, a real (rather than a fanciful or remote) connection must be shown between any off-site benefits and the proposed redevelopment for which a compulsory purchase order is proposed.



85. Lord Brown has posed a rhetorical question in para 182 of his judgment. After referring to the *Standard Commercial* case he has commented,

“it is surely implicit in that decision – and indeed in the respective legislative requirements in both England and Scotland in effect to get what I called ‘the best overall deal available’ – that, by the same token as a cash bidding match would have been possible, so too would have been an offer of other benefits, however extraneous. Why ever not?”

With great respect to Lord Brown I think that he has answered his own question in the passage of his speech in *Standard Commercial* at para 75:

“I find deeply unattractive the proposition that, almost inevitably at the expense of some beneficial aspect of the development scheme, the authority should be seeking to make a profit out of the exercise of its statutory powers of acquisition.”

86. A cash bidding match, or the exaction of extraneous benefits, has superficial attractions as a tie-breaker, especially if there are two contenders, both with very deep pockets, like Tesco and Sainsbury. The merits of their respective schemes are closely matched, as appears from the summary in para 11 of the officers’ recommendation document dated 30 January 2008. It is true that the Tesco scheme is said in the summary to offer more jobs, but the Sainsbury scheme might create an unspecified number of extra jobs through re-use or development of its St George’s Parade site (para 6.6). The Tesco scheme would be delivered “by a well resourced operator” but the detailed consideration of delivery (para 7) ranked the two contenders as equally capable. Tesco’s only apparently decisive advantage was (para 11.3) the offer of cross-funding for the RHS development.

87. Since their proposals are such that there is little, if anything, to choose between them in planning terms, why should not the local authority look to some substantial extraneous benefit which one contender offers, rather than having to make the difficult choice of a winner between contenders whose proposals are equally satisfactory on planning grounds? The answer is simply that it is not the right way for a local authority to make a decision as to the exercise of its powers of compulsory purchase, any more than it could choose a new chief executive, from a short list of apparently equally well qualified candidates, by holding a closed auction for the office. As Lord Keith said in *Tesco Stores Ltd v Secretary of State for the Environment* [1995] 1 WLR 759, 770,

“An offered planning obligation which has nothing to do with the proposed development, apart from the fact that it is offered by the developer, will plainly not be a material consideration and could be regarded only as an attempt to buy planning permission.”

88. The fact that an exercise of powers of compulsory acquisition and a “back to back” disposal to a developer are prearranged is unobjectionable (see Lord Rodger in *Standard Commercial* at para 53). But that does not mean that the proper consideration of the exercise of powers of compulsory acquisition under section 226 of the 1990 Act can be telescoped into the exercise of powers of disposal under section 233. On this point I am in full agreement with the judgment of Lady Hale.

89. For these reasons I would allow this appeal and make the declaration proposed by Lord Collins.

#### **LADY HALE**

90. I agree that this appeal should be allowed, for the reasons given by Lord Collins, together with the further reasons given by Lord Walker and Lord Mance. Lord Phillips and Lord Hope also agree with the reasoning of Lord Collins, on the points upon which he differs from Lord Brown, but they disagree in the result. As I understand it, they consider that the extraneous benefit offered by Tesco, although it would not normally be a relevant consideration in the compulsory purchase decision, would be a relevant consideration when the Council came to dispose of the land under section 233(1) of the Town and Country Planning Act 1990. Accordingly, as in practice the decisions may be taken simultaneously, that consideration can be read back into the decision compulsorily to purchase the Sainsbury land under section 226(1).

91. For the reasons given by Lord Mance, I find it difficult to accept that proposition. It puts the cart before the horse. The council have nothing to dispose of unless they have acquired the land, whether voluntarily or compulsorily. They can only acquire the land compulsorily under section 226(1)(a) “if the authority think that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land”. The matters to be taken into account in making that decision have to be relevant to that purpose.

92. I agree, as Lord Mance puts it at para 98 of his judgment, that the considerations admissible in relation to compulsory purchase are “no wider” than those admissible in relation to the grant of planning permission. Although the grant of planning permission is a “useful analogy”, it is a different exercise. The considerations material to that exercise are also material, but in a rather different way, to the compulsory purchase decision. Thus, under the former version of section 226(1) (quoted by Lord Phillips at para 121 of his judgment), the considerations which would be material to the grant of planning permission for development on the land were also material to whether the land was “suitable for development”. That was a *sine qua non* for compulsory purchase to “secure” development. This seems obvious. It cannot be proper to deprive a person compulsorily of his land in order to secure something which will not be allowed to take place. Under the new version of section 226(1), the permissibility of *some* development (together with a reasonable prospect of its actually taking place) should be a *sine qua non* for compulsory acquisition in order to “facilitate” it. The question does not arise in this case, because we are agreed that the extraneous benefit to the Royal Hospital site would not be relevant to the grant of planning permission for this site, any more than it is relevant to the compulsory purchase decision.

93. Acquiring the whole of the Raglan Street site *would* facilitate the development of *that* site (although it is worth noting that Sainsbury have so much of the site that they could carry out a development, albeit a less satisfactory one, without further compulsory acquisition). Persuading Tesco to carry out a wholly unrelated development upon another site elsewhere in the city, desirable though that may be for the City and people of Wolverhampton, does nothing to facilitate the development of the Raglan Street site. Rather, it is the other way round.

94. It is difficult to understand why the fact that Sainsbury also wish to develop the Raglan Street site should make any difference. If it would not be permissible to take into account the extraneous benefit when deciding compulsorily to purchase land from an unwilling owner who did *not* himself wish to develop it, it seems even less permissible to take it into account as against an unwilling owner who *does*. In the former situation, a development which would not otherwise take place would be facilitated; in the latter, it would not be facilitated because the development would take place in any event. (I might comment that Sainsbury would probably never have found themselves in this mess if they had not twice changed their mind about whether to develop this site.)

95. The case of *Standard Commercial Property Securities Ltd v Glasgow City Council* [2006] UKHL 50, 2007 SC (HL) 33 is entirely consistent with this view. A council can agree to assemble a site for development, using their compulsory purchase powers if necessary, and to sell it to their chosen developer. It makes sense, but it is not essential, to conduct the two exercises in tandem. But the

considerations relevant to the selection of the developer in that case were all relevant to the development of that site. The selection criteria adopted (and carefully graded) by the council were all directly related to the quality of the development of the site and the feasibility of the would-be developers' carrying it out (see Lord Hope, at para 22). There were no subsidiary planning obligations involved, still less any wholly extraneous benefits offered. In any event, the battle was not about the selection criteria, but about whether the proposed terms of disposal were the best obtainable and there was no evidence that they were not. Even if it were permissible to take a wholly extraneous benefit into account when deciding to whom to sell the land, it does not follow that it is permissible to take that benefit into account when deciding compulsorily to deprive a person of their land.

96. Finally, I agree that section 226(1A) operates as a limitation on the power defined by section 226(1)(a). It is therefore necessary first to consider whether the acquisition will facilitate the development of the land; and only if it will do that, to consider whether the development itself will contribute to the promotion or improvement of the economic, social or environmental well-being of the area.

## **LORD MANCE**

97. I consider that this appeal should be allowed. I agree with the reasons given by Lord Collins, supplemented by those given by Lord Walker and Lady Hale, and wish to add only a few comments on one aspect, relating to the basis upon which Lord Phillips and Lord Hope (and Lord Brown in an alternative) come in their judgments to an opposite result.

98. Like Lord Phillips (paras 134-135), I agree with Lord Collins's conclusion that a planning authority, when considering a planning application, is only entitled to take into account a planning obligation which the applicant offers if that obligation has some connection with the relevant development, apart from the fact of its offer. I also consider that there is a useful analogy between the grant of planning permission and the exercise of a power of compulsory purchase under section 226(1)(a) of the Town and Country Planning Act 1990, and that the considerations admissible in relation to the latter power are, in the respect mentioned in the previous sentence, no wider than those admissible in relation to the former.

99. In this case, the (decisive) attraction of Tesco's proposal in respect of the Raglan Street site consisted of Tesco's offer to use the profits to subsidise the wholly unconnected development by it of the Royal Hospital site, elsewhere in Wolverhampton, which the City Council wished to see take place. Lord Phillips accepts in para 138, for reasons which I have summarised in the previous paragraph, that, had Sainsbury been here "simply an owner who was unwilling to sell his land", it would not have been legitimate for Wolverhampton City Council to take this attraction into account in deciding to exercise its powers of compulsory purchase to facilitate Tesco's scheme in respect of the Raglan Street site. Likewise, he accepts (para 140) that, if Sainsbury and Tesco had been seeking in competition with each other to develop a site in the ownership of a third party, then, too, it would not have been admissible for the City Council to decide compulsorily to purchase the third party site because of the attraction of Tesco's offer to develop a wholly unconnected site.

100. However, Lord Phillips and Lord Hope consider that it makes all the difference that, in this case, Sainsbury and Tesco were in competition for the same site (in fact owned or controlled as to 86% by the former and 14% by the latter). I cannot accept that distinction. On its logic, it should make no difference if Sainsbury owned and wanted itself to develop the whole Raglan Street site: Tesco, if it wanted to develop that site, could, by offering to devote part of the profits to the Royal Hospital project, still legitimately induce the City Council compulsorily to purchase Sainsbury's property in order to sell it to Tesco for the Raglan Street development. Lord Phillips's reference (para 147) to "the fact that the compulsory purchase of land owned by one or the other is involved" as "really peripheral" in a case where there are rival developers goes far towards accepting this conclusion. Alternatively, if some way of avoiding this conclusion exists, the logic must still be that Tesco, by acquiring only one house on the proposed Raglan Street site, could alter fundamentally the considerations admissible in relation to a decision whether compulsorily to purchase Sainsbury's property, rather than Tesco's, in order to facilitate the development of the Raglan Street site. In either case, I do not think it right to describe as "motivated by commercial rivalry" (para 147) the wish of a landowner in Sainsbury's position to develop its own land - or its wish to have any decision to compulsorily purchase its land for the benefit of some other developer made by reference to factors having at least some connection with its land.

101. The error in my view lies in divorcing the exercise of the power of compulsory purchase from the property to which it relates. Two different exercises of that power are here in issue relating to two different pieces of land. When a planning authority exercises compulsory purchase powers to promote a particular development, it does this in relation to specific property and only so far as necessary. In the present case, if Sainsbury's scheme is preferred on its admissible planning merits, then only Tesco's property will be compulsorily purchased, and

vice versa. The Council's first decision is therefore which development it prefers, and that will determine whose property is compulsorily purchased. The Council's decision which development it prefers must be taken having regard to considerations which are admissible in the context of the development for which property is to be compulsorily purchased. Thus, when deciding whether compulsorily to purchase Sainsbury's property, it was not admissible to have regard to Tesco's offer relating to the unconnected development of the Royal Hospital site. If the Raglan Street site had already been in Council ownership, and there were two interested developers, the Council could of course take into account under section 233 any inducement offered by either - whether in terms of price or some unconnected benefit (such as an undertaking to develop the Royal Hospital site) - as Lord Hope says in para 155. But that is for the very reason that the only relevant decision would then relate to the disposal of the Council's own property. Where the Council is deciding whether compulsorily to purchase third party property under section 226(1)(a), the interests of the third party mean that the Council must have regard only to considerations which are admissible in the context of the development for which such property is required.

102. *Standard Commercial Property Securities Ltd v Glasgow City Council* [2006] UKHL 50; 2007 SC (HL) 33, to which Lord Phillips and Lord Hope refer, does not in my view support the conclusion which they reach. It was a case where the Glasgow City Council took its decision which development to prefer on grounds which related scrupulously to the merits of the proposed development, without reference to unconnected factors: see e.g. paras 21 to 23, per Lord Hope, para 50, per Lord Rodger and para 73, per Lord Brown. There was, as Lord Hope notes in para 155 in his present judgment, a strong element of planning gain involved in the potential development. But it was planning gain related to the development, not to some entirely unconnected development, so that the case has no analogy with the present.

103. The issue before the House arose because all potential developers were required to provide an indemnity for Glasgow City Council's costs in effecting the compulsory purchase: paras. 22, 50 and 73; and it was this feature which the losing developer criticised. There was some discussion of the possibility that the rival developers might have been invited to enter a bidding match in terms of the price to be paid: para. 41, per Lord Hope, para. 62, per Lord Rodger and paras. 72-73, per Lord Brown. In paras. 41 and 72, Lord Hope and Lord Brown both expressed their difficulty in understanding how such a bidding match would work.

104. At most, one might read into the discussion in *Standard Commercial Property* a tacit assumption that such a bidding match might have been permissible if possible, but that does not make the case authority on a point which was evidently not argued in that case, any more than it was in fact argued on the present appeal. The focus in *Standard Commercial Property* was on whether the

terms on which the Glasgow City Council was proposing to dispose of the property, once compulsorily acquired, met the requirements of s.191(3) of the Town and Country Planning (Scotland) Act 1997. S.191(1) provided that that any land acquired and held for planning purposes could be disposed of to such person, in such manner and subject to such conditions as might appear expedient to secure purposes mentioned in s.191(2), viz the best use of that or other land, etc. S.191(3) provided that any land so disposed of should only be disposed of “at the best price or on the best terms that can reasonably be obtained”. The requirements of s.191(1) and (2) on the one hand and of s.191(3) on the other were, as Lord Hope said at para. 34 “separate and distinct”. The issue before the House was, as Lord Hope made clear throughout paras. 31-42, simply whether the proposed terms of disposal fell within s.191(3).

105. It is material to think about the consequences if *Standard Commercial Property* were to be treated as any sort of authority that a planning authority may, when deciding whether compulsorily to acquire property belonging to one landowner (A), have regard to the price offered for the land by potential developer (B). There would seem to be no logical reason to limit these consequences to situations where (A) and (B) are in competition, or to situations where the potential development extends beyond (A)’s property and includes some property already owned by (B). If, in any situation, (B) were to offer to re-purchase (A)’s property from the planning authority on terms giving the planning authority a profit, once the planning authority acquired it by compulsory purchase from (A), why would that be illegitimate? Yet (A) would have little or no means of countering such an inducement. (A) could not offer any corresponding profit in respect of land which it already owned. And it could not be legitimate for (A) to offer the local authority a share in the profit it hoped to make from developing its own land, in order to induce the local authority to refrain from compulsorily purchasing its land for the benefit of (B). That would amount to buying a local authority’s exercise of its discretion. It might be suggested that if, as here, (B) owned some land which it was desired to include in an overall development, then (A) might counter (B)’s offer in respect of (A)’s land, by offering the planning authority a profit on the re-sale of (B)’s land, if it were compulsorily to acquire that land rather than (A)’s. Apart from the evident inappropriateness of any such bidding war, (B)’s relevant land-holding might (as here) be much smaller in area, and, unless it is supposed that (A) could legitimately offer a ludicrously high price for (B)’s land, the financial attraction for the planning authority of (A)’s offer could not match that of (B)’s. So far, I have spoken only in terms of a bidding match relating to the price to be paid by the developer for the property to be compulsorily purchased. That was the only situation to which any discussion at all was addressed in *Standard Commercial Property*. The present case concerns the further question whether a proposed developer could influence the exercise by a planning authority of a discretion (viz. whose property compulsorily to purchase and for the benefit of which of two potential developers) by offering some benefit wholly unconnected with any property the subject of the proposed development. In this context, it seems to me

even clearer that *Standard Commercial Property* cannot lend support to Tesco's case on this appeal.

106. For these reasons, I do not regard *Standard Commercial Property* as justifying a conclusion that, as soon as rival developers are competing to develop a single site, part owned by each, considerations become material which would be immaterial if the whole site had been owned by one of them or by a third party. If the discussion in the judgments in that case lends any support to Tesco's case, the point did not arise for decision and was not argued there, any more than it was on the appeal in the present case. As a matter of principle, in my opinion, there is no basis on which the fact that Sainsbury and Tesco were, in a broad sense, rival developers in respect of the same overall site, can or should alter fundamentally the considerations admissible when the City Council came to consider which development it should prefer, and which property it should, therefore, compulsorily acquire to facilitate such development. Any such decision fell to be made by reference, and only by reference, to considerations having some connection with the proposed development, and not by reference to any entirely unconnected inducement which might be held out by one of the rival developers. Like Lord Collins, Lord Walker and Lady Hale, I would therefore allow Sainsbury's appeal.

## **LORD PHILLIPS**

### *Introduction*

107. The facts of this appeal are set out in detail in the judgment of Lord Collins. In essence they are simple. The issue that they raise is not. As every shopper knows Sainsbury and Tesco are rivals. Each owns a chain of supermarkets. Each is anxious to open a supermarket on a site at Wolverhampton ("the Site"). To this end Sainsbury has acquired 86% of the site and Tesco has acquired 14%. These figures ignore, as shall I for it has no materiality, the fact that Wolverhampton City Council ("the Council") owns a very small part of the Site. Sainsbury and Tesco have each prepared a development plan for the Site. The plans are very similar. Tesco has obtained planning permission for its plan and Sainsbury is in a position to do the same. The Council is anxious that one or other development plan should be implemented, for it will be likely to contribute to the well-being of the area. The problem is that neither of the rivals is prepared to give way, and in so doing to sell its portion of the Site to the other.

108. To resolve this impasse the Council is prepared to use its powers of compulsory purchase to buy the land of one of the rivals and sell it to the other.



Those powers are conferred by the following sections of the Town and Country Planning Act 1990 (“the Act”).

**“226. – Compulsory acquisition of land for development and other planning purposes.**

(1) A local authority to whom this section applies shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily any land in their area —

(a) if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land or;

(b) which is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

(1A) But a local authority must not exercise the power under paragraph (a) of subsection (1) unless they think that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objects —

(a) the promotion or improvement of the economic well-being of their area;

(b) the promotion or improvement of the social well-being of their area;

(c) the promotion or improvement of the environmental well-being of their area.

**233. – Disposal by local authorities of land held for planning purposes.**

(1) Where any land has been acquired or appropriated by a local authority for planning purposes and is for the time being held by them for the purposes for which it was so acquired or appropriated, the authority may dispose of the land to such person, in such manner and subject to such conditions as appear to them to be expedient in order —

(a) to secure the best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out on it (whether by themselves or by any other person), or

(b) to secure the erection, construction or carrying out on it of any buildings or works appearing to them to be needed for the proper planning of the area of the authority.

...

(3) The consent of the Secretary of State is ... required where the disposal is to be for a consideration less than the best that can reasonably be obtained ...”

109. It is common ground, and rightly so, that the statutory requirements of section 226 are satisfied, so that the Council has statutory power compulsorily to purchase the land owned by either of the rivals. There is little, if anything, to choose between the rival development plans. The Council has, however, decided to prefer Tesco. Its intention is compulsorily to purchase Sainsbury’s land and to sell this to Tesco. Its reason for this decision is as follows. Tesco own another site in Wolverhampton, the Royal Hospital site (“RHS”). This is run down and crying out for regeneration. The Council wishes Tesco to redevelop this in a way which Tesco contends is uneconomic. Tesco has, however, agreed to enter into an obligation to redevelop the RHS in accordance with the Council’s wishes provided only that the Council prefers Tesco in the competition for the development of the Site. This obligation has been described as involving a “cross-subsidy” of the RHS redevelopment from the Site development. The Council has regarded this obligation as decisive in preferring Tesco to Sainsbury in the competition for the development of the Site.

110. The issue raised by this appeal is whether Tesco’s undertaking to develop the RHS in accordance with the Council’s wishes is a matter to which the Council can properly have regard when deciding upon a scheme for developing the Site that involves the compulsory purchase of Sainsbury’s land.

#### *RHS redevelopment*

111. The RHS is about half a mile away from the Site, on the other side of the city centre. When Tesco applied for planning permission for the development of the Site, it sought initially to link this with the redevelopment of the RHS. It was,

however, unable to demonstrate any connection between the two, and ultimately accepted that there was no linkage for the Planning Committee to consider. The reality is that there is no connection between the development of the Site and the RHS development other than Tesco's agreement to proceed with the latter if granted the former.

### *The "cross-subsidy"*

112. I am puzzled by the nature of the so-called "cross-subsidy". Under what is commonly described as a "back-to-back agreement" Tesco has agreed to indemnify the Council in relation to the cost to the Council of compulsorily purchasing Sainsbury's 86% of the Site. Tesco has further agreed to re-develop the RHS at what Tesco contends will be a commercial loss. Tesco states that it will be able to afford this because of the cross-subsidy that will be available if it is permitted to develop the Site. It is thus implicit that Tesco anticipates that development of the Site will result in an economic benefit that will enable it to entertain a loss-making venture. That economic benefit should, however, be reflected in the price that Tesco, as a willing buyer, would be prepared to pay to Sainsbury, as a willing seller, if Sainsbury's land were to be sold directly to Tesco in an open market transaction. That, as I understand the position, is precisely the amount to which Sainsbury will be entitled from the Council as compensation for the compulsory acquisition of their land – see *Waters v Welsh Development Agency* [2004] UKHL 19, [2004] 1 WLR 1304, at paras 17 and 18. If Tesco has to pay the Council this amount under the back-to-back agreement it is not easy to see how there will remain to Tesco any surplus economic benefit to fund a loss-making venture at the RHS. Be this as it may, that is precisely what Tesco has agreed to do. Accordingly I approach this appeal on the basis that the compulsory purchase of Sainsbury's land will procure for the Council the benefit, not merely of the development of the Site, but of the re-development of the RHS under the obligation that Tesco has agreed to assume. I shall describe this, by way of shorthand, as "the RHS benefit".

### *An analysis of the issues*

113. The basic issue raised by this appeal is whether the RHS benefit is a legitimate, or material, consideration to which the Council can have regard when deciding whether to acquire Sainsbury's land by compulsory purchase in the particular context of the competition that exists between Sainsbury and Tesco for this development. This basic issue subdivides into two separate questions:

- i) Would the RHS benefit be a material consideration in deciding whether compulsorily to purchase Sainsbury's land if Sainsbury was not competing for the development?
- ii) Is the RHS benefit a material consideration in deciding whether to award the development to Sainsbury or Tesco?

If the first question is answered in the affirmative, the second question must necessarily also be answered in the affirmative. A negative answer to the first question will not, however, necessarily require a negative answer to the second.

***Would the RHS benefit be a material consideration in deciding whether compulsorily to purchase Sainsbury's land if Sainsbury was not competing for the Development.***

114. The statutory power of compulsory purchase can only lawfully be used for the purpose for which the power has been conferred. In *Galloway v London Corpn* (1866) LR 1 HL 34 at p. 43 Lord Cranworth LC said:

“The principle is this, that when persons embarking in great undertakings, for the accomplishment of which those engaged in them have received authority from the Legislature to take compulsorily the lands of others, making to the latter proper compensation, the persons so authorized cannot be allowed to exercise the powers conferred on them for any collateral object; that is, for any purposes except those for which the Legislature has invested them with extraordinary powers.”

115. Section 226(1)(a) and 226(1A) confers the power compulsorily to purchase land, but to justify the exercise of that power the council must be able to show that this is clearly in the public interest:

“I regard it as a principle of our constitutional law that no citizen is to be deprived of his land by any public authority against his will, unless it is expressly authorised by Parliament *and the public interest decisively so demands*” (my emphasis), per Lord Denning MR in *Prest v Secretary of State for Wales* (1982) 81 LGR 193 at p. 198.

In this case it is common ground that the requirements of section 226 are satisfied and that if (i) there was no competing scheme and (ii) Tesco was not prepared to provide the RHS benefit, the public interest would none the less justify the

compulsory purchase of Sainsbury's land in order to enable Tesco to carry out the development. If, however, this were not the case, would the offer by Tesco of the RHS benefit be a material consideration to which the council could have regard when deciding whether the exercise of their power of compulsory purchase was justified?

*The ambit of section 226(1A).*

116. Section 226(1A) of the Act sets out preconditions to the exercise of the power of compulsory purchase. The development facilitated by the compulsory purchase must be likely to contribute to the improvement of the economic, social or environmental well-being of the area. The Court of Appeal held that because the compulsory purchase of Sainsbury's land would result in the RHS benefit which, in its turn, would contribute to the economic, social or well-being of the area, this, of itself, satisfied section 226(1A). It necessarily followed that the RHS benefit was a material consideration to which the council could have regard when considering the compulsory purchase of Sainsbury's land.

117. This finding differed from that of Elias J at first instance. I consider that Elias J was correct and the Court of Appeal wrong. The reasoning of the Court of Appeal appears from the following passages of the only reasoned judgment, which was delivered by Sullivan LJ:

“26. Though convoluted, subsection 226(1A) is expressed in deliberately broad terms: ‘likely to contribute to the achievement of...[the well-being]...objects’. It is not prescriptive as to the manner in which the carrying out of redevelopment upon a CPO site might make a contribution to such wider benefits. Mr Lockhart-Mummery accepted that one of the more obvious ways in which the carrying out of redevelopment on a CPO site might, at least in principle, be capable of bringing economic/social/environmental benefits to a wider area would be if the redevelopment was likely to act as the catalyst for the development or redevelopment of some other site or sites within the authority's area.

27. Such a catalytic effect might be direct, e.g. because redeveloping the CPO site would be likely to enable the occupier of another, run-down site in the authority's area to relocate onto the CPO site, thus enabling the run-down site to be redeveloped. Or it might be indirect, e.g. because the increased attractiveness after redevelopment of a hitherto run-

down CPO site was likely to make other sites in the area more attractive for development or redevelopment. It was common ground that such catalytic effects were capable of falling within the scope of section 226(1A).

28. In the present case the Report makes it plain that the Defendant was satisfied that facilitating the carrying out of the Interested Party's scheme for the redevelopment of the RSS would, by reason of the proposed cross-subsidy, act as the catalyst for the redevelopment of the RHS site in a manner which would contribute to the economic social and environmental well-being of its area....

29. In my judgment subsection 226(1A) is concerned with all of the consequences that are likely to flow from the process of the carrying out of redevelopment on the CPO site, and these are not confined to what might be described as the impact of there being new 'bricks and mortar' on the redeveloped site. Thus, disturbance during the redevelopment process and the need to relocate existing occupiers on the one hand, and the job opportunities that would be created during the carrying out of the redevelopment on the other, would both be capable of being relevant (the one negative, the other positive) for the purposes of section 226(1A)."

118. In these passages Sullivan LJ equates "the development" in section 226 (1A) with "the process of the carrying out of redevelopment". I think that this is questionable. He describes the Site development as acting "as a catalyst" for the RHS redevelopment, by reason of the cross-subsidy. This is a misuse of language. Section 226(1A) focuses primarily, if not exclusively, on whether the development will be likely to enhance the economic, social or environmental well-being of the area once it is completed. The subsection cannot be satisfied by an agreement by a developer to fund a second development that has no physical, geographical or other connection with the development that the compulsory purchase is designed to facilitate.

119. This conclusion gives effect to the natural meaning of the language of section 226(1A). In the Court of Appeal Mr Lockhart-Mummery QC for Sainsbury submitted that the same conclusion should be reached by applying, by analogy, decisions on what constitute "material considerations" in the context of planning applications. Sullivan LJ held that these decisions could not be so applied, at least directly, and Mr King QC for the Council and Mr Katkowski QC for Tesco have supported his approach. Both Lord Brown and Lord Collins have relied on

decisions in relation to planning applications in reaching their conclusions, albeit that they have differed as to their effect. Is the analogy between compulsory purchase and planning permission in the present context a fair one?

*The analogy between compulsory purchase and planning permission.*

120. I agree with Lord Brown and Lord Collins that it is appropriate in this case to draw an analogy, when considering whether the RHS benefit is a material consideration, with certain decisions relating to the grant of planning permission. The issue in this case is whether it is legitimate, when considering the benefits that will flow from a development that is the object of compulsory purchase, to have regard to a particular benefit offered by the developer. The relevant planning cases deal with the question of when it is legitimate, when considering a planning application, to have regard to benefits offered by the developer. Each case raises the question of what can legitimately be considered when assessing how the public interest is affected by the development of land. The analogy is obvious. There is a further point.

121. Section 226 of the Act was amended by the Planning and Compulsory Purchase Act 2004, which inserted subsection (1A). In its previous form it included, by section 226(2)(c), a requirement that a local authority, when considering whether land was suitable for development, redevelopment or improvement, should have regard to “any other considerations which would be material for the purpose of determining an application for planning permission for development on the land”. While this provision was deleted by the 2004 Act it none the less illustrates the fact that the test of materiality in relation to planning permission can also be relevant in the context of compulsory purchase.

122. The planning obligation offered by Tesco in the present case is the RHS benefit. Could that have constituted a material consideration on Tesco’s application for planning permission, notwithstanding that it had no other connection with the proposed development of the Site?

*Considerations that are material to the grant of planning permission*

123. The history of planning permission shows an ambivalence on the part of the legislature, the executive and the judiciary in respect of the extent to which it is legitimate for a local authority to exact planning gain from a developer as a condition of the grant of planning permission. Lord Hoffmann traced this history in some detail at pp. 771 to 777 of his speech in *Tesco Stores Ltd v Secretary of*

*State for the Environment* [1995] 1 WLR 759. I shall attempt a rather shorter summary, at least in relation to the earlier part of the history.

124. At the beginning of the 20<sup>th</sup> Century, apart from some public health legislation, there were no planning controls over the use that an individual could make of his own land. A comprehensive system of planning control over the use of land was first introduced by the Town and Country Planning Act 1947. Since then there have been a series of legislative changes seeking, *inter alia*, to balance the private rights of owners of land against the public interest in the control of the environment, culminating with the Planning Act 2008, which allows for a new Community Infrastructure Levy. A particular problem has been the extent to which it is legitimate to require developers to take responsibility for the “off-site” consequences of their developments.

125. For present purposes, the most significant provision in force is section 70 of the Town and Country Planning Act 1990. This provides:

**“70. – Determination of applications: general considerations.**

(1) Where an application is made to a local planning authority for planning permission –

(a) subject to sections 91 and 92, they may grant planning permission, either unconditionally or subject to such conditions as they think fit; or

(b) they may refuse planning permission.

(2) In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.”

126. Some of the relevant authorities deal with the criteria of the “material considerations” to which subsection (2) requires the local authority to have regard. Others relate to the scope of the power to impose conditions. In relation to each of these, the following observations of Lord Denning in *Pyx Granite Co Ltd v Ministry of Housing and Local Government* [1958] 1 QB 554 at p. 572 are relevant:



“The principles to be applied are not, I think, in doubt. Although the planning authorities are given very wide powers to impose ‘such conditions as they think fit,’ nevertheless the law says that those conditions, to be valid, must fairly and reasonably relate to the permitted development. The planning authority are not at liberty to use their powers for an ulterior object, however desirable that object may seem to them to be in the public interest.”

As Lord Hoffmann observed in *Tesco* at p. 772 “As a general statement, this formulation has never been challenged”.

127. A decision that is particularly relevant in relation to “material considerations” is *R v Westminster City Council, Ex p Monahan* [1990] 1 QB 87. The facts of that case have been set out and analysed by Lord Collins at paras 51 to 59 of his judgment. In short the Court of Appeal held that it was a material consideration, when considering a composite development, that one part of it, which was undesirable having regard to relevant planning considerations, would provide a necessary cross-subsidy for the development of the other part, which was highly desirable. Lord Collins in his analysis at para 58, identifies the fact that the case concerned “composite or related developments” as a relevant part of the Court of Appeal’s reasoning. At para 70 he identifies the need for such a connection or relationship as being a requirement of law. Lord Brown, in para 176 of his judgment, disagrees. He comments that it was expressly recognised that no discernable legal principle would have supported the need for such a connection.

128. I align myself with Lord Collins’ analysis. The passage from the judgment of Nicholls LJ, quoted by Lord Brown and Lord Collins at paras 169 and 56 of their respective judgments, and the passage from the judgment of Staughton LJ quoted by Lord Collins at para 57, demonstrate that each of those judges saw the need for a relationship between the undesirable and the desirable developments other than the simple fact that the one would subsidise the other. The suggestion by Kerr LJ that the significance of the distance between developments involved “considerations of fact and degree rather than of principle” does not withstand analysis. If the distance matters, then the reason why it matters must be a matter of principle. The relevant principle appears to me to be that a cross-subsidy between two developments cannot be considered unless there is some independent reason for considering the two developments together.

129. Whether that is a rational principle is another matter. If it is acceptable that an undesirable development should be permitted in order to subsidise a desirable development it is not easy to see why there should be an inflexible requirement that one should be in proximity to, or have some other nexus with, the other.

130. A close nexus between the subject matter of a planning condition and the development in relation to which it is imposed has been required by the courts. Lord Hoffmann in *Tesco* at p. 772 referred to the triple requirement for a valid planning condition laid down by the House of Lords in *Newbury District Council v Secretary of State for the Environment* [1981] AC 578:

- i) It must be for a planning purpose and not for any ulterior one;
- ii) It must fairly and reasonably relate to the permitted development;
- iii) It must not be *Wednesbury* unreasonable: [1948] 1 KB 233.

Lord Hoffmann went on to refer to the *Shoreham* case [1964] 1 WLR 240 as illustrating the very strict way that the courts gave effect to these requirements, so that conditions requiring contribution to the “external costs” generated by a development were not permitted. As Lord Hoffmann explained, this gave rise to the introduction of “planning agreements”, which were replaced in their turn by “planning obligations”.

131. Section 106 of the Act provides:

**“Planning Obligations.**

(1) Any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation (referred to in this section and sections 106A and 106B as ‘a planning obligation’), enforceable to the extent mentioned in subsection (3) –

- (a) restricting the development or use of the land in any specified way;
- (b) requiring specified operations or activities to be carried out in, on, under or over the land;
- (c) requiring the land to be used in any specified way;  
or
- (d) requiring a sum or sums to be paid to the authority.”

This section is in very general terms and, in particular, no express restriction or qualification is placed on the undertaking to pay money to the authority. In these

circumstances two separate questions arise. The first is whether, and if so what, implicit restrictions exist as to the nature of planning obligations that can lawfully be incurred. The second is the extent to which planning obligations that have been undertaken are material considerations to which the authority must have regard under section 70 of the Act. There are two relevant decisions that relate to the latter question.

132. The first is *R v Plymouth City Council, Ex p Plymouth and South Devon Co-operative Society Ltd* (1993) 67 P & CR 78. Lord Brown has set out the facts of this case at para 170 of his judgment. The issue was whether generous planning obligations (“benefits”) offered by Tesco and Sainsbury, there as here rival applicants for a development, were material considerations to which the planning authority could have regard, notwithstanding that they went well beyond anything that the authority would have been able properly to require by way of planning conditions as being “necessary”. The Court of Appeal applied the *Newbury* triple requirement, but held that there was no requirement that the benefits should be necessary, albeit that they had, fairly and reasonably, to relate to the development. As to that requirement, this was satisfied in the case of financial contributions to works off-site designed to accommodate demands generated by the development.

133. In that case Lord Hoffmann remarked at p. 90:

“Materiality is an entirely different matter, because there is a public interest in not allowing planning permissions to be sold in exchange for benefits which are not planning considerations or do not relate to the proposed development.”

He was subsequently in *Tesco* at p. 778 to say that the parallel between the *Newbury* triple requirement and the materiality of planning obligations was “by no means exact”.

134. This brings me to the *Tesco* case, which is the most important decision in the context of this appeal. Once again the material facts have been summarised by Lord Brown and Lord Collins at paras 173 and 63-66 of their respective judgments. What *Tesco* established was that the second test in *Newbury* does not apply to planning obligations. These, to constitute material considerations, do not have “fairly and reasonably” to relate to the relevant development. It is enough if they have a connection to it that is not *de minimis*. The requirement for such a connection none the less remains. Lord Brown has concluded at para 174 of his judgment that this connection is satisfied by an offer to cross-subsidise another development that is otherwise unconnected with the development for which planning permission is sought. He comments that such an offer could not sensibly

be regarded as “an attempt to buy planning permission”, a phrase he takes from the judgment of Lord Keith at p. 770. Lord Brown differs from Lord Collins, who concludes at para 70 that the authorities, and *Tesco* in particular, establish that there “must be a real connection” between benefits undertaken by a planning obligation and the development to which the planning application relates.

135. Here I align myself once again with Lord Collins. Lord Brown’s conclusions are at odds with the passage in Lord Keith’s judgment from which he has borrowed a phrase. The full passage reads:

“An offered planning obligation which has nothing to do with the proposed development, *apart from the fact that it is offered by the developer*, will plainly not be a material consideration and could be regarded only as an attempt to buy planning permission” (Emphasis mine).

All members of the Committee agreed with the judgment of Lord Keith.

136. Lord Brown has quoted a passage from the judgment of Lord Hoffmann at p. 779C-D in which he says that section 106 does not require that the planning obligation should relate to any particular development, and Lord Keith made a similar observation at p. 769B. These observations related, however, to the legality, not the materiality, of planning obligations.

137. My conclusion in relation to the effect of the authorities is as follows. When considering the merits of an application for planning permission for a development it is material for the planning authority to consider the impact on the community and the environment of every aspect of the development and of any benefits that have some relevance to that impact that is not *de minimis* that the developer is prepared to provide. An offer of benefits that have no relation to or connection with the development is not material, for it is no more than an attempt to buy planning permission, which is objectionable in principle. *Tesco* was right, on its application for planning permission, to drop any attempt to link the development of the Site with the RHS development.

138. These principles can properly be applied, by analogy, to a simple case where a local authority is considering whether the public interest justifies the compulsory purchase of land for the purpose of facilitating a development. The development itself must be justified in the public interest and it would be wrong in principle for the local authority to be influenced by the offer by the chosen developer to provide some collateral benefit that has no connection of any kind

with the development in question. Thus if, in this case, Sainsbury was not a rival seeking to develop the Site but simply an owner who was unwilling to sell his land, it would not be right to treat Tesco's offer of the RHS benefit as a consideration that was material to the decision of whether or not to purchase Sainsbury's land.

***Is the RHS benefit a material consideration in deciding whether to award the development to Sainsbury or Tesco?***

139. The principle that permits a planning authority to have regard to planning gain that has some connection with a proposed development, but not to planning gain that has no such connection, is not entirely rational. It becomes less rational in a situation where two developers are competing for the grant of planning permission in circumstances where the grant to one or the other is justifiable, but not to both. That was believed to be the position in *Plymouth*, although ultimately planning permission was granted to both the rivals, being once again Sainsbury and Tesco. In *Plymouth* each of the rivals was anxious to be permitted to build a supermarket. In competing for planning permission each offered to embellish its development with an array of expensive "add-ons", described by Lord Brown at para 170 of his judgment. These no doubt enhanced the attraction of each of the rival schemes from the viewpoint of the public and the local authority. But the possibility must exist that the cost of these embellishments might have been spent to better advantage in providing alternative planning gain in the local authority's area that had no connection with the proposed development. The reality is that the rivals were, to use a description adopted by Lord Hoffmann in *Tesco*, competing for the development as in an auction. If an auction is to be permissible there might be something to be said for permitting the local authority to identify, for consideration by the rival bidders, its most urgent planning needs, whether or not connected with the development. I make this observation only by way of a stepping stone to considering the more complicated issue raised by the facts of this case.

140. The Council's decision involves the exercise of two statutory powers. The first is the power of compulsory purchase conferred by section 226 of the Act. The second is the power to sell the land compulsorily purchased, which is conferred by section 233. The purposes of the sale of the land described in section 233 differ from the purposes of the purchase described in section 226. Had the Site been in the ownership of a third party who was unwilling to sell it, and had Tesco and Sainsbury been competing to develop it, the Council would have had two separate decisions to make. First whether compulsorily to purchase the land. Secondly to which of the two rivals to sell it for the purpose of the development. The law that I have analysed suggests that, when making the first decision under section 226, the Council would have been bound to disregard benefits that might be obtainable from either of the developers that were unconnected to the development. But in

choosing to which of the two rivals to sell the land for development under section 233 the Council would have been entitled, and perhaps bound, to negotiate the best deal available. The terms of section 233 would seem wide enough to have permitted the Council to treat as material Tesco's offer to throw into the bargain the RHS benefit.

141. These conclusions receive some support from *Standard Commercial Property Securities Ltd v Glasgow City Council* [2006] UKHL 50; 2007 SC (HL) 33. Lord Collins has set out some of the complicated facts of this case at para 40 of his judgment. That case had these features in common with the present. Glasgow City Council wished to develop a run down area of the city, parts of which were owned by rival developers. The Council had decided compulsorily to purchase the entire Site and to sell it on back-to-back terms to one of the rival developers. The other developer challenged the deal on the basis that back-to-back terms did not represent the best deal. This the Council were bound to achieve under section 191 of the Scottish Act, which closely resembles section 233 of the Act. Lord Collins rightly remarks that there was in that case no offer of benefits unconnected to the development, but I do not think that this robs it of all relevance. Of significance is that in that case, as in this, the council first decided in principle that the facts justified the use of its powers of compulsory purchase, before turning to choose between the rival developers. It is also significant that the House of Lords held that, at the stage of choosing the developer, the Council was not simply concerned with achieving the object of the compulsory purchase, but was also entitled to have regard to purely commercial considerations. Lord Hope described the position as follows at para 34:

“... section 191 seeks to do two things. On the one hand it seeks to regulate those aspects of the transaction which are intended to secure the purposes set out in subsection (2). These purposes are to secure the best use of the land and the proper planning of the area. On the other it seeks in addition to protect the public purse in the manner indicated by subsection (3). These are separate and distinct requirements, although they must both be read in the light of what section 191 seeks to achieve. The prohibition in subsection (3) directs attention to one issue, and to one issue only. This is the commercial implications of the transaction for the planning authority. It is to the best commercial terms for the disposal of the land, not to what is best designed to achieve the overall planning purpose, that the authority must direct its attention at this stage. But the words ‘best terms’ permit disposal for a consideration which is not the ‘best price’. So terms that will produce planning benefits and gains of value to the authority

can be taken into account as well as terms resulting in cash benefits.”

142. I can summarise the position as follows. (1) In deciding whether to exercise its powers of compulsory purchase for the purpose of development the Council is not permitted to have regard to unconnected benefit that it may derive from the carrying out of the development, but: (2) in deciding who shall carry out the development and, thus, to whom the land will be sold for that purpose, the Council is entitled, and perhaps bound, to have regard to unconnected benefit offered by the developer. The problem is how to have regard to these principles in a case such as the present where the rival developers each owns part of the Site needed for the development.

143. I have concluded that the proper approach should be as follows. The Council should first decide, in the case of each of the rivals, whether compulsory purchase of his land would be approved to enable the development to proceed, disregarding any unconnected benefit that might accrue and on the premise that he was simply an unwilling seller rather than a rival developer. In the result of an affirmative answer being given in each case, the Council should then decide which developer to prefer having regard to all considerations material to that choice, including the amount of the Site already owned by each developer and any benefits offered by either developer, whether or not connected to the development. The fact that this may, in effect, involve an auction between the two developers for the benefit of the community does not seem to me to be inherently objectionable.

144. In the present case this is what the Council did. The Council was not influenced by the RHS benefit when deciding in principle to use its power of compulsory purchase. In deciding to purchase whatever land was necessary for the development of the Site the Council had regard only to the proper objects of compulsory purchase. The choice of developers necessarily also determined which land would be compulsorily purchased, but the decision had already been taken to purchase whatever land would be necessary having regard to the choice of developer.

145. To summarise, the RHS benefit was not a consideration that was material to the decision to use the power of compulsory purchase, but it was very material to the decision which developer to select, and this in its turn determined whose land was to be compulsorily purchased. In these circumstances I have reached the conclusion that the RHS benefit was a consideration that was material to the decision that determined simultaneously the developer and the land to be purchased. It cannot be said that the decision compulsorily to purchase Sainsbury's land was influenced by a consideration that was not material.

146. The decision that I have reached at laborious length was felicitously stated by Elias J in a single paragraph and I propose to conclude my judgment by quoting this:

“In my judgment when deciding which development should receive their support, the Council could have regard to all the benefits accruing from the proposed development, including any off site benefits achieved by way of a section 106 agreement. It seems to me that there are really two stages in the process. First, can a CPO lawfully be made in favour of a particular development? That must be determined by focusing solely on the benefits flowing from the development itself and the RHS benefits could not be taken into account at that stage. Second, if the power can lawfully be exercised, but there is more than one potential party in whose favour it could be exercised, to which development should the Council lend its support? At that stage I can see no reason why the Council should not have regard to its wider interests. It has established that there is in principle a proper basis in law for interfering with the rights of either of two (or more) owners of land on the site by compulsorily purchasing their interests; I see no reason why it should not select which landowner should be so affected by considering the overall benefits to the Council which the respective developments would provide.”

147. The reality in this case is that the real issue is which developer should be preferred by the Council, which is in the position of being able to choose between the two. The fact that the compulsory purchase of land owned by one or the other is involved is really peripheral. Each purchased its land in the hope of being able to use it for the purpose of the development. Each shares the intention that its land should be used for the development. In resisting the compulsory purchase of its land each is motivated by commercial rivalry, not by any objection to the land being used for the proposed development. It would be unfortunate if the rigid application by analogy or principles of planning law were to rob the local community of the additional benefit of the redevelopment of the RHS. I have not found it necessary to reach such a result.

148. For these reasons I would dismiss this appeal.



## LORD HOPE

149. Reduced to its essentials, this case is about two decisions that the Council took to facilitate the development at Raglan Street. The first was whether they should exercise their powers of compulsory acquisition to enable the development. The second was as to the choice of developer. The first decision was taken in the exercise of the powers conferred on the Council by section 226 of the Town and Country Planning Act 1990, as amended. The second, as Lord Phillips has said (see para 140, above), was about the exercise of two statutory powers. I put it in this way, as I think Lord Phillips does too, simply to indicate the context in which each of these powers was being exercised. The cart and the horse – if I may adopt Lady Hale’s analogy (see para 91) – go together, like a horse and carriage, at this stage of the exercise.

150. The site was not in the sole ownership, or under the sole control, of either developer. They were in competition with each other for its development, so the exercise of compulsory powers to acquire the interest in the land vested in one or other of them was inevitable. Just as inevitable is the fact that the purpose of the exercise of those powers was to enable the Council to dispose of the interest that was to be acquired to the preferred developer. Section 226 is concerned with the acquisition of the interest in the land, not its disposal. The power to dispose of land that has been acquired or appropriated is set out in section 233 of the 1990 Act.

151. The compulsory acquisition of land can only be permitted if it is within the powers of the statute. Great care must be taken to see that those powers are not resorted to unless the statute permits this and that the acquisition is necessary for the purpose that the statute contemplates. The issue on this part of the case is whether the Council were entitled to take into account, in discharging their duty under section 226(1A) to consider the well-being benefits for the area, Tesco’s commitment to secure by way of cross-subsidy the development of the Royal Hospital site. For the reasons that Lord Phillips and Lord Collins give, I would hold that they were not entitled to do so. Section 226(1)(a) provides that the authority have power to acquire land compulsorily if they think that it will facilitate the carrying out of development, re-development or improvement on or in relation to the land. The reference to “the land” in this paragraph is to the land which is to be the subject of the compulsory purchase order. Section 226(1A) places a limitation on the exercise of the power under section 226(1)(a). These two provisions must be read together. The contribution by the development, re-development or improvement that section 226(1A) refers to must be on the land that the authority is proposing to acquire compulsorily.

152. The situation in this case is that there was no physical connection of any kind between the two sites. Development of the Royal Hospital site could not contribute anything to the carrying out of development on the Raglan Street site in any real sense at all. They were not part of the same land. There is no doubt that the development of the Royal Hospital site would bring well-being benefits to the Council's area of the kind that section 226(1A) refers to. But to fall within that subsection they had to be benefits that flowed from the Raglan Street development, not anywhere else. It follows that the Council were not entitled to conclude that the work which Tesco were willing to undertake on the Royal Hospital site would contribute to the well-being of the area resulting from its development of the site at Raglan Street for the purposes of section 226(1A).

153. At first sight that might seem to be the end of the case. The report which was presented to the Council's Cabinet on 30 January 2008 stated that the Tesco and Sainsbury's schemes for the Raglan Street site would both fulfil the purpose referred to in section 226(1)(a). Addressing itself to the choice that had to be made between the two schemes, it went on to describe the circumstances relating to the development of the Royal Hospital site by Tesco and to refer to the decisive advantage which Tesco enjoyed over Sainsbury's if the development of that site was taken into account. It concluded by recommending that there was a compelling case in the public interest to make a compulsory purchase order to enable the Tesco scheme to go ahead. As regards the exercise of the power to acquire the land compulsorily, if looked at in isolation, this was to stray into forbidden territory.

154. In my opinion however it would be unrealistic to stop there. The legality of the use of compulsory powers to enable the Raglan Street development to proceed has not been called into question. As the report said, both schemes satisfied the requirements of section 226(1)(a), and it has never been doubted that the carrying out of either of them on that site would contribute to the achievement of the well-being of the area. If the land had been in the ownership of a third party, there would have been no need to say more. The reason why the report went further was the Council had to make a choice between the two developers. Although the report did not say so in terms, it is plain that the assumption on which it was proceeding was that, having acquired the land, the Council would dispose of it to the preferred developer. The surrounding circumstances show that it was never the Council's intention to develop the land themselves or to retain it in their ownership. This part of the report was as much concerned with the exercise of the power to dispose of the land as with the exercise of the power to acquire it.

155. The power of disposal under section 233 confers a wide discretion on the local authority. They may dispose of the land to such person, in such manner and subject to such conditions as appear to them to be expedient to secure the best use of that or other land or the proper planning of their area. Like section 191 of the Town and Country Planning (Scotland) Act 1997 which is in very similar terms, that is its primary objective: see *Standard Commercial Property Securities Ltd v Glasgow City Council* 2007 SC (HL) 33, para 32. It was held in that case that the council, when considering whether to use compulsory powers in conjunction with a sale of the land under a back-to-back agreement to the preferred developer, were entitled to have regard to the wider benefits that were expected to flow from the contribution that the preferred developer would make to the redevelopment, the proposals for which were to contain a strong element of planning gain. There was to be a requirement to include improvements to other areas of the urban block within which the site to be acquired compulsorily was situated: see paras 38, 39. The value of the planning gain was something that the council was entitled to take into account in its assessment of whether the disposal was achieved on the best commercial terms.

156. The focus in that case was on the terms on which the council proposed to make the assembled site available to the preferred developer. Its facts differ from those in the present case, so I am not to be taken as suggesting that it provides direct authority for the view which I take here. But it does illustrate the extent of the power of disposal that is conferred by this section on the local authority, and it shows how the authority may legitimately have regard to the way the land will be disposed of before it decides to acquire it compulsorily: taking them both together, like the horse and carriage to which I referred earlier. The council decided to use its compulsory powers to purchase the site with a view to its disposal by means of a back-to-back agreement to achieve the development. The site was part of an urban block within which properties owned by the first petitioners and the second respondents were situated. Each had their own interests and their own agendas which were in competition with each other and, as in this case, their proposals had to be evaluated. The preferred developer was expected to achieve a scheme that would enhance the wider area within which the site itself was situated. Regard was to be had to benefits which it would provide that were extraneous to the site itself, and extraneous too to each of the properties that were to be acquired compulsorily. Among other things, it was to commit itself to supporting an order for regulating traffic on adjacent streets and to provide details of a financial commitment to the area's environmental enhancement. The whole thing was seen as a single package. The acquisition of the properties and their disposal to a developer who would achieve these benefits were each part of the same exercise: for a more complete account of the facts, see 2005 SLT 144, paras 1-16.

157. I would take from that case the proposition that it is legitimate for the acquiring and disposing authority which has to choose between competing proposals for development to have regard to planning benefits that lie outside the perimeter of the site itself. It has not been suggested that it would have been an improper use of the section 233 power for the Council to take account of Tesco's commitment to develop the Royal Hospital site in the assessment as to whether a disposal of the land to Tesco was preferable to disposing of it to Sainsbury's. I can see no reason why that should be so if the land was already in the Council's ownership and they were faced with a competition between two or more developers who had no interest in the land at all.

158. It was not possible in this case for the Council to take these two decisions separately, each without reference to the other. The choice as to whose land to acquire was inevitably linked to the choice of the developer to whom the land was to be disposed of when it was acquired. Section 226 does not concern itself with choices of that kind. To say that it prohibits them would be to read a limitation into the section which is not there. It would unduly inhibit the exercise of the power of compulsory acquisition in a case such as this, where a site that is in need of development is in divided ownership, the owners are in competition with each other for its development and there are sound planning reasons beyond those that section 226(1A) refers to for regarding the proposal of one developer as preferable to that of the other. I would not regard the opportunity that this particular situation gives for achieving planning gain in the wider public interest as transgressing the rule that the power of compulsory purchase can only be used for the purpose for which the power has been conferred. The contrary view risks making it impossible for projects for urban renewal which can only be achieved by using compulsory powers to assemble the site for redevelopment to include measures for improvements in the public interest which lie outside the site's perimeter. As Lord Phillips says (see para 147), it would be unfortunate if a rigid application of the compulsory purchase principles to proposals of that kind were to rob the community of such benefits.

159. For these reasons, and those of Lord Phillips with which I agree and in respectful agreement too with what Elias J said at first instance [2009] EWHC 134 (Admin), para 38, I would dismiss the appeal.

## LORD BROWN

160. Are a local planning authority, when deciding how to exercise their compulsory purchase powers, precluded in all circumstances, as a matter of law, from taking into account public planning benefits (however substantial and obvious) which would result, not directly from the development to be facilitated by the proposed land acquisition, but rather from a contractual obligation attaching to that development? That, crucially, is the issue arising on this appeal.

161. Take the facts of this very case, already fully recounted in the judgment of Lord Collins, but which may conveniently and sufficiently be summarised as follows. Two rival supermarket chains, Sainsbury's and Tesco, each own part of a site which is ripe for development ("the Site"). Each wishes to develop the Site as a supermarket and each has (or is about to obtain) planning permission for such development. There is really nothing to choose between their respective proposals. Neither is willing to sell its share of the Site to the other. In these circumstances it is agreed by all that the local planning authority ("Wolverhampton") must inevitably exercise their compulsory purchase powers under section 226 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act"). The question then becomes: who should be chosen to carry out the development of the Site and whose land, therefore, should be compulsorily acquired for the purpose? Should Sainsbury's land be acquired so that Tesco may develop the Site or vice versa? The issue more particularly arising is whether, in deciding to choose Tesco as the developer, Wolverhampton acted unlawfully in taking into account Tesco's commitment, if chosen, to redevelop the Royal Hospital site, another site in Wolverhampton's area some half a mile away ("the RHS"), redevelopment which Wolverhampton are anxious to promote but which Tesco would not be prepared to undertake save by way of cross-subsidy?

162. It so happens that one of the two rival chains (Sainsbury's) owns 86% of the site, the other (Tesco) 14%. But it is not suggested that this disparity between their respective interests affects the question of law at issue. The same question would arise even if each owned exactly half the site. Plainly the disparity is itself a material consideration and one, indeed, which ultimately could prove decisive in Sainsbury's favour. For present purposes, however, as Mr Lockhart-Mummery QC for Sainsbury's expressly acknowledged, it can be ignored.

163. Section 226 of the 1990 Act provides so far as material:

"226(1) A local authority to whom this section applies shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily any land in their area –

(a) if the authority think that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land; . . .

(1A) But a local authority must not exercise the power under paragraph (a) of subsection (1) unless they think that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objects –

(a) the promotion or improvement of the economic well-being of their area;

(b) the promotion or improvement of the social well-being of their area;

(c) the promotion or improvement of the environmental well-being of their area.”

164. For present purposes the effect of those provisions in combination can be summarised quite simply as follows:

A local authority can (subject to confirmation by the Secretary of State) compulsorily acquire land if they think, first, that this will facilitate its development (section 226 (1)(a)) and, secondly, that this development is likely to contribute to the economic and/or social and/or environmental well-being of their area (section 226(1A)).

165. In the present case it seems to me self-evident that both of these pre-conditions are fully satisfied in respect of each proposed development scheme so that Wolverhampton have a discretion to make whichever CPO they regard to be appropriate, whether of Sainsbury’s land or of Tesco’s land. The question, I repeat, is whether, in choosing whose land to acquire, Wolverhampton can take into account the additional benefit to their area which would result from Tesco’s commitment, if they are enabled to develop the Site, also to develop the RHS.

166. It was the Court of Appeal’s conclusion below that Wolverhampton were indeed legally entitled to take account of the proposed cross-subsidy which would enable (and commit) Tesco to redevelop the RHS and that this entitlement arose directly under section 226(1A). This subsection, the Court of Appeal held (para

33), imposes on local planning authorities an express obligation to have regard to such “off-site, or ‘external’ benefits”. Elias J at first instance had held to the contrary (para 35) that, to fall within section 226(1A), well-being benefits had to be generated by the development of the Site itself, not by some contractually linked external development. In the only reasoned judgment in the Court of Appeal, Sullivan LJ (at paras 42 and 44) agreed with Elias J that, “to fall within section 226(1A) the benefit in question must flow from the re-development of [the Site]. However . . . [t]he likelihood of the re-development of a CPO site leading, whether because of cross-subsidy or for any other reason, to the development or re-development of other sites in the authority’s area is precisely the kind of wider benefit that subsection (1A) requires the authority to consider”. “[Section 226 (1A)] ensures that wider ‘well-being’ benefits are not ignored, but are always treated as material considerations . . .”

167. I have to say that on this particular issue, in common with the majority of this Court, I prefer Elias J’s view to that of the Court of Appeal. That, however, does not seem to me the real issue in the case. Section 226(1A), I repeat, does no more than specify a precondition (additional to that in section 226(1)(a)) which has to be satisfied before any power of compulsory acquisition can be exercised. No one doubts that it was satisfied here. Wolverhampton accordingly had a discretion under the section. The critical question then arising is whether the further public benefit which Tesco was offering was or was not a material consideration which Wolverhampton could take into account when deciding how to exercise that discretion. Elias J held that it was. The Court of Appeal, having concluded (wrongly as I believe) that this further benefit had to be regarded as material by virtue of section 226(1A), chose not to deal with the question whether the benefit would in any event have been a material consideration, section 226(1A) apart. As to this Sullivan LJ merely observed that section 226(1A) “does not purport to cut down the considerations that are capable of being material under subsection 226(1)(a)”. And that at least must be right: to stipulate, as section 226(1A) does, that the authority must not exercise their compulsory purchase powers unless they think that the development itself is likely to contribute to the well-being of their area (whether because it will act as a catalyst for other development or provide employment or stimulate other beneficial activity in the area or whatever else) is by no means to stipulate that, the condition being satisfied, this exhausts all the considerations to which the authority can have regard and they must shut their mind to all other possible external benefits which the exercise of their compulsory purchase powers would bring.

168. In addressing the question whether such external benefits are capable of being material considerations in the exercise of compulsory purchase powers under section 226(1)(a), it seems to me helpful to begin by examining what the position would be in the broadly analogous situation of a planning authority considering rival applications for planning permission. Suppose that the competition between

the rival supermarket chains was not, as here, as to which should be preferred as developers of a single site by reference to the exercise of the authority's powers of compulsory purchase, but rather as to which should be granted planning permission assuming that each owned a suitable site but there was room in the area only for one supermarket – the very situation which arose in *Tesco Stores Ltd v Secretary of State for the Environment* [1995] 1 WLR 759 (between, as it happens, the same competing developers as here). Would an offer such as that made here by Tesco to develop the RHS (probably by way of a planning obligation under section 106 of the 1990 Act) be a “material consideration” within the meaning of section 70(2) of the 1990 Act? If it would, then it is difficult to see why it should not be material also for section 226 (1)(a) purposes. If, on the other hand, it would not, then the Court would need to be persuaded that wider financial benefits are to be regarded as material considerations when exercising compulsory purchase powers than when determining planning applications.

169. Before going to the House of Lords decision in *Tesco* itself it is instructive to take note of two earlier Court of Appeal authorities – *R v Westminster City Council ex parte Monahan* [1990] 1 QB 87 (“*Monahan*”) and *R v Plymouth City Council ex parte Plymouth and South Devon Cooperative Society Ltd* (1993) 67 P & CR 78 (“*Plymouth*”) – the essential backdrop to the speeches in *Tesco*. Lord Collins having dealt with these at some length, I content myself with the briefest summary of each. *Monahan* was the Royal Opera House case in which the planning authority were held entitled to have granted permission for an office development notwithstanding that it involved a major departure from the development plan because that would cross-subsidise the refurbishment of the listed opera house. Nicholls LJ recorded (p.121) that counsel for the planning authority (Mr Sullivan QC) “frankly accepted that he could discern no legal principle which distinguished between (a) what happens within one building, (b) what happens on two adjoining sites and (c) what happens on two sites which are miles away from each other” but continued:

“All that need be said to decide this appeal is that the sites of the commercial development approved in principle are sufficiently close to the opera house for it to have been proper for the local planning authority to treat the proposed development of the office sites . . . and the proposed improvements to the Opera House as forming part of one composite development project. As such it was open to the planning authority to balance the pros and cons of the various features of the scheme.”

As to what the position would have been had the proposed office block been in Victoria, Kerr LJ similarly suggested that “all such cases would . . . involve considerations of fact and degree rather than of principle.”



170. *Plymouth* (like *Tesco* which followed it) involved competitive planning applications by Sainsbury's and Tesco, the Council's original intention having been to allow one store only to be built. Each company was therefore invited to say why it should be preferred and both were told that the Council would take into account any community benefits offered (provided they were "justifiable in land-use planning terms" – the Council's published policy). Sainsbury's offer included the construction of a tourist information centre on the site, an art gallery display facility, a work of art in the car park, a bird-watching hide overlooking the river, an £800,000 contribution to the establishment of a park and ride facility in the neighbourhood, and up to £1 million for infrastructure works to make a different site suitable for industrial use. Tesco offered financial contribution to a crèche, a wildlife habitat, a water sculpture, and in addition it offered to sell the Council a site for a park and ride facility. Both offers were by way of section 106 agreements. In the event, both applications were granted, doubtless to the satisfaction of Sainsbury's and Tesco but not that of the Co-operative Society who promptly challenged both planning permissions on the ground that the Council had taken into account immaterial considerations.

171. The Co-operative Society argued that not merely must a community benefit offered under a section 106 agreement satisfy the three tests laid down by the House of Lords in *Newbury District Council v Secretary of State for the Environment* [1981] AC 578 (following *Pyx Granite Co Ltd v Ministry of Housing and Local Government* [1958] 1 QB 554) by which the legality of a section 70 condition is to be judged – namely (i) that it has a planning purpose, (ii) that it fairly and reasonably relates to the permitted development and (iii) that it is not *Wednesbury* unreasonable – but it must also be necessary in the sense of overcoming what would otherwise have been a planning objection to the development. In the leading judgment rejecting this argument and stating that "the only question is whether [the section 106 agreement] fairly and reasonably related to the development", Hoffmann LJ said (90) that the only benefits which gave pause for thought were the two substantial sums offered by Sainsbury's as a contribution to work to be done away from the site. The park and ride facility, however, would tend to reduce both traffic heading for the store and use of Sainsbury's own car park by people not actually shopping there. As for the £1 million offer, this "was not simply to pay the council £1 million. It was to contribute up to £1 million to the actual cost of infrastructure works undertaken by the council within a period of two years at a specific site." (91).

172. As we shall shortly see, the supposed requirement that section 106 offers, like imposed section 70 conditions, have to "fairly and reasonably relate to the permitted development" (a requirement held satisfied in *Plymouth*) did not survive the decision of the House of Lords in *Tesco* to which I now come.

173. *Tesco* (like *Plymouth* at the initial stage) concerned rival applications by Sainsbury's and Tesco to develop their respective sites (Sainsbury's in conjunction with Tarmac), there being room in Witney for one store only. Notwithstanding that Tesco's application included an offer of £6.6 million to fund in its entirety a new link road, the Secretary of State (who had to decide which of the two proposals to allow) chose to grant Sainsbury's application. Tesco appealed on the ground that the Secretary of State had failed to take account of a material consideration, namely their £6.6 million offer. Albeit the appeal failed, it did so not on the basis that the offer was an immaterial consideration but rather because, although material, the Secretary of State had been entitled to give it little or no weight and to prefer Sainsbury's proposal because the Secretary of State thought its site "marginally more suitable" (Lord Hoffmann, 783). The following features of *Tesco* seem to me of particular importance:

- (1) The £6.6 million offer was held to be a material consideration notwithstanding that the Secretary of State shared his inspector's view that the relationship between the proposed new development and the funding of the link road was "tenuous" (the development being likely to result only in "slight worsening of traffic conditions").
- (2) The only reasoned speeches were given by Lord Keith of Kinkel (with whom the other members of Committee agreed) and Lord Hoffmann. Both of them recognised that, contrary to the Court of Appeal's assumption in *Plymouth*, the second *Newbury* test has no application to section 106 agreements. As Lord Hoffmann observed (779C-D):

"[S]ection 70(2) does not apply to planning obligations. The *vires* of planning obligations depends entirely upon the terms of section 106. This does not require that the planning obligation should relate to any particular development. As the Court of Appeal held in *Good v Epping Forest District Council* [1994] 1 WLR 376, the only tests for the validity of a planning obligation outside the express terms of section 106 are that it must be for a planning purpose and not *Wednesbury* unreasonable."

Nevertheless, for a planning obligation to be a material consideration which can legitimately be taken into account in granting planning permission, it has to have "some connection with the proposed development which is not *de minimis*" (Lord Keith, 770B); it cannot be "quite unconnected with the proposed development" (Lord Hoffmann, 782D).

- (3) Were it otherwise, said Lord Keith (770A), “it could be regarded only as an attempt to buy planning permission”. Lord Hoffmann put it rather differently (782D-E). The metaphor of “bargain and sale”, he suggested, although “vivid”:

“is an uncertain guide to the legality of a grant or refusal of planning permission. It is easy enough to apply in a clear case in which the planning authority has demanded or taken account of benefits which are quite unconnected with the proposed development. But in such a case the phrase merely adds colour to the statutory duty to have regard only to material considerations. In cases in which there is a sufficient connection, the application of the metaphor or its relevance to the legality of the planning decision may be highly debatable. I have already explained how in a case of competition such as the *Plymouth* case, in which it is contemplated that the grant of permission to one developer will be a reason for refusing it to another, it may be perfectly rational to choose the proposal which offers the greatest public benefit in terms of both the development itself and related external benefits.”

- (4) In *Tesco* itself, Lord Hoffmann then observed (782G-H), the Secretary of State had in substance accepted the argument that Tesco’s “offer to pay for the whole road was wholly disproportionate and it would be quite unfair if [Sainsbury’s] was disadvantaged because it was unwilling to match this offer.” That, said Lord Hoffmann, “is obviously defensible on the ground that although it may not maximise the benefit for Witney, it does produce fairness between developers.” However, Lord Hoffmann continued (783A-C), so too was Tesco’s argument (that only if they offered the whole cost of the link road would it be constructed) a perfectly respectable one. Importantly, he then said this:

“[T]he choice between a policy which emphasises the presumption in favour of development and fairness between developers, such as guided the Secretary of State in this case, and a policy of attempting to obtain the maximum legitimate public benefit, which was pursued by the local planning authority in the *Plymouth* case, lies within the area of discretion which Parliament has entrusted to planning authorities. It is not a choice which should be imposed upon them by the courts.”

- (5) Lord Hoffmann had earlier (780F-G) emphasised the distinction to be made between materiality and weight:

“The law has always made a clear distinction between the question of whether something is a material consideration and the weight which it should be given. The former is a question of law and the latter is a question of planning judgment, which is entirely a matter for the planning authority. Provided that the planning authority has regard to all material considerations, it is at liberty (provided that it does not lapse into *Wednesbury* irrationality) to give them whatever weight the planning authority thinks fit or no weight at all. The fact that the law regards something as a material consideration therefore involves no view about the part, if any, which it should play in the decision-making process.”

174. Let me in the light of those authorities return to the question I posed at para 168: would an offer such as Tesco made to Wolverhampton, had it been made in a planning context have been, as a matter of law, a material consideration? To my mind the correct answer to that question should be yes, although plainly the weight (if any) to be given to it would be entirely for the planning authority. And the reason the answer should be yes is quite simply because such an offer could not sensibly have been regarded as “an attempt to buy planning permission” (Lord Keith); on the contrary, it would in my view have had “a sufficient connection” with the proposed development (Lord Hoffmann), “not *de minimis*” (Lord Keith).

175. The proposition that planning consent cannot be bought or sold, although stated nearly a quarter of a century ago to be “axiomatic” (by Lloyd LJ in *City of Bradford Metropolitan Council v Secretary of State for the Environment* (1987) 53 P & CR 55, 64), needs to be understood for what it is, essentially a prohibition against the grant of a planning permission for what would otherwise be unacceptable development induced by the offer of some entirely unrelated benefit. What it is *not* is a prohibition against, for example, the grant of permission for a development which is contrary to local planning policy on the basis that it needs to be economically viable to ensure that the site does not remain derelict – see *Sosmo Trust Ltd v Secretary of State for the Environment* [1983] JPL 806, where, indeed, Woolf J held that no Secretary of State could reasonably have regarded the economic factor in that case as irrelevant. Nor, of course, did the principle prevent office development being permitted in *Monahan* essentially because the proposed refurbishment of the Opera House was financially dependant upon it.

176. *Monahan*, it must be noted, is *not* authority for the proposition that, but for the development there “forming part of one composite development project”, the

office building would not have been permitted. As was expressly recognised, no discernible legal principle would have supported such a view. In any event *Monahan* is not binding on this Court. That aside, *Tesco* later established that offers such as that in *Monahan* to refurbish the Opera House do not have to “fairly and reasonably relate to the permitted development” (as at the time of *Monahan* would have been supposed). Had Tesco in the present case offered (uneconomically) to redevelop the RHS to the benefit of the public in consideration of some planning advantage elsewhere in Wolverhampton’s area, it is difficult to see why Wolverhampton would have been legally obliged to refuse.

177. Still less does the principle prevent rival developers, in competitive situations such as arose in *Plymouth* and *Tesco*, seeking to outbid each other as to the external benefits their proposals would bring with them – as both those cases amply demonstrate. It is surely one thing to say that you cannot buy a planning permission (itself, as I have sought to show, only in a narrow sense an absolute principle); quite another to say that in deciding as between two competing developers, each of whose proposals is entirely acceptable on planning grounds, you must completely ignore other planning benefits on offer in your area.

178. Let it be assumed, however, contrary to my view but as I understand every other member of this Court to have concluded, that, had the present issue arisen in the context of rival applications for planning permission, Tesco’s offered redevelopment of the RHS would have had to be characterised as a wholly unconnected planning benefit and so not a material consideration under section 70. That majority view, as Lord Phillips himself points out at paragraph 139, is “not entirely rational” even in a non-competitive planning context; “less rational” still “where two developers are competing for the grant of planning permission in circumstances where the grant to one or the other is justifiable, but not to both”.

179. Is that approach nonetheless to apply equally in the present context or, as I contemplated at paragraph 168, is the position that “wider financial benefits are to be regarded as material considerations when exercising compulsory purchase powers than when determining planning applications”?

180. The Court of Appeal thought that the case for regarding Tesco’s RHS offer as a material consideration was stronger in the CPO context than had it been made in a planning context. They thought this, first, because of the wide (to my mind over-wide) construction they put upon section 226(1A) itself (para 33); secondly, because they regarded financial viability as yet more important in the CPO context than in the planning context (paras 34-40); and, thirdly, because, whereas planning authorities (subject only to the Secretary of State’s call-in powers) are free to grant any planning permissions they wish, CPOs must be confirmed by the Secretary of State (who can therefore prevent any misuse of the local authority’s compulsory

acquisition powers) (para 41). Whilst I have difficulty with that reasoning, I nevertheless agree with Lord Phillips and Lord Hope that, even assuming that Tesco's RHS offer would not have been a material consideration had Wolverhampton been determining a planning application, it was nonetheless material in the context of the decisions the Council were in fact required to take here. These were, first, whether Wolverhampton should compulsorily acquire land to facilitate the development of the Site (for which both rival developers had the requisite planning permission) and, if so, second, whose land should be acquired – should it be Tesco's land to enable Sainsburys to develop the Site or vice versa (ie who should be the preferred developer)?

181. I understand all of us to agree that Wolverhampton were amply entitled to exercise their section 226 power of compulsory acquisition here: as I noted at paras 164 and 165 above, self-evidently both the section 226(1)(a) and the section 226(1A) conditions were satisfied and the development of the Site was only going to take place if Wolverhampton did indeed exercise this power. As Lord Hope observes, however, this power could not be exercised until Wolverhampton had also decided the second question before them: which of the two developers to choose. There seems to me no basis in authority or reason for holding that in reaching this second decision Wolverhampton were required to ignore the off-site benefit (unconnected though I am now assuming it to be) on offer from Tesco. I would on the contrary hold it to be a material consideration for the purposes of deciding which of the rival developers to prefer and whose land, therefore, should be the subject of compulsory purchase under section 226. That is precisely what was held at first instance here and I can but echo Lord Phillips' plaudits for the passage in Elias J's judgment which he quotes in full at paragraph 146.

182. It is essentially on this basis, rather than by reference to Wolverhampton's power of disposal of acquired land under section 233, that for my part I would hold Tesco's offer to have been a material consideration (even assuming that it would not have been so in the planning context). I think it difficult for Tesco to invoke section 233 here. True, section 233 would to my mind plainly entitle a planning authority to have regard to an off-site benefit such as Tesco offered here in deciding how to exercise their section 233 power. (Although, as Lady Hale and Lord Mance point out, no wholly extraneous benefits were offered or considered in *Standard Commercial Property Securities Ltd v Glasgow City Council* [2007] SC (HL) 33, it is surely implicit in that decision – and, indeed, in the respective legislative requirements in both England and Scotland in effect to get what I called there (para 68) “the best overall deal available” – that, by the same token as a cash bidding match would have been possible, so too would have been an offer of other benefits, however extraneous. Why ever not? I do not regard this as inconsistent with what I said at paragraph 75 of my judgment in *Standard Commercial* – quoted by Lord Walker at para 85: my quarrel there was with the disappointed developer's submission that the planning authority should itself have initiated a

bidding war. It is quite another thing to say that they are precluded by law from accepting offers of money or other extraneous benefits when they come to dispose of a compulsorily acquired development site.)

183. My difficulty with section 233, however, is, as Lady Hale points out, that it puts the cart before the horse. Unless and until the Secretary of State confirms a section 226 compulsory purchase order, the local authority has no land to dispose of. I do not see the Council here, therefore, as entitled to have regard to their section 233 powers when exercising their section 226 powers. I would be concerned also that on this approach the Council might be statutorily *obliged* to accept Tesco's offer in order to obtain "the best overall deal available" – instead of merely being required to regard it as a material consideration, it being a matter for the Council (and, in subsequent confirmation proceedings, the Secretary of State) to give it such weight, if any, as they thought right. (Indeed, as I observed earlier (at para 162), it might be that the Secretary of State, unlike Wolverhampton, will regard Sainsbury's substantial larger interest in the site as the determining factor here – rather as the Secretary of State in the *Tesco* case, thought it only fair to Sainsbury's to give no weight to Tesco's "wholly disproportionate" £6.6m offer to fund the link road (see para 173(4) above). That, however, in this case as in that, would be entirely a matter for the planning authorities, not for this Court.)

184. All that said, I do not regard section 233 as central to either Lord Phillips' or Lord Hope's reasoning in this case. Still less did it colour Elias J's approach; indeed, section 233 finds no mention whatever in his judgment.

185. Really what it all comes to is this. It is irrational and unsatisfactory that (in the view of the majority) Tesco's offer here would have had to be ignored in a competitive planning context. It is quite unnecessary and (as Lord Phillips and Lord Hope observe) would be unfortunate if this irrationality were carried over into the compulsory purchase context within which the present issue arises.

186. In the result I would answer the question I posed in paragraph 160: no, not even if the benefits are wholly unconnected with the proposed development, and dismiss this appeal. As indicated, I would do so essentially for the reasons given by Elias J at first instance rather than those given by the Court of Appeal.

## Appendix IJ14

**Cogent Land LLP v Rochford DC and Bellway Homes Ltd [2012] EWHC 2542 (Admin)**



# Cogent Land LLP v Rochford District Council v Bellway Homes Ltd



Positive/Neutral Judicial Consideration

## Court

Queen's Bench Division (Administrative Court)

## Judgment Date

21 September 2012

Case No: CO/605/2012

High Court of Justice Queen's Bench Division Administrative Court

[2012] EWHC 2542 (Admin), 2012 WL 4050271

Before: The Honourable Mr Justice Singh

Date: 21/09/2012

Hearing dates: 30th May and 1st June 2012

## Representation

Russell Harris QC and Sasha White (instructed by Clyde & Co ) for the Claimant.

Gregory Jones QC and Juan Lopez (instructed by the Solicitor, Rochford District Council ) for the Defendant.

Paul Brown QC (instructed by Reynolds Porter Chamberlain ) for the Interested Party.

## Judgment

Mr Justice Singh:

## Introduction

1. This is an application under [section 113 of the Planning and Compulsory Purchase Act 2004](#) (the 2004 Act) to quash parts of the Housing Chapter of the adopted Rochford Core Strategy (RCS). The RCS was adopted by the defendant local planning authority on 13 December 2011. That adoption followed an Examination in Public (EiP) into a draft version of the RCS by an inspector appointed by the Secretary of State for Communities and Local Government.

2. The claimant owns the freehold interest in land to the south of Stambridge Road, which for present purposes can be described as being in the general location of East Rochford.

3. The claimant's challenge is to three housing policies in the adopted RCS: policy H1 (Distribution), policy H2 (General Locations) and policy H3 (Phasing General Locations Post 2021). Policies H2 and H3 identify a number of general locations proposed to be released from the Green Belt in satisfaction of the annual requirement to deliver housing for the plan period. Under those policies, the general location of West Rochford is to provide approximately 450 dwellings by 2015, with approximately 150 further dwellings from 2015 to 2021.

4. The interested party, Bellway Homes Limited (Bellway) supports the defendant in opposing the present application. Bellway controls a site of some 33.45 hectares at Hall Road on the western edge of Rochford. Bellway participated in the consultations on the RCS and made detailed submissions at the EiP in support of the release of land to the west of Rochford (and its own site in particular) for residential development. In April 2010 Bellway submitted an application for outline planning permission for residential development of 600 dwellings, associated access and a new primary school. That application is in accordance with Policy H2 of the adopted RCS. On 18 January 2012 the defendant's Development Committee accepted the recommendation of its planning officers and resolved to grant planning permission for that development, subject to the conclusion of a [section 106](#) agreement and the imposition of appropriate conditions. I was informed that no formal decision notice has yet been issued on the Bellway application, because the [section 106](#) agreement is still being finalised.

5. The claimant's Skeleton Argument makes numerous criticisms of the defendant's approach to the production of the RCS. However, at the hearing it became clear that its essential grounds relate to the following:

- (1) the defendant's selection of alternatives for potential general locations for housing (alleged failure to explain the initial selection process);
- (2) the defendant's reasons given for preferring or rejecting reasonable alternatives (alleged failure to give an adequate explanation of the comparative assessment);
- (3) the defendant's Addendum of July 2011 (alleged inadequacies in that document);
- (4) whether, even if the Addendum was otherwise adequate, it was capable in law of curing the alleged earlier defects;
- (5) the claimant also complains that in failing to re-open the public hearings the inspector failed to comply with the requirements of natural justice. Although the Secretary of State is not a defendant in these proceedings, it is argued that the defendant erred in law by adopting the inspector's report in spite of this alleged breach of natural justice.

### **Brief Chronology**

6. In 2005 the defendant commenced preparation of its Core Strategy.

7. In September 2006 the defendant published a document called Core Strategy Issues and Options. It also published its Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA) in respect of that document.

8. In May 2007 the defendant published its Core Strategy Preferred Options. In June 2007 the defendant published its SA and SEA in respect of that document.

9. In February 2008 the claimant purchased its freehold interest in the land to which I have referred in East Rochford.

10. In October 2008 the defendant published its Revised Core Strategy Preferred Options. In November 2008 the defendant published its SA and SEA in respect of that document.

11. In September 2009 the defendant published its pre-submission Core Strategy and also its SA and SEA in respect of that document.

12. On 14 January 2010 the defendant submitted its Core Strategy for examination by the Secretary of State.

13. Between 11 and 21 May 2010 EiP hearings were held into the submission draft Core Strategy. There were also EiP hearings on 7 September 2010 and 1–2 February 2011.

14. On 25 March 2011 the High Court gave judgment in a case called *Forest Heath*, to which I will refer below. On 7 April 2011 the claimant requested that the examination be suspended following that judgment.

15. On 11 May 2011 the defendant requested that the inspector should not issue her report in order to allow the defendant to carry out a review of the SA and SEA in respect of the submission draft Core Strategy. On the same date the inspector agreed to delay publication of her report.

16. In July 2011 the defendant published an Addendum to its SA and SEA in respect of the submission draft Core Strategy.

17. On 27 July 2011 the claimant requested the inspector to suspend the examination until December that year. On 11 August 2011 the inspector refused to suspend the examination.

18. On 27 October 2011 the inspector submitted her report to the Secretary of State.

19. On 13 December 2011 the defendant resolved to adopt the RCS, incorporating changes recommended by the inspector, and on the same date did adopt the RCS. That is now the subject of the present challenge.

### **The development of the RCS in more detail**

20. In its Draft Core Strategy ([Regulation 25](#) version) of September 2006 the defendant set out options that it considered to be realistic to shape the development of its District in the period until 2021 and beyond. Options for development were presented in tables and listed in two categories of “possible” or “probable”.

21. At para. 4.6.2 this document said:

“The council will allocate land in locations that are considered sustainable and such locations will be tested through the Strategic Environmental Assessment/Sustainability Appraisal process. The council will not allocate sites which are considered sensitive due to landscape designations, biodiversity issues or where there may be a risk of flooding.”

22. Para. 4.6.3 stated:

“Within the District there are three tiers of settlements. The top tier is that comprising Hawkwell/Hockley, Rayleigh and Rochford/Ashingdon. These are all towns and villages with a good range of services and facilities as well as some access to public transport. They are capable of sustaining some expansion, in-filling and redevelopment.”

23. After describing in brief the second and third tier areas, para. 4.6.6 stated:

“Taking into account such sustainability issues, the council believes that the settlement pattern should be focussed on existing settlements, with the main settlements in the District taking the majority of development required. The majority is defined as 90% of the housing development required. The main settlements are considered to be Hawkwell/Hockley, Rayleigh and Rochford/Ashingdon.”

24. In a table at page 149 of the document, the council set out the options which it considered should be considered as follows. In the column headed “possible” there were the following four bullet points:

- “Greater dispersal to minor settlements, enabling possible regeneration of local facilities.
- Split the housing allocation evenly between the parishes (excluding Foulness), so that each area gets a small amount of housing.
- Develop a new settlement, well related to transport links and providing its own basic infrastructure.
- Focus solely on an expansion of one settlement, creating a significant urban expansion.”

25. Under the heading “probable” there were two bullet points as follows:

- “Allocate the total number of housing units to the top (90%) and second tier (10%) settlements, to gain a smaller number of large sites which will deliver the greatest amount of infrastructure improvements.
- A timescale will be specified detailing the expected phasing of development.”

26. The next relevant document is the Draft Core Strategy Preferred Options ( [Regulation 26](#) version) of May 2007. [Section 4.6](#) , on general development locations, was in similar terms to the 2006 document. In particular, it again described the three tiers of settlement in the District, with the top tier comprising Hawkwell/Hockley, Rayleigh and Rochford/Ashingdon.

27. Para. 4.6.10 set out the defendant's preferred options for general development locations as follows:

- “The council will set out a policy detailing a settlement hierarchy split into three tiers based on services and sustainability.
- The council will set out a policy detailing a timescale for the expected phasing of development.
- The council will set out a policy allocating the total number of housing units to the top (90%) and second tier (10%) settlements, to gain a smaller number of large sites which will deliver the greatest amount of infrastructure improvements. The split (with approximate numbers) will be as follows: ...”

There then followed a table with a description of the relevant location and the approximate number of units envisaged to be allocated there. The total number of units envisaged was 4,600. The number of units envisaged for Rochford/Ashingdon was 1,000.

28. Para. 4.6.11 set out alternative options for general development locations as follows:

- “Greater dispersal making more use of settlements in the East of the District.
- Greater dispersal to minor settlements, enabling possible regeneration of local facilities.
- Focus solely on an expansion of one settlement, creating a significant urban expansion.”

29. Para. 4.6.15 stated:

“In reaching a decision about the broad distribution of future housing the starting point is that the top tier of settlements – Rayleigh (population 30,196), Rochford/Ashingdon (population 10,775), and Hockley/Hawkwell (population 20,140) are best placed to accommodate expansion.”

30. Para. 4.6.16 stated:

“The top tier settlements are generally better located in relation to the highway network, though the provision of new housing must be used as an opportunity to seek infrastructure improvements, particularly in relation to the highway network.”

31. Para. 4.6.20 stated:

“Rochford/Ashingdon has in theory reasonably good transport links to Southend and the A127, but in practice the area is heavily congested with congestion on Ashingdon Road being amongst the worst in the District. To the West, Hall Road links directly to the Cherry Orchard Way link road, but the railway bridge at the eastern end of Hall Road is a severe constraint on traffic movements.”

32. Para 4.6.21 stated:

“There are environmental designations on the West side of Ashingdon north of the railway line and Rochford town centre is a conservation area and its setting must be protected. There are some opportunities for expansion, though road infrastructure will need to be carefully considered.”

33. The next relevant document is the Core Strategy Preferred Options document of October 2008. Section 3 of this document, which dealt with strategies, activities and actions, listed the defendant's preferred options in green boxes and its alternative options in yellow boxes.

34. Page 13 of this document described the characteristics of the District in the following way:

“The District of Rochford is situated within a peninsula between the Rivers Thames and Crouch, and is bounded to the East by the North Sea. The District has land boundaries with Basildon and Castle Point District and Southend-on-Sea borough councils. It also has marine boundaries with Maldon and Chelmsford Districts. The District has linkages to the M25 via the A127 and the A13 and direct rail links to London. ... The landscape of the District has been broadly identified as being made up of three types:

Crouch and Roach Farmland; Dengle and Foulness Coastal; and South Essex Coastal Towns. The latter of these three is least sensitive to development.

The character of the District is split, with a clear East-West divide. Areas at risk of flooding and of ecological importance are predominantly situated in the sparsely populated, relatively inaccessible East. The West of the District contains the majority of the District's population, has better access to services and fewer physical constraints.”

35. Page 20 of this document set out a brief description of the tiers of settlement. Page 26 of the document, headed General Locations, stated:

“It is the not the purpose of the Core Strategy to set out the precise locations for new development — this is done through the Allocations Development Plan Document. Instead, the Core Strategy will set out the general approach for the allocations document.

The concept of sustainable development is at the heart of any decisions with regards to the location of housing. ...

As described in the Characteristics chapter of this document, the District's settlements can be divided into four tiers, with the settlements in the higher tiers being generally more suitable to accommodate additional housing development for the reasons described above. The settlement hierarchy is as follows ...”

There then followed a table setting out in numbered tiers 1 to 4 the following:

1. Rayleigh; Rochford/Ashingdon; Hockley/Hawkwell.
2. Hullbridge; Great Wakering.
3. Canewdon.
4. All other settlements.

36. At page 28 of the 2008 document there appeared draft policy H2 on “General locations and phasing – preferred option”, which set out in a table the number of units envisaged to be allocated to various areas by 2015 and also the number of units envisaged to be allocated to each area between 2015 and 2021. In respect of West Rochford it was envisaged that there would be 300 units by 2015 and 100 units thereafter. In respect of East Ashingdon there would 120 units by 2015 and none thereafter. In respect of South East Ashingdon there would 120 units by 2015 and none thereafter.

37. At page 30 of the 2008 draft, in the discussion of alternative options under policy H2 there was a reference to East Rochford as an alternative to other Rochford locations and in answer to the question “Why is it not preferred?” there was stated the following:

“It is considered that West Rochford is a more suitable location given its proximity to the train station, town centre and its relationship with areas of significant employment growth potential at London Southend airport and its environs. Traffic flows from new development to the East of Rochford would be predominantly through the centre of the town centre resulting in significant congestion.”

38. The next relevant document is the SA/SEA non-technical summary in respect of the Rochford Core Strategy preferred options document of October 2008.

39. At about the same time, in November 2008, there was published the technical Report in relation to the SA and SEA. Para. 1.6 of this Report, under the heading Summary of Compliance with the [SEA Directive](#) and Regulations, stated:

“The SEA Regulations set out certain requirements for Reporting the SEA process, and specify that if an integrated appraisal is undertaken (i.e. SEA is subsumed within the SA process, as for the SA of the Rochford LDF), then the sections of the SA Report that meet the requirements set out for Reporting the SEA process must be clearly signposted. The requirements for Reporting the SEA process are set out in Appendix 1 and within each relevant section of this Report.”

40. Para. 5.3 of this document stated:

“An emerging draft of the revised Preferred Options policies was then subject to SA in October 2008. A summary of the results of this appraisal is provided below, with the detailed working matrices provided in Appendix vii. On the whole, the findings of the SA suggest that the emerging Core Strategy policies will make significant contributions to the progression of SA objectives.”

41. Paras. 5.7–5.11 dealt specifically with the draft policies H2 and H3. Para. 5.10 stated:

“The actual locations for growth proposed in the policy are considered to be the most sustainable options available, within the context of the overall high levels of population growth being proposed in the East of England Plan. The policy recognises the distinctive landscape and bio-diversity areas in the District, (including coastal landscapes and flood-prone areas in the East of the District) and takes



an approach to development that minimises impacts on these areas through steering development toward the more developed Western side of the District.”

42. In Appendix 1 (statement on compliance with the [SEA Directive](#) and Regulations) para. 1.8 stated:

*“An outline for the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties encountered in compiling the required information :*

This work, undertaken by Essex County Council's Environmental Assessment Team is available in the Regulation 25 Issues and Options SA Report, and is summarised in section 4 of this Report. Details of how the assessment was undertaken are provided in section 3 of this SA Report (appraisal methodology), and difficulties encountered in compiling information summarised in Section 4 of this report.”

43. The next relevant document is the Core Strategy pre-submission draft of September 2009. Para. 4.9 of this document again set out the four tiers of settlement in the District.

44. In relation to policy H2 (extensions to residential envelopes and phasing) a table at page 44 of this document stated that it was envisaged that 450 dwellings would be allocated to the area of West Rochford by 2015 and 150 dwellings between 2015 and 2021. In relation to East Ashingdon the figure was 100 dwellings by 2015 and none thereafter. Nothing was allocated in respect of East Rochford.

45. In relation to policy H3 (extension to residential envelopes post-2021) a table at page 45 of the document envisaged 500 dwellings in that period in relation to South East Ashingdon. Again nothing was allocated in respect of East Rochford.

46. The next relevant document is the Technical Report for the SA/SEA in respect of the pre-submission draft of 2009. This had an Appendix 1 also in similar terms to that which has already been quoted from the 2008 report: see in particular para. 1.8 of that Appendix.

47. The next relevant document, which is very important to the present proceedings, is the Sustainability Appraisal Addendum dated July 2011. The introduction to this document highlighted the reasons why it had been produced. Para. 1.3 stated:

“In light of the recent High Court ruling in *Save Historic Newmarket v Forest Heath District Council*, Enfusion advised the Council that it would be prudent to undertake a review of the Core Strategy Sustainability Appraisal, ensuring compliance with the new case law on SEA arising from this ruling. Rochford District Council has subsequently requested the issuing of a decision on the soundness of the Core Strategy be delayed to enable the Council to undertake such a review. The Planning Inspectorate has accepted this request and the Council commissioned Enfusion in May 2011 to undertake the work. In response to the findings of the Forest Heath case, this Addendum SA report provides a summary of the alternatives considered throughout the production of the plan setting out the reasons for selecting/rejecting those alternatives. It also includes consideration of more detailed housing locations (than previously appraised). ... This Addendum Report should be read in conjunction with previous Sustainability Appraisal Reports and iterations of the Core Strategy, in particular the SA Report of the LDF Core Strategy proposed submission draft DPD [Development Plan Document] (2009) for a full account of how the Sustainability Appraisal has influenced the process to date.”

48. Para. 2.2 of the Addendum stated that:

“The recent Forest Heath High Court ruling and recommendations by DCLG in its report on the effectiveness of SEA and SA have clarified and provided an additional interpretation of the EU SEA Directive. This section of the SA Report Addendum therefore seeks to provide a clear summary of the alternatives considered throughout the SA process and the reasons for selecting/rejecting those alternatives.”

49. Table 2.1 of the Addendum set out over several pages a summary of the approach to the assessment and selection of alternatives.

50. [Section 3](#) dealt with “Further appraisal of alternatives: General housing development locations.” Para. 3.1 stated:

“As illustrated above, the Council has considered the results of the SA of issues and options (alternatives) in its selection and rejection of alternatives for plan-making. The Sustainability Appraisal considered a range of issues considered to be of key importance to the development of the Core Strategy. This included consideration of housing numbers and general locations for development (strategic options 4 and 5). The SA found that option E, the allocation of housing to the top and second tier settlements to gain a smaller number of large sites would have the most positive effects of all the options.”

51. Para. 3.2 stated:

“In light of the Forest Heath Ruling, it was decided to further develop this appraisal, considering the more detailed locations for development within individual top and second tier settlements. The recent publication (in February 2010) of the LDF Allocations DPD Discussion and Consultation Document has also enabled a further consideration of the realistic locations for development, as it incorporates the findings of the Call for Sites process and Strategic Housing Land Availability Assessment (SHLAA).”

52. Para. 3.3 stated:

“Detailed appraisal of housing locations were undertaken for each of the top and second tier settlements and Canewdon, with full details provided in Appendix 1. ...”

53. Table 3.1 then set out over several pages the Housing Development Options for Rochford District: Reasons for selection/rejection. In this table location 1 was West Rochford and location 3 was East Rochford. Under the heading “Reasoning for Progressing or Rejecting the options in plan making” it was stated in respect of location 1 that this:

“was selected as it is a sustainable location, particularly in terms of accessibility, economy and employment, and balanced communities. In addition, the location relates well to London Southend airport and proposed employment growth there, is not subject to significant environmental constraints which would inhibit development, and is of a scale capable of accommodating other infrastructure, including a new primary school which would have wider community benefits. The location performs well to the proposed balanced strategy, and, due to its location in relation to Southend and the highway network, would avoid generating traffic on local networks for non local reasons. The location is unlikely to enable infrastructure improvements to King Edmund School, but is nevertheless selected for the aforementioned reasons.”

54. It should be mentioned that the table also said that location 5 (South East Ashingdon) and location 6 (East Ashingdon) were selected as they are well located in relation to King Edmund Secondary School.

55. Turning to location 3, East Rochford, the table said that this was not selected:

“as it was not considered as sustainable a location as West Rochford. There are greater environmental constraints to the East of Rochford, including Natura 2000 and Ramsar sites. Development to the

East of Rochford has the potential to be affected by noise from London Southend airport, given its relationship to the existing runway. Whilst a small quantum of development may be accommodated within this general location avoiding land subject to physical constraints, such an approach is less likely to deliver community benefits, and would necessitate the identification of additional land, diluting the concentration of development and thus reducing the sustainability benefits of focussing development on larger sites. Location 3 is also unlikely to aid the delivery of improvements to King Edmund School. Furthermore, it would generate traffic on local networks for non local reasons, i.e. traffic to Southend would be likely to be directed through the centre of Rochford, including through the Conservation Area.”

## Legal Framework

56. [Section 19\(5\)](#) of the 2004 Act requires a local planning authority to carry out an appraisal of the sustainability of the proposals in each development plan document and to prepare a report of the findings of that appraisal. This is known as an SA. It is common ground that the RCS is a development plan document by virtue of [regulation 7\(a\) of the Town and Country Planning \(Local Development\) \(England\) Regulations 2004](#) (SI 2004 No. 2204).

57. The background to the present case can be found in [Directive 2001/42/EC of the European Parliament and Council of 27 June 2001](#) on the assessment of the effects of certain plans and programmes on the environment. This is sometimes known as the [Strategic Environmental Assessment \(SEA\) Directive](#) .

58. The [SEA Directive](#) has been implemented in domestic law by the [Environmental Assessment of Plans and Programmes Regulations 2004](#) (SI 2004 No. 1633). [Part 3](#) of those Regulations concerns environmental reports and consultation procedures.

59. [Regulation 12](#) provides that:

“(1) Where an environmental assessment is required by any provision of Part 2 of these regulations, the responsible authority shall prepare, or secure the preparation of, an environmental report in accordance with paragraphs (2) and (3) of this regulation.

(2) The report shall identify, describe and evaluate the likely significant effects on the environment of –

(a) implementing the plan or programme; and

(b) reasonable alternatives taking into account the objectives and geographical scope of the plan or programme.

(3) The report shall include such information referred to in schedule 2 to these regulations as may be reasonably required, taking account of – [a number of matters are then set out in sub-paragraphs (a) to (d)]....”

60. Paragraph 8 of Schedule 2 requires “an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken . . .” The other paragraphs in Schedule 2 deal with a number of other items of information which must be included in an Environmental Report (ER), for example the likely significant effects on the environment, including such matters as biodiversity, fauna, flora and climatic factors: see paragraph 6 of Schedule 2 .

61. Regulation 13(1) provides that:

“(1) Every draft plan or programme for which an Environmental Report has been prepared in accordance with Regulation 12 and its accompanying Environmental Report (‘the relevant documents’) shall be made available for the purposes of consultation in accordance with the following provisions of this Regulation.”

62. Regulation 13(2) sets out a number of steps in relation to the consultation process which must be followed. Paragraph (3) specifies that the period for consultation must be of such length as will ensure that the consultation bodies and the public consultees are given an effective opportunity to express their opinion on the relevant documents.

63. It was common ground before me that:

- (1) the Regulations are the relevant source of law in this country, since the Directive, unlike an EU Regulation, is not directly applicable;
- (2) the Regulations should be interpreted so far as possible in a way which is compatible with the Directive; and
- (3) if an interpretation of the Regulations is incompatible with the Directive and no other interpretation is possible, then, to the extent of any incompatibility, the claimant may rely on a provision of the Directive, since there will, to that extent, have been a failure correctly to transpose the Directive into domestic law: in those circumstances the Directive may have direct effect.

It is therefore appropriate now to turn to the material provisions of the Directive.

64. Article 1 of the Directive provides:

“The objective of this Directive is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive an Environmental Assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.”

65. [Article 2\(b\)](#) defines “Environmental Assessment” to mean:

“The preparation of an Environmental Report, the carrying out of consultations, the taking into account of the Environmental Report and the results of the consultations in decision-making and the provision of information on the decision in accordance with articles 4 to 9.”

66. [Article 4](#) , which sets out general obligations, provides in paragraph (1):

“The Environmental Assessment referred to in article 3 shall be carried out in the preparation of a plan or programme and before its adoption or submission to legislative procedure.”

67. [Article 3](#) , which deals with the scope of the Directive, requires in paragraph (1) that an Environmental Assessment, in accordance with [articles 4 to 9](#) , shall be carried out for plans and programmes referred to in paragraphs 2 to 4 which are likely to have significant environmental effects.

68. [Article 5\(1\)](#) provides that:

“Where an Environmental Assessment is required under article 3(1), an Environmental Report shall be prepared in which the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated. The information to be given for this purpose is referred to in Annex 1. Annex 1 sets out a number of matters, including at sub paragraph (h) an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken....”

69. [Article 6](#) provides that:

“(1) The draft plan or programme and the Environmental Report prepared in accordance with article 5 shall be made available to the authorities referred to in paragraph 3 of this article and the public.

(2) The authorities referred to in paragraph 3 and public referred to in paragraph 4 shall be given an early and effective opportunity within appropriate timeframes to express their opinion on the draft plan or programme and the accompanying Environmental Report before the adoption of the plan or programme or its submission to the legislative procedure. ...”

70. Guidance on implementation of the Directive has been issued by the European Commission. Para. 1.5 of that Guidance makes it clear that it represents only the views of the Commission and is not of a binding nature. As Ouseley J commented in *Heard v Broadland DC* [2012] EWHC 344 (Admin), at para. 69, the Guidance is not a source of law.

71. Para. 4.2 of the Guidance states:

“As a matter of good practice, the Environmental Assessment of plans and programmes should influence the way the plans and programmes themselves are drawn up. While a plan or programme is relatively fluid, it may be easier to discard elements which are likely to have undesirable environmental effects than it would be when the plan or programme has been completed. At that stage, an Environmental Assessment may be informative but is likely to be less influential. Article 4(1) places a clear obligation on authorities to carry out the assessment during the preparation of the plan or programme.”

72. Para. 5.11 of the Guidance states that:

“The obligation to identify, describe and evaluate reasonable alternatives must be read in the context of the objective of the Directive which is to ensure that the effects of implementing plans and programmes are taken into account during their preparation and before their adoption.”

73. Para. 5.12 of the Guidance states:

“In requiring the likely significant environmental effects or reasonable alternatives to be identified, described and evaluated, the Directive makes no distinction between the assessment requirements for the drafted plan or programme and for the alternatives. The essential thing is that the likely significant effects of the plan or programme and the alternatives are identified, described and evaluated in a comparable way. The requirements in article 5(2) concerning the scope and level of detail for the information in the report apply to the assessment of alternatives as well. It is essential that the authority or Parliament responsible for the adoption of the plan or programme as well as the authorities and the public consulted, are presented with an accurate picture of what reasonable alternatives there are and why they are not considered to be the best option. The information referred to in Annex 1 should thus be provided for the alternatives chosen. ...”

74. Para. 7.4 of the guidance, which relates to the definition of “Environmental Assessment” in [Article 2\(b\)](#) of the Directive states that:

“This definition clearly states that consultation involved is an inseparable part of the assessment. Further, the results of the consultation have to be taken into account when the decision is being made. If either element is missing, there is, by definition, no Environmental Assessment in conformity with the Directive. This underlines the importance that is attached to consultation in the assessment.”

### **The claimant's ground (1)**

75. The claimant submits that the defendant breached the requirements of the Regulations in that it failed to set out the reasons for its initial selection of various general areas for possible location of housing. It is common ground that this obligation did not arise in the early stages of the drafting process, from 2006. However, the claimant submits that a key stage in the production of the Core Strategy was reached when the Revised Core Strategy Preferred Options draft was published in October 2008.

76. In support of this contention the claimant relied upon a recent decision by Ouseley J, *Heard v Broadland District Council* [2012] EWHC 344 (Admin). In particular the claimant relied upon what was known in that case as ground 1, which was considered at paras. 53-72 of the judgment. The claimant emphasised what Ouseley J said at para. 57 of his judgment, that the council in that case had not set out in any document “the outline reasons for the selection of alternatives at any particular stage.”

77. Under ground (1) the claimant submits that the SA/SEA in 2008 failed to identify in outline (or at all) the reasons for the selection of the alternatives to be the subject of assessment in Policy H2. The claimant submits that the SEA must identify in outline the reasons for the selection of alternatives to be the subject of assessment at all and that this is a different order of analysis from the actual assessment and selection of preferred options. The claimant submits that this defect in the 2008 draft was not cured in September 2009, when the pre-submission version of the Core Strategy was published and was accompanied by an SA/SEA.

78. I do not accept this ground of challenge. There is an air of unreality about this ground since, in fact, this claimant's site was in a general location which was among those selected for further assessment. In any event, in my view, the defendant did adequately explain the basis on which the initial selection of general locations to be considered for housing allocations was made, in particular the environmental reasons in outline terms.

79. I have already quoted the relevant passages in the documents from 2008 and 2009 which set out in outline the environmental reasons why parts of the western area of the district were to be considered for further assessment.

80. In particular, the Technical Report in relation to the SA/SEA in 2008 addressed this at para. 5.10. It was noted there that the “actual locations for growth proposed in the policy are considered to be the most sustainable options available” and that the “policy recognises the distinctive landscape and bio-diversity areas in the District.” It was also noted that the policy “takes an approach to development that minimises impacts on these areas by steering development toward the more developed western side of the District.”



81. Appendix 1 to that Technical Report, at para. 1.8 (which I have already quoted) also cross-referred to the relevant sections of the earlier SA Report which had provided an outline of the reasons for selecting the alternatives chosen and a description of the difficulties encountered in compiling the required information.

82. Furthermore, as I have already indicated, similar passages can be found in the Technical Report for the SA/SEA in respect of the pre-submission draft in 2009.

83. I therefore reject the claimant's ground (1) that there was a breach of the Regulations in this regard.

### **The claimant's ground (2)**

84. The claimant observes that the 2008 Revised Core Strategy Preferred Options draft preferred West Rochford as a general location for housing along with 10 other general locations across the District.

85. Under Policy H2 of that draft, East Rochford was identified as an “Alternative Option” to “other Rochford” locations. It was said that:

“It is considered that west Rochford is a more suitable location given its proximity to the train station, town centre and its relationship with areas of significant employment growth potential at London Southend Airport and its environs. Traffic flows from the new development top the east of Rochford would be predominantly through the centre of the town centre resulting in significant congestion.”

86. This was the first time in the Core Strategy process that any general development locations had been preferred and the first time that identified alternative locations had been rejected. Accordingly, submits the claimant, the affected public were entitled (applying the provisions of the Regulations and the Directive) to look to the SA/SEA *accompanying* the draft plan to understand why such a preference was being expressed in relation to reasonable alternatives and to examine the evidence upon which such a preference was based. However, the claimant submits, the SA/SEA which accompanied the Preferred Options document did not allow the public this early and effective engagement.

87. In this context the claimant again placed reliance on what was said by Ouseley J at para. 57 of his judgment in *Heard*. He found in that case that there was no discussion in an SA, in so far as required by the Directive, of why the preferred options came to be chosen, and that there was no analysis on a “comparable” basis, in so far as required by the Directive, of the preferred option and selected reasonable alternatives.

88. On that last point, the claimant also emphasised what Ouseley J said at para. 71:

“... it seems to me that, although there is a case for examination of a preferred option in greater detail, the aim of the Directive, which may affect which alternatives it is reasonable to select, is more obviously met by, and it is best interpreted as requiring, an *equal examination of the alternatives* which it is reasonable to select for examination alongside whatever, even at the outset, may be the preferred option. It is part of the purpose of this process to test whether what may start out as preferred should still end up as preferred after a fair and public analysis of what the authority regards as reasonable alternatives. ...” [Emphasis added]

89. Taken in isolation, I would be inclined to accept those submissions by the claimant under ground (2). Although the defendant and Bellway argued to the contrary, in my view, the documents from which I have already quoted, in particular the Technical Report for the SA/SEA in 2008, did not set out adequately the reasons for preferring the alternatives that were selected. It was indeed “prudent”, as Enfusion advised the defendant, to undertake a review of the sustainability of the Core Strategy.

90. However, the matter does not rest there, in my view. This is because the claimant's submission depends on its grounds (3) and (4) relating to the Addendum. If, as the defendant and Bellway submit, the Addendum cured any defects in the earlier stages of the process (ground (3)) and if as a matter of law it was capable of doing so (ground (4)), there would be no merit in ground (2) either. The main plank of the claimant's case is that the defendant was not entitled to seek to remedy any deficiencies in its procedures by way of the Addendum in July 2011. I therefore turn to those contentions under grounds (3) and (4).

### **The claimant's ground (3)**

91. The claimant submits that the Addendum fails to meet the requirements of the Regulations (read with the Directive) in a number of ways.

92. First, the claimant contends that, even if East Rochford was identified as a reasonable alternative, at all material times when East Rochford has been considered it has been considered solely against West Rochford and not against or as an alternative to any other housing location. No explanation even in outline has been given as to why it has been so limited as an alternative. The claimant complains that there was no appropriate comparison done between East Rochford and other locations such as Ashingdon.

93. I do not accept that contention. For example, the passages to which I have already referred, in particular the text of Table 3.1 in the Addendum, noted that location 5 (South East Ashingdon) and location 6 (East Ashingdon) were well located in relation to King Edmund School; location 3 (East Rochford) was not. More generally, in my view, the Addendum did adequately explain the environmental reasons why location 3 was not a preferred location.

94. Next, the claimant submits that the assessment of alternatives which was undertaken does not constitute a proper assessment on a comparable basis with the preferred locations. In particular, the claimant submits that the environmental effects of the preferred locations were considered in much more detail through the series of SEAs which had been produced

since the Revised Preferred Options draft in 2008. The consideration of alternatives in the Addendum was on a wholly different and lower scale (consistent with what is alleged to be an ex post facto justification).

95. I do not accept that contention. Rather, I accept the defendant's and Bellway's submissions that:

- (1) the Addendum was produced by independent consultants who will have been well aware of the fact that (as the inspector herself pointed out before the Addendum was commissioned) it must not be undertaken as an exercise to justify a predetermined strategy;
- (2) the claimant's assertion that Enfusion were simply asked to "verify" the conclusions already reached by Council Members is emphatically denied by Cllr Hudson (see his witness statement, para. 24);
- (3) In any event, having considered the Addendum and the submissions made (by the claimant and others) in connection with it, the independent inspector concluded that there was "no compelling reason to question [its] integrity".
- (4) Further, the inspector had specifically (and at the claimant's request) included within the "Matters and Issues" for consideration at the examination the question: "Are the broad locations identified for the supply of housing most appropriate when considered against all reasonable alternatives?" In that context, she considered whether the reasons advanced in the Addendum were sound and concluded that there was:

"no compelling evidence to dispute the conclusion of the SA that the chosen locations are the most sustainable."

96. On 27 October 2011 the defendant received the inspector's report concluding that, with a limited number of changes, the RCS was sound. The report notes (para. 3) that none of the changes materially altered the substance of the plan and its policies, or undermined the SA/SEA and participatory processes undertaken.

97. The inspector's report confirms her consideration of representations on the SA/SEA Addendum, as follows:

"In June 2011, and following the judgement of the High Court in the case of Save Historic Newmarket Ltd v Forest Heath District Council, the Council published a draft Addendum to the Sustainability Appraisal which was subject to consultation between 13 June and 11 July 2011 and I have taken account of representations made in preparing my report" (para. 10).

98. At para. 31 of her report, the inspector stated:

"The SA is informed by a comprehensive scoping report and I find no reason to conclude that any significant effects have not been taken into account. The SA Addendum (July 2011) provides a more detailed appraisal of the alternative locations considered, and was subject to public consultation. I have taken into account criticisms that the Addendum was produced after the submission draft plan, but sustainability appraisal is an iterative process"

99. At para. 32 she further stated:

“Overall, there is no compelling reason to question the integrity of the SA as a whole, and no convincing evidence to dispute the conclusion of the SA that the chosen locations are the most sustainable, and therefore the CS is sound in relation to this issue”

100. Further, the inspector concluded at para. 62, in respect of legal requirements, that the SA/SEA is adequate.

101. Following receipt of the inspector's report, the defendant prepared an SA/SEA Adoption Statement. The SA/SEA Adoption Statement also incorporates an SA/SEA Compliance Review and Quality Assurance, produced by Enfusion. The Compliance Review concludes:

“Having undertaken this review, it is our professional opinion that the SA/SEA of the Rochford Core Strategy (incorporating the Addendum reports of September 2010 and July 2011) is compliant with the SEA Directive and requirements and PPS 12 requirements for Sustainability Appraisal” (para.1.4).

102. On the evidence before the Court, I therefore reject the claimant's contention that the Addendum was an “ex post facto justification” or a “bolt-on consideration of an already chosen preference” to justify a decision which had already been taken.

103. Furthermore, I reject the contention that the Addendum did not adequately carry out an assessment on a “comparable” basis. I have earlier set out relevant passages from the Addendum. It is clear from the Addendum, in my judgement, that:

- (1) the 2009 SA/SEA had incorporated comments and representations received during public consultation on earlier iterations of the draft RCS and the sustainability appraisal undertaken throughout the plan-making process, since Issues and Options stage (para. 1.1);
- (2) it “... provides a summary of the alternatives considered throughout the production of the plan setting out the reasons for selecting/rejecting those alternatives. It also includes consideration of more detailed housing locations ...” (para. 1.3);
- (3) the same method of appraisal using the SA framework of objectives and decision-aiding questions for sustainable development had been used in its production (para. 1.5);
- (4) “A strategic approach was taken — appropriate to the Core Strategy level of plan-making and to minimise pre-empting the preparation of the Site Allocations DPD that will consider sites in more detail” (para. 1.7);
- (5) it incorporates consideration of “... the approach to general locations within each settlement” (para. 1.7);
- (6) it performs a comparative appraisal between locations and settlement areas:

- findings of “no significant effects identified” were recorded in the Addendum as to denote “... that the development of the location is unlikely to have a significant effect on the SA objective in question ...”;
- any “cumulative issues of significance” were considered in the Sustainability Appraisal Submission report (section 6).

104. In particular the explanation at Table 3.1 adequately explained, in my judgement, the reasons why, on environmental grounds, East Rochford was not considered a suitable general location for housing development and why other locations were preferred.

105. The claimant also submits that the assessment in the Addendum was defective because it failed to take any account of the defendant's own detailed findings in relation to the sustainable deliverability of the claimant's own site in East Rochford. The claimant submits that those findings were relevant to which areas are to be preferred because they relate to the ability of the claimant's large site alone to produce a scale of housing (320 units plus) similar to or greater than that suggested for other preferred broad locations (West Rochford — 450 units by 2015 and East Ashingdon – 100 units). The claimant argues that the acceptance in a formal document issued to the Inspectorate by the defendant (jointly with the claimant) that 326 dwellings at Coombes Farm in East Rochford would be acceptable in flood risk terms and in various other respects was clearly relevant to any comparable assessment but was left out of account.

106. However, I accept the submission by the defendant and Bellway that there is a conceptual difference between development throughout the general location of East Rochford and the development of one or more (non-specified) sites within this general location.

(1) The plan process and the claimant's appeal were concerned with two separate things. The plan process was concerned with identifying a broad geographical area within which it might be possible to locate 650 houses. The claimant's appeal was concerned with an application on a specific site for planning permission for 326 houses. It is not surprising that the consideration of the Coombes Farm application was carried out at a greater level of detail than the identification of broad areas for development in the RCS. However, whether or not Coombe Farm was suitable revealed nothing about the suitability of the surrounding area. This is particularly relevant, given that the claimant's proposals would only address part of the overall need for Rochford.

(2) To the extent that it might have been relevant to consider the claimant's particular site, this submission confuses two different issues, namely:

- whether the impacts of developing the claimant's site (whether in terms of traffic, habitats, landscape or any other matter) were sufficiently harmful as to justify refusal of permission for the claimant's site *if that site were considered in isolation* ;
- whether the impacts of developing the claimant's site (whether in terms of traffic, habitats, landscape or any other matter) would be more harmful/less advantageous than those which would arise if development were carried out to the west of Rochford instead.

The claimant's planning appeal was concerned with the former; the RCS process was concerned with the latter. It was for this reason that the 2008 draft of the RCS described west Rochford as being “more suitable” than the other Rochford locations. It did not suggest, nor did it need to, that there were no locations to the east of Rochford where residential development might be acceptable.

(3) In any event, one of the functions of the statutory process is to give members of the public the opportunity to draw what they perceive to be errors or omissions to the attention of the decision-maker. In the present case, if and so far as the claimant considered that the Addendum was wrong not to refer to the Statement of Common Ground and other material presented at the Coombes Farm planning appeal, it was open to it to draw the inspector's attention to this material in the EiP process. In fact, the claimant had already done this long before the Addendum was produced. This information was again drawn to the inspector's attention by a letter of 24 June 2011. Further detailed submissions were made on 8 July 2011. In the circumstances, there is no basis for the suggestion that the inspector was not properly informed of this matter.

107. Accordingly, I reject the claimant's ground (3) and conclude that, on the facts of the present case, the Addendum was adequate.

#### **The claimant's ground (4)**

108. The claimant submits that, even if as a matter of fact, the Addendum did comply with the requirements of the Regulations and the Directive, as a matter of law it was incapable of curing the defects in the earlier stages of the process.

109. Both the defendant and Bellway observe, as a preliminary point, that this is not the position which the claimant took when it first wrote to the defendant, drawing its attention to the decision in Forest Heath . Rather, the letter sent on its behalf on 7 April 2011 asked for only a suspension of the process. It stated:

“We would urge you to suspend any decision to adopt the Core Strategy until such time as the Council has conducted a fully objective and transparent assessment of the effects of the broad housing locations and their consideration against all reasonable alternatives.”

110. They also observe that the claimant's argument that the process on which the defendant embarked was inadequate was not advanced until 13 June 2011, *after* the draft Addendum had been published for consultation. No such argument was advanced when the defendant first announced its intention to review the SA in light of recent developments in the field of sustainability appraisals on 11 May 2011.

111. Under ground (4) the claimant relies, first, upon the language of [Regulation 13](#) , which requires “every draft plan... and its accompanying environmental report” (prepared in accordance with the Regulations) to be made available for the purposes of consultation by informing the public “as soon as reasonably practicable” of where the documents may be viewed. However, in my judgement, this does not have the effect contended for by the claimant, that the Addendum was incapable as a matter of law of curing any earlier defects in the process. It means simply that the draft plan, and any accompanying environmental report there happens to be, must be available for public consultation as soon as reasonably practicable. This is a timing provision. It does not prescribe the content of the report. Still less does it have the effect that if, for some reason, the accompanying report is not wholly adequate at that time, it cannot be supplemented or improved later before adoption of the plan, for example by way of the Addendum in the present case.

112. I prefer the submissions that were made by the defendant and Bellway. First, it should be noted that “Strategic Environmental Assessment” is not a single document, still less is it the same thing as the Environmental Report: it is a *process*

, in the course of which the Directive and the Regulations require production of an “Environmental Report”. Hence, [Article 2\(b\) of the SEA Directive](#) defines “environmental assessment” as:

“the preparation of the environmental report, carrying out consultations, the taking into account of the environmental report and the results of the consultations in the decision making and the provision of information on the decision in accordance with Articles 4 to 9”.

113. Furthermore, although [Articles 4 and 8](#) of the Directive require an “environmental assessment” to be carried out and taken into account “during the preparation of the plan”, neither Article stipulates when in the process this must occur, other than to say that it must be “before [the plan’s] adoption”. Similarly, while [Article 6\(2\)](#) requires the public to be given an “early and effective opportunity ... to express their opinion on the draft plan or programme and the accompanying environmental report”, [Article 6\(2\)](#) does not prescribe what is meant by “early”, other than to stipulate that it must be before adoption of the plan. The Regulations are to similar effect: [Regulation 8](#) provides that a plan shall not be adopted before account has been taken of the environmental report for the plan and the consultation responses.

114. The claimant relied upon several authorities said to support its submissions under ground (4).

115. The first case is a decision of the *High Court in Northern Ireland, Re Seaport Investments Limited [2008] Env LR 23*, a decision of Weatherup J on equivalent regulations in Northern Ireland which implemented, or purported to implement, the [SEA Directive](#). The applicants in that case contended that the regulations had failed to transpose the Directive correctly in a number of respects. The applicants also contended that there had been a breach of the Regulations and the Directive on the facts of the case.

116. Weatherup J accepted the applicants' argument in relation to what he called the second transposition issue: see paras. 19 – 23 of the judgment. He then turned to whether there had been a failure to comply with the requirements of the Regulations and Directive.

117. At para. 47 he said:

“The scheme of the Directive and the Regulations clearly envisages the *parallel development* of the Environmental report and the draft plan with the former impacting on the development of the latter throughout the periods before, during and after the public consultation. In the period before public consultation the developing Environmental Report will influence the developing plan and there will be engagement with the consultation body on the contents of the report. Where the latter becomes largely settled, even though as a draft plan, before the development of the former, then the fulfilment of the scheme of the Directive and the Regulations *may* be placed in jeopardy. The later public consultation on the Environmental Report and draft plan *may* not be capable of exerting the appropriate influence on the contents of the draft plan.” [Emphasis added]

118. The claimant emphasised in particular the phrase “parallel development.” However, it is important to read the passage as a whole, in particular the words I have emphasised towards the end of it: they indicate that Weatherup J did not intend to lay down a general and absolute rule but was in truth stressing that whether or not the scheme of the Regulations and Directive is in fact breached will depend on the facts of each case.

119. At para. 49 Weatherup J said:

“Once again the Environmental Report and the draft plan operate together and the consultees consider each in the light of the other. This must occur at a stage that is sufficiently ‘early’ to avoid in effect a settled outcome having been reached and to enable the responses to be capable of influencing the final form. Further this must also be ‘effective’ in that it does in the event actually influence the final form. *While the scheme of the Directive and the Regulations does not demand simultaneous publication of the draft plan and the Environmental Report it clearly contemplates the opportunity for concurrent consultation on both documents .*” [Emphasis added]

120. At para. 51 Weatherup J concluded on the facts of that case that:

“When the development of the draft plan had reached an advanced stage before the Environmental Report had been commenced there was *no opportunity* for the latter to inform the development of the former. This was not in accordance with the scheme of Articles 4 and 6 of the Directive and the Regulations.” [Emphasis added]

121. I accept the defendant's submission that, in Seaport , Weatherup J confirmed that as regards the requirement for a ER to “accompany” a draft plan, the Directive and Regulations do not require “simultaneous” publication of a draft plan and the ER.

122. The claimant also relied upon the decisions of Ouseley J in Heard (to which I have already made reference) and Collins J in Save Historic Newmarket Limited and other v Forest Heath District Council , the case which prompted the production of the Addendum. At para. 7 Collins J said:

“The challenge is brought on two grounds. First it is said that there was a failure to comply with the relevant EU Directive and the Regulations made to implement it that the Strategic Environmental Assessment (SEA) did not contain all that it should have contained. This if established would render the policy made in breach unlawful whether or not the omission could in fact have made any difference. That, as is common ground, is made clear by the decision of the House of Lords in Berkeley .... Although Berkeley concerned an EIA, the same principle applies to a SEA. To uphold a planning permission granted contrary to the provisions of that Directive would be inconsistent with the Courts obligations under European Law to enforce Community Rights. The same would apply to policies in a plan.”



123. However, it is important to note what the actual decision in that case was, and the basis for it. At para. 40, Collins J, in accepting the claimant's first ground of challenge in that case, said:

“In my judgement, Mr Elvin is correct to submit that *the final report* accompanying the proposed Core Strategy *to be put to the inspector* was flawed. It was not possible for the consultees to know from it what were the reasons for rejecting any alternatives to the urban development where it was proposed or to know why the increase in the residential development made no difference. The previous reports did not properly give the necessary explanations and reasons and in any event were not sufficiently summarised nor were the relevant passages identified *in the final report*. There was thus a failure to comply with the requirements of the Directive ...” [Emphasis added]

124. I accept Bellway's submission that the claimant's primary argument seeks to extend the principles in *Forest Heath* and *Heard* beyond their proper limit. Those were both cases where the Court was satisfied that *no* adequate assessment of alternatives had been produced prior to *adoption* of the plans in those cases. Although they comment (understandably) on the desirability of producing an Environmental Report in tandem with the draft plan, as does *Seaport*, neither is authority for the proposition that alleged defects in an Environmental Report cannot be cured by a later document.

125. I also consider, in agreement with the submissions by both the defendant and Bellway, that the claimant's approach would lead to absurdity, because a defect in the development plan process could never be cured. The absurdity of the claimant's position is illustrated by considering what would now happen if the present application were to succeed, with the result that policies H1, H2 and H3 were to be quashed. In those circumstances, if the claimant is correct, it is difficult to see how the defendant could *ever* proceed with a Core Strategy which preferred West Rochford over East. Even if the defendant were to turn the clock back four years to the Preferred Options stage, and support a new Preferred Options Draft with an SA which was in similar form to the Addendum, the claimant would, if its main submission is correct, contend that this was simply a continuation of the alleged “ex post facto rationalisation” of a choice which the defendant had already made. Yet if that choice is on its merits the correct one or the best one, it must be possible for the planning authority to justify it, albeit by reference to a document which comes at a later stage of the process.

126. As both the defendant and Bellway submit, an analogy can be drawn with the process of Environmental Impact Assessment where it is settled that it is an:

“unrealistic counsel of perfection to expect that an applicant's environmental statement will always contain ‘the full information’ about the environmental impact of a project. The Regulations are not based upon such an unrealistic expectation. They recognise that an environmental statement may be deficient, and make provision through the publicity and consultation processes for any deficiencies to be identified so that the resulting ‘environmental information’ provides the local planning authority with as full a picture as possible. There will be cases where the document purporting to be an environmental statement is so deficient that it could not reasonably be described as an environmental statement as defined by the Regulations ... but they are likely to be few and far between.”

See Sullivan J. in *R(Blewett) v. Derbyshire County Council* [2004] *Env LR 29* at para. 41, *approved by the House of Lords in R (Edwards) v. Environment Agency* [2008] *Env LR 34* at paras. 38 and 61.

127. Accordingly, I reject the claimant's ground (4) and conclude that the Addendum was capable, as a matter of law, of curing any defects in the earlier stages of the process.

#### **The claimant's ground (5)**

128. Under its final ground of challenge, the claimant submits that the inspector unfairly failed to re-open the public hearings on the issue of the Addendum. It observes that it was entitled to appear at all relevant stages of the EiP because it had made representations seeking to change the development plan document by the addition of East Rochford as a development location for housing and had requested that its representations be dealt with by way of hearing.

129. The claimant submits that the inspector's adoption of the written representation process to consider the Addendum meant that the claimant was not able to avail itself of this right in relation to the SA/SEA. This, it is alleged, was unfair and contrary to the provisions of s.20(6) of the 2004 Act.

130. In my judgement, there was no breach of the rules of natural justice or of the 2004 Act in the inspector's approach.

131. As Bellway points out, the claimant had already, in April 2010 (in advance of the EiP hearings), identified to the inspector the material from the Coombes Farm appeal which it considered relevant. That material was therefore available for consideration at the EiP.

132. Although the scheduled hearing sessions had been completed by the time the defendant had sought to undertake the SA/SEA Addendum, the inspector made it plain that she was prepared to contemplate the possibility of further EiP hearings into the SA/SEA Addendum were such hearings considered necessary.

133. This was in accordance with the way in which the defendant also envisaged things might go. On 11 May 2011 the defendant wrote to the Inspector, suggesting that they carry out additional work to the SA/SEA and that issue of the Examination report be delayed, pending this review:

“In order to enable this additional work to be appropriately fed into the decision-making process, we respectfully request that the issuing of the Inspector's report be postponed. We appreciate that additional work on the SA will necessitate a delay in the examination process to allow for the additional work to be drafted, consulted upon, and the results fed into the plan-making process as appropriate. Furthermore, *we are mindful that the Inspector may wish to hold further hearing sessions to consider the results of the additional SA work .*” [Emphasis added]

134. On 25 May 2011 the defendant suggested two timetables in relation to proceeding with the RCS examination, in order to account for potential scenarios following production of the SA Addendum (i.e. where changes to the RCS would and would not be required as a result of the additional SA work). The suggested consultation period under scenario 2 (i.e. where changes to the RCS would be required) was extended to 6 weeks.

135. As I have already said, the inspector confirmed that she was prepared to consider additional hearing sessions if necessary.

136. On 10 June 2011 the defendant stated:

“We are mindful that the public consultation period set out in the scenario 2 timetable represents an opportunity to consult not only on any changes that may be required as a result of the SA review, but also on adjustments to extend the Plan period to 15 years.”

137. All material arising in connection with the additional SA/SEA work carried out was published on the defendant's website, which included all correspondence between the defendant and the inspector about the process being undertaken. The claimant's representatives were perfectly aware of the timetable being followed and that all documents were being published online, and indicated their satisfaction with this process.

138. The defendant also points out that the claimant did not request a re-opening of the hearings at the time.

139. It is clear on the evidence before the Court that the inspector's considered view was that such hearings were not, as events turned out, necessary. I do not regard that view as one that was wrong or unfair. Accordingly, as I have indicated, I conclude on this ground that there was no breach of natural justice or the procedural requirements of the 2004 Act.

## **Conclusion**

140. For the above reasons this application is refused.

Crown copyright

## Appendix IJ15

No Adastral New Town Ltd v Suffolk Coastal DC and SoS CLG [2015] EWCA Civ 88



Neutral Citation Number: [2015] EWCA Civ 88

Case No: C1/2014/0672

**IN THE COURT OF APPEAL (CIVIL DIVISION)**  
**ON APPEAL FROM THE QUEEN'S BENCH DIVISION**  
**ADMINISTRATIVE COURT**

**Mrs Justice Patterson**  
**[2014] EWHC 223 (Admin)**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 17/02/2015

**Before :**

**LORD JUSTICE RICHARDS**  
**LORD JUSTICE UNDERHILL**

and

**LORD JUSTICE BRIGGS**

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**Between :**

**No Adastral New Town Limited**

**Claimant/**  
**Appellant**

**- and -**

**(1) Suffolk Coastal District Council**

**Defendant/**  
**Respondent**

**(2) Secretary of State for Communities and Local  
Government**

**Interested**  
**Party/**  
**Respondent**

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**Richard Buxton**, Solicitor Advocate (instructed by **Richard Buxton Environmental and Public Law, Cambridge**) for the Appellant  
**Paul Shadarevian and Emma Dring** (instructed by **Suffolk Coastal District Council Legal Services**) for the **First Respondent**  
The Second Respondent did not appear on the appeal

Hearing dates : 21-22 January 2015

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**Approved Judgment**

**Lord Justice Richards :**

***Introduction***

1. This case relates to a planning Core Strategy (“CS”) adopted by Suffolk Coastal District Council on 5 July 2013, setting the framework for development within the Council’s district until 2027. The focus of attention within the CS is the housing allocation for the Eastern Ipswich Plan Area (also referred to as the Area East of Ipswich). Five locations in that area were identified as options. The location that emerged as the preferred option and became part of the adopted CS is to the east of the A12 at Martlesham, more precisely to the south and east of Adastral Park. It is described in the documentation as Option 4 or Area 4 and is the subject of Strategic Policy SP20 of the adopted CS. The housing allocation on it was originally proposed to be 1050 dwellings but was increased to 2000 dwellings in the course of development of the CS.
2. The appellant, No Adastral New Town Limited (“NANT”), is an action group of local residents opposed to the choice of Area 4 for the allocation of housing under the CS. The concern that gave rise to these proceedings relates to the proximity of the location to the Deben Estuary, which is not only a Site of Special Scientific Interest (“SSSI”) but also a Special Protection Area (“SPA”), also known as a Natura 2000 site, enjoying a very high level of protection under European environmental law. At its closest, Area 4 is just over 1 kilometre from the edge of the Deben Estuary SPA. NANT’s particular concern is that a large housing development so close to the SPA may result in significant disturbance to the birds on the SPA through an increase in visitor numbers and in dog walking on the site.
3. NANT brought a claim seeking to quash the relevant part of the CS. The claim was based, so far as material, on alleged breaches of the procedural requirements of two EU directives: (1) Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (the Strategic Environmental Assessment Directive or “the SEA Directive”), implemented in domestic law by The Environmental Assessment of Plans and Programmes Regulations 2004 (“the SEA Regulations”); and (2) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habits and of wild fauna and flora (“the Habitats Directive”), currently implemented in domestic law by The Conservation of Habitats and Species Regulations 2010 (“the Habitats Regulations”).
4. The claim was dismissed by Patterson J, sitting in the Administrative Court. Permission to appeal to this court was refused on the papers by the judge below and by Sullivan LJ on the papers but was granted on an oral renewal by Christopher Clarke LJ.
5. The process leading to the adoption of the CS in 2013 started in 2006 and went through many stages. Patterson J found that in the course of that process there were breaches of the procedural requirements of the SEA Directive with regard to the carrying out of environmental assessments and consultation of the public but that the flaws were remedied before the CS was adopted. By the first ground of appeal, NANT contends that (a) as a matter of law, the earlier deficiencies were not capable of being cured later in the process, and (b) as a matter of fact, they were not so cured.

6. The other issues in the appeal concern the judge's rejection of NANT's case under the Habitats Directive. By ground 2 NANT contends that the Council was in breach of the Directive by failing to carry out an early screening assessment. By ground 3 it contends that there was a breach of the Directive by leaving mitigation measures over to later stages ("lower-tier" plan-making or specific projects) in circumstances where sufficient information was available at the stage of adoption of the CS to enable mitigation to be determined with certainty at that time.

### ***The legal framework***

#### *The Planning and Compulsory Purchase Act 2004 Act*

7. The statutory framework for the preparation of a CS is contained in the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") and related regulations. The governing regulations for most of the relevant period were the Town and Country Planning (Local Development) (England) Regulations 2004. With effect from 6 April 2012 they were the Town and Country Planning (Local Planning) (England ) Regulations 2012.
8. The relevant provisions are described in paragraphs 12-18 of the judgment below. I need only summarise the position here.
9. The 2004 Act requires a local planning authority to maintain a local development scheme involving the preparation of a CS and other local development documents, setting out the policies relating to the development and use of land in the authority's area. The preparation of a development plan document, including a CS, is subject to various procedural requirements. They include the following:
  - i) The local planning authority must carry out an appraisal of the sustainability of the proposals in the document (a sustainability appraisal or "SA") and prepare a report on the findings of the appraisal.
  - ii) Before submission to the Secretary of State (see below), a development plan document must be published and consulted upon.
  - iii) A development plan document must be submitted to the Secretary of State for independent examination, the purpose of which is to determine whether the document satisfies the procedural requirements relating to its preparation and whether it is sound. The independent examination is carried out by an inspector who holds an inquiry and produces a report.
  - iv) The decision whether to adopt the development plan document is that of the local planning authority but its powers are constrained by the recommendations in the inspector's report.
10. A person aggrieved by a development plan document may challenge it by an application to the High Court under section 113 of the 2004 Act on the ground, *inter alia*, that a procedural requirement has not been complied with. That is the section under which the present challenge was brought.

*The SEA Directive*

11. Article 3 of the SEA Directive requires Member States to carry out a strategic environmental assessment of certain plans and programmes, including a CS. Article 4 provides that the assessment shall be carried out “during the preparation of a plan or programme and before its adoption ...”. Article 5 provides that where an environmental assessment is required, an environmental report shall be prepared in which the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives, are identified, described and evaluated. Article 6 provides for relevant authorities and the public to be given an early and effective opportunity within appropriate time frames to express their opinion on the draft plan or programme and the accompanying environmental report “before the adoption of the plan or programme ...”.
12. The SEA Regulations contain more detailed provisions. They include specifics about the information required for environmental reports and about the consultation procedures. They are set out at paragraphs 23-26 of Patterson J’s judgment. They echo the Directive in providing that an environmental assessment must be carried out “during the preparation of that plan or programme and before its adoption ...” (regulation 5); that the plan or programme “shall not be adopted ...” before account has been taken of the environmental report and opinions expressed by the consultation bodies and public upon it (regulation 8); that where an environmental assessment is required, the report “shall identify, describe and evaluate the likely significant effects on the environment of (a) implementing the plan or programme; and (b) reasonable alternatives taking into account the objectives and geographical scope of the plan or programme” (regulation 12); and that every draft plan or programme for which an environmental report has been so prepared, and the report itself, shall be made available for consultation (regulation 13).
13. The SEA process is closely bound up in practice with the procedure under domestic law for preparation of development plan documents. This is also true of the assessments required by the Habitats Directive (see below). Thus, the Government’s National Planning Policy Framework states:

“165. ... A sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors.

166. Local Plans may require a variety of other environmental assessments, including under the Habitats Regulations where there is a likely significant effect on a European wildlife site .... Wherever possible, assessments should share the same evidence base and be conducted over similar timescales, but local authorities should take care to ensure that the purposes and statutory requirements of different assessment processes are respected.”



14. In line with that policy guidance, the sustainability appraisals (SAs) in this case were intended to meet not only the requirements of the 2004 Act and related regulations but also the environmental assessment requirements of the SEA Directive and implementing regulations. Some of the SAs also appended assessments carried out to meet the requirements of the Habitats Directive and implementing regulations.

*The Habitats Directive*

15. The aim of the Habitats Directive, as set out in Article 2, is to contribute towards ensuring biodiversity through the conservation of natural habitats and of wild flora and fauna in the European territory of the Member States. The provisions of direct relevance to this case are Article 6(2) and (3):

“2. Member States shall take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the area have been designated, in so far as such disturbance could be significant to the objectives of this Directive.

3. Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4 [cases where a plan or project must be carried out for imperative reasons of overriding public interest], the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”

The “appropriate assessment” required by Article 6(3) is generally referred to in the documentation and in the judgment below as an “AA” and I shall adopt that abbreviation.

16. The Habitats Regulations contain more detailed provisions. Paragraphs 28-29 of Patterson J’s judgment set out the text of regulation 61 (relating generally to the making of AAs) and regulation 102 (the requirement to make an AA in relation to land use plans). I need only quote regulation 102(1), because of its relevance to the argument concerning the timing of an initial assessment:

“Where a land use plan –

- (a) is likely to have a significant effect on a European site ...  
(either alone or in combination with other plans or projects),  
and

(b) is not directly connected with or necessary to the management of the site,

the plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site's conservation objectives."

***The process leading to the adoption of the CS***

17. The factual history occupies a substantial chunk of Patterson J's judgment, at paragraphs 30-91, to which reference can be made for matters of detail not covered here. I will concentrate on the key points.
18. Until 2010 the work was overseen within the Council by its Local Development Framework Task Group ("the LDFTG" or "the Task Group"). The Task Group made recommendations to Cabinet which in turn made recommendations to the full Council, the ultimate decision-maker. From 2010 the role of the Task Group was taken over by the Community, Customers and Partners Scrutiny Committee ("the Scrutiny Committee").
19. Various documents were prepared and published, and consultation exercises carried out, between 2006 and late 2008, by which time Area 4 had emerged as the Task Group's preferred option. The process up to this point was held by the judge not to meet the requirements of the SEA Directive because of the lack of an SA. It is also fair to say that the documentation during this period shows no real appreciation of the potential significance of the Deben Estuary as an SPA.
20. In December 2008, however, there was published for public consultation a document entitled "Core Strategy and Development Control Policies – Preferred Options". This document identified Area 4 as the Council's preferred option and explained its perceived advantages and disadvantages. It also outlined the other options considered and their respective advantages and disadvantages. The allocation proposed on Area 4 was 1050 dwellings. The Preferred Options document was accompanied by an SA which assessed all the options. In addition, one of the appendices to the SA was an AA ("Screening and Scoping Stage") pursuant to the Habitats Regulations. This explained that a series of conclusions had been reached after consideration of possible disturbance factors and the conservation objectives. The results were set out in a table that "becomes the list of key issues upon which consultation with Natural England will take place and will inform the public consultation which is about to commence". For the Area East of Ipswich, the table identified a negative impact and commented:

"Any development is likely to bring additional pressure to any of the sites of European interest, however the area near Martlesham identified as a 'preferred option' could have particularly negative impacts upon the Deben Estuary SPA/SSSI. Site-specific Appropriate Assessment will reveal further any issues."
21. Those documents and the responses to the consultation on them informed the subsequent decision-making process and were found by the judge to have cured the

earlier deficiencies in the SEA process in respect of the proposals as they stood at that point, that is for a housing allocation of 1050 dwellings on Area 4.

22. The next relevant feature of the process was an increase in the proposed allocation on Area 4 from 1050 to 2000 dwellings. A report for a meeting of the Task Group on 16 June 2009 analysed the results of the consultation on the December 2008 documents and put forward a revised strategy addressing issues raised. The proposal in relation to the Eastern Ipswich Plan Area, as set out in the executive summary, was: “New housing ... to be increased in order to create a large development there with an emphasis on it being a community with sufficient supporting infrastructure. The location for such a community remains at Martlesham although the location is specified as to south and east of Adastral Park.” An allocation of 2000 new dwellings was proposed to be made at that location. The Task Group resolved to endorse those proposals and to make a recommendation accordingly to Cabinet. The recommendation was endorsed in turn by Cabinet on 7 July 2009.
23. The problem about that was that the SA and consultation on which the decision was based related to 1050 dwellings, not 2000. The judge held that the increase in the proposed allocation was a material change of circumstances requiring consultation on the effect of the additional dwellings on the various options originally considered.
24. A consultation on the proposed increase to 2000 dwellings took place in September 2009 but was limited to Area 4 and therefore did not meet the point.
25. A further SA was prepared in January 2010 which did examine the comparative sustainability of an allocation of 2000 dwellings in relation to each of the original option areas. That document, however, remained internal to the Council until August 2011 when, as explained below, it was published in updated form for consultation. Until then it was not capable of remedying the deficiency in the process.
26. That was the position as at 18 March 2010 when the full Council considered the draft CS for the first time and resolved to approve it for submission to the Secretary of State for examination. In the event, for reasons it is unnecessary to consider, a further decision was taken in summer 2010 not to submit the CS at that stage but to review it. The reviewed CS was then published for consultation in November 2010, together with an updated SA. On 17 February 2011 Cabinet, having considered the consultation responses, endorsed the reviewed CS and recommended that it be submitted for consideration by the full Council. But when the matter came before the full Council on 27 July 2011 it was resolved that the submission of the reviewed CS for examination by an inspector should be subject to yet further updating of, and consultation on, the SA and AA.
27. In consequence, updated versions of the SA and AA, together with the pre-submission draft of the CS, were published for consultation in August 2011. On what appears to have been a precautionary basis, essentially the same material was re-issued for consultation in November 2011. It is sufficient to consider the documents issued in November.
28. Appendix 6 to the November 2011 SA was headed “Iterations of policies under the Core Strategy” and summarised in some detail the evolution of the CS and related policies over the period of plan preparation. It dealt with the options that had been

considered and the reasons for selection of the preferred option, in relation to overall housing requirement, housing distribution and housing areas, including the considerations that led to the preference for Area 4 over the other options for the Area East of Ipswich. Appendix 8 set out the sustainability appraisal of strategic housing areas undertaken in 2008 and 2010. It included the January 2010 update in which the five options for the Area East of Ipswich “are reappraised ... to consider the potential impact of 2,000 houses being accommodated on the areas”, using the same criteria as for previous SAs. In each case they were appraised against a detailed matrix of objective assessment criteria, including biodiversity and geodiversity.

29. The Council relies on that SA, the consultation on it and the consideration given to it by the full Council in December 2011 (see below) as remedying the previous deficiency in the SEA process.
30. The November 2011 AA contained a detailed assessment of the impact of the Area 4 allocation, alone or in combination with other proposed housing allocations, on the Deben Estuary SPA. It is unnecessary to go into much of the detail because the adequacy of the assessment as such is not challenged: the two grounds of appeal concerning the Habitats Directive have a more limited scope, relating respectively to the timing of the screening assessment and to mitigation measures.
31. The conclusions of the section of the AA dealing with Area 4 (referred to as Martlesham) and a separate proposed allocation at Felixstowe included this:

“6.2.45 Provided that strategic housing proposals for development at Martlesham and Felixstowe Peninsula are greater than 1 km from the Deben Estuary and Orwell Estuary respectively, together with improvements in accessibility to greenspace provision, it is unlikely that visitor recreation activity would substantially increase on the foreshore of those estuaries. It is therefore concluded that there would be no adverse affect [*sic*] upon the integrity of the respective European sites.”

The section on mitigation included a tabular summary which identified the relevant impact as “New large-scale increase in car-borne trips for recreation on European sites causing harm to features of European interest, primarily for sites with car parking within 8 km”. The mitigation proposed had two elements:

“Improvements to convenient local greenspace for routine use thus reducing the demand for visits to European sites.

The provision of a new Country Park (or similar high quality provision) to provide an alternative attraction for recreational activity for residents of existing and proposed new dwellings. This new Country Park will be attractive to dog walkers and others and include adequate provision for car parking, visitor facilities, dog bins, dogs off leads areas etc.”

The conclusion was that with the proposed mitigation the relevant housing policies would have no adverse effect upon the integrity of any European site.

32. On 15 December 2011 the full Council again considered the matter, on the basis of the most recent documents and a report from officers which included a summary of issues raised by responses to the recent consultation and officers' advice that those comments raised no matters requiring further review of the CS. The debate at the meeting included consideration of a motion by one of the councillors that "(a) The Council agrees to undertake a full Strategic Environmental Assessment and Appropriate Assessment in relation to each strategic option for the East of Ipswich Allocations; (b) Prior to commencement of the examination in public, the Council consults the public and statutory consultees on the fresh SEA and AA reports so that the outcome of consultation was before the inspector; (c) The Council agrees to reconsider the preferred option in light of (a) and (b) above ...". The motion was defeated by a substantial majority. It was resolved that the draft CS be published for pre-submission consultation and thereafter be submitted for examination by an inspector.
33. The draft CS was submitted for examination in May 2012. The history of the inspector's examination is summarised at paragraphs 72-91 of Patterson J's judgment. I need mention only some of the matters covered.
34. BT plc, the owner of Adastral Park, had submitted a planning application for the site which, although distinct from the strategic policies of the CS, was relevant *inter alia* to the question of mitigation to avoid adverse effects to the Deben Estuary SPA. A revised appropriate assessment provided in July 2012 in support of BT's planning application included the proposed provision of some 54 hectares of public open space by way of on-site green space on BT's land, together with improvements to public rights of way encouraging movements away from the SPA, and additional measures related to the Deben Estuary to offset any residual impacts. That proposal was relied on by the Council, in its submissions to the inspector, as showing that the package of mitigation measures could be achieved by way of developer funding.
35. A statement of common ground on green infrastructure was agreed between Natural England, various other bodies and the Council. Natural England confirmed that it was happy with the detail provided in the draft CS. It noted that it had seen additional detail in relation to BT's planning application. The AA was agreed as using the best and most up to date information available. The statement contained certain agreed suggested modifications.
36. In February 2013, proposed modifications to the CS were published for consultation. They included modifications to policy SP20 that were relevant to the issue of mitigation. The inspector subsequently confirmed that the CS could be adopted subject to those modifications, and on 5 July 2013 the Council resolved to adopt it.
37. The adopted CS included an allocation of 2000 new homes on Area 4. The text explained that the development would be progressed as part of the Area Action Plan. It included the following in relation to potential impact on the Deben Estuary SPA:

"4.16 ... The Core Strategy has been subject to Sustainability Appraisal and Appropriate Assessment both of which consider that the broad scale and distribution of development can be successfully mitigated. However, should the more detailed Appropriate Assessment of the Area Action Plan conclude that

part of the Strategy cannot be delivered without adverse impacts on the Deben Estuary SPA which cannot be mitigated, then the Area Action Plan will only make provision for the level and location of development for which it can be concluded that there will be no adverse effect on the integrity of the SPA, even if this level is below that in the strategic allocation.”

38. Strategic Policy SP20 itself stated that the strategic approach to development in the Eastern Ipswich Plan Area could be divided into three sections, one of which related to the area to be covered by the Martlesham, Newbourne & Waldringfield Area Action Plan. The strategy for that Area Action Plan was said to have a number of features listed in the policy. In line with the text quoted above, the list ended with this:

“(xii) the Council will require further proposals to be supported by an Appropriate Assessment to meet the requirements of the Habitats Regulations. If the results of the Appropriate Assessment show that part of the Strategy cannot be delivered without adverse impacts on designated European sites which cannot be mitigated, then the proposals will only make provision for the level and location of development for which it can be concluded that there will be no adverse effect on the integrity of a designated European nature conservation site.”

39. After a sentence relating to the necessary transport and other infrastructure to serve the proposed employment and housing, the policy continued:

“... The November 2011 Appropriate Assessment and the mitigation measures it contains ... will provide the basis for more detailed project level assessments associated with the Area Action Plan and planning application proposals and associated cumulative impacts. Those measures will be required to reflect the objectives set which include the creation of alternative opportunities for countryside recreation for existing and future residents as a preferred alternative to visiting European nature conservation sites; improved visitor infrastructure including wardening; and monitoring to quantify reductions in visitor harm achieved by mitigation projects.

Specifically, on land to the south and east of Adastral Park, strategic open space in the form of a country park or similar high quality provision will be required to mitigate the impact of development at this site and the wider cumulative impact of residential development on the relevant designated European nature conservation sites.”

### ***Ground 1: compliance with the SEA Directive***

#### *Patterson J's judgment*

40. The issues raised by the first ground of appeal arise out of paragraphs 92-129 of Patterson J's judgment. Having set out the rival submissions, the judge began her discussion, at paragraphs 106 et seq., by considering various provisions of the SEA Directive and the guidance on it issued by the European Commission. She continued:

“118. The wording of the domestic Regulations, read in the context of the Directive, make it clear that the environmental assessment of a draft plan should be an ongoing process. The objective is to ensure that the environmental effects of emerging policies can be taken into account while plans are actually being “developed”. To enable that to occur the process of preparing the environmental report should start, as the Commission says in its guidance, as early as possible, and ideally, at the same time as the preparation of the plan or programme.

119. That does not mean that there is an absolute rule that the plan and the environmental report proceed in parallel so that there is a requirement for simultaneous publication of the draft plan and environmental report. What it does mean though, in my judgement, is that there should be an integrated process whereby the environmental report assesses the emerging plan and the subsequent iteration of that plan has regard to the contents of the environmental report and public consultation on both documents. Whilst there is some flexibility in the process the objective of the Directive can only be met properly by taking into account an environmental report on the environmental effects of the policies in a draft plan as the policies develop. What is required may vary according to the plan being promoted and the stage that it has reached.”

41. On that basis the judge found that SAs should have been produced for the consultation exercises in 2006-2008, albeit relatively rudimentary at the commencement of the process and increasing in content as the draft plan developed. Without them, the decisions taken on the options were not adequately informed. She held that the decisions taken by the Task Group counted for that purpose, rejecting a contention that the first relevant decision was when the full Council resolved to approve the draft CS on 18 March 2010. Accordingly, there was a flaw in the early decision-making process. But she continued:

“124. The matter, though, does not end there. In December 2008 the defendant published the Core Strategy and Development Control policies Preferred Option document with option 4 as the preferred option for 1050 houses. The latter document was accompanied by a SA and a scoping and screening report for an AA to be carried out under the 2010 Habitats Regulations. That clearly recorded the nature

conservation significance of the Deben Estuary. The potential negative impact as a result of visitor pressure was clearly noted. Further consultation took place with that information clearly in the public domain.

125. When the results of the consultation exercise were considered by the LDFTG on 16th June 2009 their decision to proceed with the housing allocation on the Area East of Ipswich was thus a well and properly informed decision.”

42. She moved to NANT’s criticism of the decision to increase the housing allocation to 2000 without considering the effect of that increase on the sites which had originally been considered as alternatives before the preferred option was chosen. She considered a contention by the Council that by September 2009 the original alternative sites were non-starters: the reason for the increase was to provide significantly improved community facilities and a better opportunity to mitigate potential impacts on the countryside and the Deben Estuary through provision of properly managed open space, as well as delivering greater funding opportunities for transport provision, so that the rationale for increasing the number of dwellings on Area 4 could not apply elsewhere. She held, however:

“128. The increase in the allocation on SP20 to 2000 houses was, in my judgment, a material change of circumstances. It would have been better, therefore, to have consulted as part of the September 2009 consultation on the effect of the additional dwellings at the original alternative option sites. However, an assessment of the alternative option sites was carried out in January 2010 for 2000 houses on each of the original options 1-5 in the [Eastern Ipswich Plan Area]. All of the options were assessed as having strongly negative impacts for bio-diversity. The overall assessment recorded,

‘The updated appraisal looking at 2000 houses suggests area 4 is very marginally the least sustainable however all areas will require new investment in infrastructure and generate similar concerns for cumulative impact upon Natural 2000 designations.’”

43. The judge’s reference in that paragraph to the January 2010 SA requires qualification in that, as explained above, that SA was originally an internal document and was only published for consultation, in updated form, in August 2011 and again in November 2011. It is clear from other passages in her judgment, in particular paragraph 67, that the judge was in fact aware of the point.
44. The judge concluded this section of her judgment as follows:

“129. The claimant contends that because of the 2 significant errors the entire SEA process was vitiated. As is clear I do not accept that submission for the following reasons:-



(i) the individual decisions complained about were corrected by the defendant before the plan was adopted as set out above;

(ii) the decision to increase the housing numbers on SP20 to 2000 was taken on valid grounds taking into account environmental considerations as part of a classic planning judgement. There is no basis for separating out environmental considerations;

(iii) when the council made the decision on the 18<sup>th</sup> March 2010 to proceed with the Development Plan it was fully informed about the environmental implications on all alternative sites and the results of the public consultation on the effect of 2000 houses on all 5 of the original option sites;

(iv) the pre-submission draft Development Plan included an updated SA which dealt with the main issues raised on housing distribution, the alternative sites which had been considered, and the increase in housing numbers at SP20 including their environmental impact. Although the claimant criticises that document and that in August 2011, which also went out for consultation, on the basis that they create an unacceptable paper chase the situation is very different from the case of *Berkeley v Secretary of State for the Environment* [2000] 3 WLR 420 which the claimant relies upon. In that case there was no environmental assessment at all. In the instant case there was a complete reference back to earlier documents and the reasons for rejecting earlier options. Applying the test of Collins J in *Save Historic Newmarket Limited v Forest Heath* [2011] EWHC 606 at [40] ... [t]he consultees were well aware of the reasons for rejecting the alternatives to the development that was proposed here.

(v) The inspector considered whether the CS was sound in his report. He considered that it was for reasons set out in paragraphs 16-27 ... of his report to the defendant. His report was fully reasoned and took into account all material considerations, including the development of the CS and the various legal judgments that were delivered during its preparation. It has not been criticised by the claimant;

(vi) The council had sufficient and good reasons to act as it did as set out above. It, therefore, acted rationally at the critical stage of the Development Plan.”

45. The reference in sub-paragraph (iii) to the Council’s decision of 18 March 2010 requires a qualification corresponding to that made above in relation to the January 2010 SA. As at 18 March 2010, the January 2010 SA had not been consulted on: the consultation on that SA took place in August 2011 and then November 2011. It was the Council’s decision of 15 December 2011, not the decision of 18 March 2010, that was informed by the results of the consultation. The judge’s essential reasoning,

however, is not affected if the relevant passage in her judgment is amended so as to refer to the December 2011 decision rather than the March 2010 decision. I will proceed on the basis that the amendment is made.

*The issues in the appeal*

46. The Council does not seek to challenge the judge's findings that there were two deficiencies in the course of the SEA process, namely (i) the failure to carry out an SEA at the early stages of preparation of the CS, prior to the Preferred Options consultation in December 2008, and (ii) the failure to consult on the alternative options to Area 4 at the time when an increase in housing allocation to 2000 dwellings was proposed in September 2009. But the Council supports the judge's conclusion that each of those two deficiencies was subsequently cured and that the requirements of the SEA Directive and implementing regulations had been complied with by the time of adoption of the CS – indeed, by the time of submission of the draft CS for examination by the inspector. (The Council's concession in relation to (ii) makes it unnecessary to consider whether, as Mr Buxton repeatedly asserted in his submissions on behalf of NANT, the September 2009 consultation was unlawful on ordinary public law principles by reason of the failure to mention the alternatives considered: see *R (Moseley) v London Borough of Haringey* [2014] UKSC 56.)
47. By the first ground of appeal, NANT challenges the judge's conclusion. The ground is elaborately formulated and the development of it in written and oral submissions was not altogether clear, but there appear to be two essential contentions, namely that (a) as a matter of law, the earlier deficiencies were not capable of being cured later in the process, and (b) as a matter of fact, they were not so cured. I will consider each point in turn.
48. As to the legal issue, a convenient starting-point is the judgment of Singh J in *Cogent Land Llp v Rochford District Council and Bellway Homes Ltd* [2012] EWHC 2542 (Admin), [2013] 1 P&CR 2, in which a very similar issue arose. The case concerned the development of a Core Strategy. The claimant submitted that documents produced in 2008 for the SA/SEA did not set out adequately the reasons for preferring the selected locations over alternatives that had been rejected, so that the public was not allowed the early and effective engagement that was required. The judge was inclined to accept that submission but he held that a July 2011 Addendum cured any defects in the earlier stages of the process.
49. In rejecting the claimant's submission that as a matter of law the Addendum was incapable of curing the earlier defects, Singh J reasoned as follows. First, he said this about the SEA process:

“112. ... First, it should be noted that ‘Strategic Environmental Assessment’ is not a single document, still less is it the same thing as the Environmental Report: it is a *process*, in the course of which the Directive and the Regulations require production of an ‘Environmental Report’. Hence, art 2(b) of the SEA Directive defines ‘environmental assessment’ as:

‘the preparation of the environmental report, carrying out consultations, the taking into account of the environmental

report and the results of the consultations in the decision making and the provision of information on the decision in accordance with Articles 4 to 9’.

113. Furthermore, although arts 4 and 8 of the Directive require an ‘environmental assessment’ to be carried out and taken into account ‘during the preparation of the plan’, neither article stipulates when in the process this must occur other than to say that it must be ‘before [the plan’s] adoption’. Similarly, while art 6(2) requires the public to be given an ‘early and effective opportunity ... to express their opinion on the draft plan or programme and the accompanying environmental report’, art 6(2) does not prescribe what is meant by ‘early’, other than to stipulate that it must be before adoption of the plan. The Regulations are to similar effect: reg 8 provides that a plan shall not be adopted before account has been taken of the environmental report for the plan and the consultation responses.”

50. He then considered a number of authorities, including the decision of the High Court in Northern Ireland in *Seaport Investments Ltd’s Application for Judicial Review* [2008] Env LR 23; the decision of Ouseley J in *Heard v Broadland District Council* [2012] EWHC 344 (Admin), [2012] Env LR 23; and the decision of Collins J in *Save Historic Newmarket Ltd v Forest Heath District Council* [2011] EWHC 606 (Admin), to which the judge in the present case referred at paragraph 129(v) of her judgment, quoted above. Singh J found that none of those authorities gave material support to the claimant’s case.

51. Next, he gave the following additional reason in support of his view that defects at earlier stages of the proposal could in principle be cured at a later stage:

“125. I also consider ... that the claimant’s approach would lead to absurdity, because a defect in the development plan process could never be cured. The absurdity of the claimant’s position is illustrated by considering what would now happen if the present application were to succeed, with the result that Policies H1, H2 and H3 were to be quashed. In those circumstances, if the claimant is correct, it is difficult to see how the defendant could *ever* proceed with a Core Strategy which preferred West Rochford over East. Even if the defendant were to turn the clock back four years to the Preferred Options stage, and support a new Preferred Options Draft with an SA which was in similar form to the Addendum, the claimant would, if its main submission is correct, contend that this was simply a continuation of the alleged ‘ex post facto rationalisation’ of a choice which the defendant had already made. Yet if that choice is on its merits the correct one or the best one, it must be possible for the planning authority to justify it, albeit by reference to a document which comes at a later stage of the process.”

52. Finally, at paragraph 126, Singh J drew an analogy with the cognate area of Environmental Impact Assessments, quoting from paragraph 41 of the judgment of Sullivan J in *R (Blewett) v Derbyshire County Council* [2004] Env LR 29, as approved by the House of Lords in *R (Edwards) v Environment Agency* [2008] Env LR 34:

“[it is] an unrealistic counsel of perfection to expect that an applicant’s environmental statement will always contain the ‘full information’ about the environmental impact of a project. The Regulations are not based on such an unrealistic expectation. They recognise that an environmental statement may be deficient, and make provision through the publicity and consultation processes for any deficiencies to be identified so that the resulting ‘environmental information’ provides the local planning authority with as full a picture as possible. There will be cases where the document purporting to be an environmental statement is so deficient that it could not reasonably be described as an environmental statement as defined by the Regulations ... but they are likely to be few and far between.”

53. Mr Buxton, in his submissions on behalf of NANT, said that he did not disagree with the analysis in *Cogent*. That was a realistic stance. In my judgment, the conclusion reached by Singh J on the issue of principle was correct for the reasons he gave. A similar view of the law was expressed by Sales J, albeit *obiter* and without the benefit of argument, in *Ashdown Forest Economic Development Llp v Secretary of State for Communities and Local Government* [2014] EWHC 406 (Admin), at paragraph 89. In Sales J’s view the correct focus for analysis under the SEA Directive was the Core Strategy documents submitted for independent examination by the inspector: “[the] procedures involved in independent examination of a plan by an inspector, including by examination in public, appear to me to be a consultation process which is capable of fulfilling the consultation requirement under Article 6 of the Directive”.
54. Mr Buxton sought to distinguish *Cogent* as dealing with a different issue from that in the present case. He said that the defect in *Cogent* concerned the giving of reasons – it was a failure to explain why the Council had made its choices – whereas the deficiencies in the present case were defects of process. I do not accept that there is any relevant distinction between the two cases. The failure in *Cogent* to give adequate reasons for preferring the selected locations over alternatives was just as much a defect of process as were the deficiencies in the present case. In any event, the reasoning of Singh J in *Cogent* is just as applicable to the deficiencies in the present case as it was to the defect in *Cogent* itself.
55. Mr Buxton’s submissions on the legal issue tended to slip into submissions on the factual issue, to which I now turn. NANT’s case is that neither of the deficiencies identified by the judge was cured as a matter of fact. Although both deficiencies are relied on, the argument is concentrated on the failure to consult on alternative options at the time when the decision was taken to move from 1050 to 2000 houses on Area 4. What is said is that at no subsequent stage was there a “meaningful” consultation on the other options.

56. I think that there are two strands to that argument. First, NANT contends that by the time the Council came to take its decision in December 2011 on the basis of the further consultation, the Council's mind was effectively made up. The notion that the Council might have changed its mind and rejected the preferred option at that stage is said to be unrealistic. It is submitted that the purported consultation in November 2011 was not a real consultation and that it did not therefore cure the absence of a proper consultation at an earlier stage in the decision-making process.
57. In my judgment, that line of argument is untenable. I can see no evidential basis for the proposition that the November 2011 consultation was not a real consultation or that the Council approached the results of the consultation with a closed mind. The very fact that the meeting of the Council on 15 December 2011 included debate on a motion calling for reconsideration of the preferred option in the light of further assessments shows that the issue was still a live one at that time. The fact that the motion was defeated does not begin to show a closed mind on the part of those voting against it. There is nothing whatsoever to suggest that the decision taken by the Council at that meeting to submit the draft CS for examination by the inspector was anything other than a genuine decision reached after due consideration of the November 2011 SA and the responses to the consultation on it.
58. The second strand to NANT's factual argument is a contention that the documentation consulted on in November 2011 did not sufficiently identify the reasons for rejecting the alternatives to Area 4 as locations for the allocation of 2000 dwellings. It is said that the SA involved too much of a "paper chase", referring back to previous documents, and in any event that cross-reference to previous flawed decisions did not save the position.
59. Again I cannot accept the argument. It is true that the November 2011 SA did refer back to previous documents: I have referred in particular, at paragraph 28 above, to the appendices that summarised the evolution of the CS, the options that had been considered and the reasons for selection of the preferred option, and that set out the sustainability appraisal of strategic housing areas undertaken in 2008 and 2010. All this was done, however, in a manner that was perfectly intelligible, and the material specifically included the January 2010 appraisal of the impact of an allocation of 2000 dwellings on each of the five options originally considered. I agree with Patterson J that there was no unacceptable paper chase and that consultees were made well aware of the reasons for rejecting the alternatives to Area 4. I also agree with the judge that when the Council made the decision to proceed with the CS, it was fully informed about the environmental implications on all alternative areas and of the results of the public consultation on the effect of 2000 dwellings on all five of the original option areas. The judge was right to find that the earlier deficiencies in the SEA process had been cured.
60. I would therefore reject the first ground of appeal, relating to the SEA process. I turn to consider the two grounds of appeal relating to the Habitats Directive.

***Ground 2: the timing of the AA under the Habitats Directive***

61. Ground 2 is again elaborately formulated but the short question it raises is whether the Council was in breach of the Habitats Directive by not carrying out an initial screening assessment until December 2008. The purpose of a screening assessment is

to determine whether a full AA is required. Mr Buxton submits that there is an obligation to carry out such a screening assessment at an early stage of the decision-making process and that December 2008 was too late since by that time Area 4 had already been selected as the preferred option. He submits that if the screening assessment had been carried out earlier, the Council would have appreciated at an earlier stage the significance of the Deben Estuary SPA and of the particularly negative impacts that the allocation of housing on Area 4 would have on the SPA, and it is possible that the whole process of area selection would have been different.

62. The relevant provisions of the Habitats Directive are Article 6(2) and (3). I have set them out at paragraph 15 above. The overarching obligation in Article 6(2) is that Member States must take appropriate steps to *avoid*, in SPAs, the deterioration of habitats and significant disturbance of the species for which the areas have been designated. Article 6(3) provides that any plan or project not directly connected with or necessary to the management of an SPA but likely to have a significant effect on it shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives; and in the light of the conclusions of the assessment, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site and, if appropriate, after having obtained the opinion of the general public.
63. Thus, the language of Article 6 focuses on the end result of avoiding damage to an SPA and the carrying out of an AA for that purpose. That point is carried through into regulation 102(1) of the Habitats Regulations, quoted at paragraph 16 above, which provides that an AA must be made "before the plan is given effect". In this case, the November 2011 AA, on which the public was consulted, concluded that, subject to proposed mitigation, the housing allocation at Area 4 would have no adverse effect on the integrity of the SPA. Mitigation is considered separately below under the third ground of appeal. Subject to that, the assessment is not challenged. If the proposed development on Area 4 would have no adverse effect on the integrity of the SPA, the basic obligation in Article 6(2) and the specific requirement of Article 6(3) are satisfied. It is difficult to see in those circumstances how anything could turn on the timing of a screening assessment.
64. Mr Buxton submitted that Article 6 is nevertheless to be interpreted as imposing an obligation to carry out a screening assessment at an early stage and that regulation 102(1) is to be read down so as to comply with that interpretation (though he does not explain precisely how it is to be read for that purpose). He sought to derive support for this from Case C-258/11, *Sweetman v An Bord Pleanala*.
65. At paragraphs 45-50 of her opinion in *Sweetman*, delivered on 22 November 2012, Advocate General Sharpston states that Article 6(3) lays down a two-stage test. At the first stage it is necessary to determine whether the plan or project is likely to have a significant effect on the site. The likelihood (or possibility) is a trigger for the obligation to carry out an AA. Where an AA is required, its purpose is that the plan or project should be considered thoroughly, on the basis of the best scientific knowledge in the field. At this, the second stage, the test which the expert assessment must determine is whether the plan or project has an adverse effect on the integrity of the site, since that is the basis on which the competent national authorities must reach their decision. For my part, however, I see nothing in that passage to assist NANT's case. The Advocate General says nothing to the effect that there must be a screening

assessment at an early stage in the decision-making process. She merely points to the need to determine at the first stage whether the plan or project is likely to have a significant effect on the site (a question that in my view will be capable of being answered in many cases without any screening assessment at all), and to the approach required at the second stage when an AA is carried out.

66. The judgment of the Court of Justice in *Sweetman*, dated 11 April 2013, describes the two stages required by Article 6(3) slightly differently. At paragraphs 29-31 the Court states that the first stage “requires the Member States to carry out an appropriate assessment of the implications for a protected site of a plan or project when there is a likelihood that the plan or project will have a significant effect on that site”; and that the second stage “allows such a plan or project to be authorised on condition that it will not adversely affect the integrity of the site concerned ...”. The difference between that and the Advocate General’s formulation is not, however, material. The Court’s judgment again gives no support to the contention that there must be a screening assessment at an early stage in the decision-making process.
67. The Court in *Sweetman* referred back to Case C-127/02, *Waddenvereniging and Vogelbeschermingsvereniging* [2004] ECR I-7405, to which Mr Buxton also took us, but neither the opinion of the Advocate General nor the judgment of the Court in that case appears to me to take matters any further. The same applies to the later decision of the Court in Case C-521/12, *TC Briels and Others v Minister van Infrastructuur en Milieu* (judgment dated 15 May 2014), to which brief reference was also made in submissions.
68. In none of this material do I see even an *obligation* to carry out a screening assessment, let alone any rule as to when it should be carried out. If it is not obvious whether a plan or project is likely to have a significant effect on an SPA, it may be necessary in practice to carry out a screening assessment in order to ensure that the substantive requirements of the Directive are ultimately met. It may be prudent, and likely to reduce delay, to carry one out an early stage of the decision-making process. There is, however, no obligation to do so.
69. Accordingly, there was no breach of the Habitats Directive by failing to carry out a screening assessment in this case until December 2008. A full AA was in fact carried out and led to a properly based conclusion that the allocation of housing proposed in the CS would not have an adverse effect on the integrity of the SPA. That met the relevant requirements of the Directive.

### ***Ground 3: the issue of mitigation under the Habitats Directive***

70. Ground 3 is another elaborately formulated ground but is to the effect that the Council was in breach of Article 6 of the Habitats Directive by leaving mitigation measures over for assessment at the stage of the Area Action Plan or specific planning applications, in circumstances where sufficient information was available to assess the effectiveness of such measures at the stage of the CS. It is submitted to be contrary to the scheme of the Directive to leave matters of mitigation to lower-tier plan-making or specific project stages if the relevant information is known at the prior stage.
71. Mr Buxton cited the opinion of Advocate General Kokott in Case C-6/04, *Commission v United Kingdom* [2005] ECR I-9017, as supporting him on this issue.

In my view, however, it does not take him very far. The case concerned various alleged failures by the United Kingdom to implement the Habitats Directive correctly. One matter of complaint, which was held to be well founded, was that the UK legislation did not require land use plans to be subject to an appropriate assessment. That was the context in which, at paragraph 49 of her opinion, the Advocate General dealt with an objection that the full effects of a measure would not be known at the land use plan stage:

“49. The United Kingdom Government is admittedly right in raising the objection that an assessment of the implications of the preceding plans cannot take account of all the effects of a measure. Many details are regularly not settled until the time of final permission. It would also hardly be proper to require a greater level of detail in preceding plans or the abolition of multi-stage planning and approval procedures so that the assessment of implications can be concentrated on one point in the procedure. Rather, adverse effects on areas of conservation must be assessed at every relevant stage of the procedure to the extent possible on the basis of the precision of the plan. The assessment is to be updated with increasing specificity in subsequent stages of the procedure.”

In that passage the Advocate General was saying no more than that the extent of detail of an assessment will depend on the precision of the plan, so that increased specificity will be required as one moves through the various stages of the approvals procedure. She was certainly not addressing the question whether mitigation measures must be considered at each stage of the procedure in as much detail as the available information permits.

72. In my judgment, the important question in a case such as this is not whether mitigation measures were considered at the stage of CS in as much detail as the available information permitted, but whether there was sufficient information at that stage to enable the Council to be duly satisfied that the proposed mitigation could be achieved in practice. The mitigation formed an integral part of the assessment that the allocation of 2000 dwellings on Area 4 would have no adverse effect on the integrity of the SPA. The Council therefore needed to be satisfied as to the achievability of the mitigation in order to be satisfied that the proposed development would have no such adverse effect. As Sullivan J expressed the point in *R (Hart District Council) v Secretary of State for Communities and Local Government* [2008] EWHC 1204 (Admin), [2008] P&CR 16, at paragraph 76, “the competent authority is required to consider whether the project, as a whole, including [mitigation] measures, if they are part of the project, is likely to have a significant effect on the SPA”.
73. That issue was answered clearly and decisively in the Council’s favour by the judge, in the course of the passage at paragraphs 138-157 of her judgment where she ran together this and the preceding ground of challenge. Thus, at paragraph 149, in relation to the proposed mitigation by the provision of a country park or similar to the south and east of Adastral Park, the judge quoted the inspector’s finding that “[w]hile the detailed calculations of the specific scale of provision and types of facilities to be included are matters for an area action plan or planning application, there is sufficient evidence that this element of the mitigation available by the AA can be achieved and



is deliverable in phase with the new housing development”. At paragraph 150 she referred to the inspector’s further finding that the provision of wardening and visitor management facilities to cope with additional visitor pressure to the area was capable of being delivered. At paragraph 151 she referred to the inspector’s consideration of BT’s proposals in connection with its planning application, including the proposed provision of open space. She went on to say:

“152. The fact that the inspector was familiar with the proposed modification to SP20 and was satisfied that it could be incorporated within a sound plan meant that he was content that the proposed mitigation was practical and sufficiently certain for the plan stage. The main modifications procedure involves another SA and a further round of public consultation. The public, therefore, had every opportunity to comment, including the claimant. The inspector chose not to re-open the examination. He must have been satisfied, therefore, that the proposed modification in light of the representations was sound.

153. The claimant makes no criticism of the inspector’s report for being irrational or, in itself, in error.

...

155. Although the claimant asserts that Natural England carried out a *volte face* it is clear from a reading of the correspondence that they were involved in the plan making process throughout by the defendant and altered their initial position in the light of further evidence, including that within the BT planning application. They confirmed that they were satisfied that the final documents were adequate and that their comments had been adequately incorporated .... In those circumstances, the inspector was quite justified in coming to a decision that the mitigation was sufficiently certain for Development Plan purposes .....

74. There is no inconsistency between that conclusion and the provision within Strategic Policy SP20 that “[if] the results of the Appropriate Assessment [at the Area Action Plan or planning application stage] show that part of the Strategy cannot be delivered without adverse impacts on designated European sites which cannot be mitigated, then the proposals will only make provision for the level and location of development for which it can be concluded that there will be no adverse effect on the integrity of a designated European nature conservation site”. That provision does not demonstrate any uncertainty as to the sufficiency or achievability of the mitigation measures proposed. It is simply an additional safeguard, so that if some unforeseen adverse impact is subsequently identified which cannot be resolved by mitigation, the development will be cut back to the extent necessary to ensure that there will be no adverse effect on the integrity of the SPA. That is a sensible precautionary measure in a CS that sets the framework for development until 2027, and it serves to underline the obligation to have continuing regard to the avoidance of harm to the SPA at all

subsequent stages of the planning process. Such an approach is in accordance with Article 6 of the Habitats Directive, not in breach of it.

75. I should mention that reference was made to two further domestic authorities in the submissions on this ground of appeal. They were *Feeney v Oxford City Council* [2011] EWHC 2699 (Admin), in which permission to appeal to the Court of Appeal was refused, and *The Cairngorms Campaign & Others v The Cairngorms National Park Authority* [2013] CSIH 65, an appeal against which is proceeding in the Supreme Court. It suffices to say that we were not taken to any specific passages in the judgments and I have not found either case to be of particular assistance for the resolution of the present issue.

***Conclusion***

76. For the reasons given, I would dismiss the appeal.

**Lord Justice Underhill :**

77. I agree.

**Lord Justice Briggs :**

78. I also agree.

## Appendix IJ16

**Report on the examination of the St Helens Borough Local Plan, The Planning  
Inspectorate (18 May 2022)**

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## Report to St Helens Borough Council

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Inspectors appointed by the Secretary of State

Date: 18 May 2022

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Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

## Report on the examination of the St Helens Borough Local Plan

The Plan was submitted for examination on 29 October 2020

The examination hearings were held between 25 May and 24 June 2021

File Ref: PINS/H4315/429/6

## Contents

Abbreviations used in this report.....	3
Non-Technical Summary.....	4
Introduction.....	5
Context of the Plan.....	6
Public Sector Equality Duty.....	7
Assessment of Duty to Cooperate.....	7
Assessment of Other Aspects of Legal Compliance.....	10
Assessment of Soundness.....	13
Issue 1 – Plan Period and Housing and Employment Requirements.....	13
Issue 2 – Spatial Strategy and Strategic Policies.....	22
Issue 3 – Allocations and Safeguarded Land.....	26
Issue 4 – Business Needs.....	51
Issue 5 – Housing Land Supply.....	55
Issue 6 – Specific Housing Needs and Standards.....	59
Issue 7 – Green Infrastructure and Open Space.....	63
Issue 8 – Other Plan Policies.....	65
Issue 9 – Infrastructure and Delivery.....	70
Issue 10 – Monitoring and Implementation.....	73
Overall Conclusion and Recommendation.....	74
Schedule of Main Modifications.....	Appendix

## Abbreviations used in this report

BFAAP	Bold Forest Area Action Plan
Council	St Helens Borough Council
CS	St Helens Local Plan Core Strategy 2012
DtC	Duty to Cooperate
dpa	Dwellings Per Annum
dph	Dwellings Per Hectare
ECF	English Cities Fund
ELNS	Employment Land Needs Study
EVA	Economic Viability Assessment
Framework	National Planning Policy Framework
GBR	Green Belt Review
GI	Green Infrastructure
GTAA	Gypsy and Traveller Accommodation Assessment
Ha	Hectares
HMA	Housing Market Area
HRA	Habitats Regulation Assessment
IDP	Infrastructure Delivery Plan
LCR	Liverpool City Region
LDS	Local Development Scheme
LHN	Local Housing Need
LP	Local Plan
LPA	Local Planning Authority
MM	Main Modification
MSA	Mineral Safeguarding Area
NH	National Highways (formerly Highways England)
OAN	Objectively Assessed Needs
Plan	St Helens Borough Local Plan
PPG	Planning Practice Guidance
RIS	Road Investment Strategy
RMS	Recreation Mitigation Strategy
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCI	Statement of Community Involvement
SDS	Spatial Development Strategy
SHLAA	Strategic Housing Land Availability Assessment
SHELMA	Strategic Housing and Employment Land Market Assessment
SHMA	Strategic Housing Market Assessment
SOCG	Statement of Common Ground
SRFI	Strategic Rail Freight Interchange
UDP	Unitary Development Plan

## Non-Technical Summary

This report concludes that the St Helens Borough Local Plan [the Plan] provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. St Helens Borough Council [the Council] has specifically requested that we recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared a schedule of the proposed modifications and carried out sustainability appraisal and habitats regulations assessment of them. The MMs were subject to public consultation over an eight-week period. In some cases, we have amended their detailed wording and/or added consequential modifications where necessary. We have recommended their inclusion in the Plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to consultation on them.

The MMs can be summarised as follows:

- Extending the timeframe of the Plan to ensure a 15 year period post-adoption;
- Taking into account the Council's climate change emergency declaration;
- Ensuring that Green Belt policy relating to safeguarded land and compensatory improvements is positively prepared and consistent with national policy;
- Clearly articulating the exceptional circumstances for Green Belt release at strategic and site levels;
- Modifying Policies LPA02 and LPA05 so that the Plan promotes the effective use of land;
- Ensuring that the Site Profiles for allocated and safeguarded sites are site-specific and not generic;
- The inclusion of bespoke policies for the Bold Forest Garden Suburb and Parkside West;
- Revising the boundaries for allocated Sites 7HA and 9EA and safeguarded Site 4HS so that they are positively prepared, justified, and effective;
- Modifying housing mix, affordable housing, and housing standards policies so that they are effective and consistent with national policy;
- Ensuring that the housing and employment land supply position is up-to-date so that the Plan is effective;
- Amending the Monitoring Framework to make sure that it is effective;
- A number of other modifications to ensure that the plan is positively prepared, justified, effective, and consistent with national policy.

## Introduction

1. This report contains our assessment of the St Helens Council Local Plan [the Plan] in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to cooperate [DtC]. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. Paragraph 35 of the National Planning Policy Framework 2021 [the Framework] makes it clear that in order to be sound, a local plan [LP] should be positively prepared, justified, effective, and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority [LPA] has submitted what it considers to be a sound plan. The St Helens Borough Council Local Plan Submission Draft Written Statement (SD001), submitted in October 2020, is the basis for our examination. It is the same document that was published for consultation in January 2019.
3. A Draft Schedule of Changes (SD003) was also provided alongside the Submission Draft but, as this was not subject to consultation, we are not treating it as a formal addendum to the Plan. We have included some of the modifications as Main Modifications [MMs] as appropriate. The remainder are to be included by the Council as Additional Modifications. We have been provided with the representations on the Submission Draft and have taken them into account in our examination of the Plan, and in this report.

## Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that we should recommend any MMs necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. Our report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM001**, **MM002** etc, and are set out in full in the Appendix.
5. Following the examination hearings, St Helens Borough Council [the Council] prepared a schedule of proposed MMs (SHBC036) and carried out sustainability appraisal [SA] and habitats regulations assessment [HRA] of them. The MM schedule was subject to public consultation between 18 November 2021 and 13 January 2022. We have taken into account the consultation responses in coming to our conclusions in this report and in this light we have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA/HRA that has been undertaken. Where necessary we have highlighted these amendments in the report.



## Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a LP for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted LP. In this case, the submission policies map comprises the set of plans identified as the St Helens Local Plan Policies Map (SD002).
7. The policies map is not defined in statute as a development plan document and so we do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
8. These further changes to the policies map were published for consultation alongside the MMs (Annex 7 to SHBC036).
9. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in SD002 and the further changes published alongside the MMs.

## Context of the Plan

10. St Helens Borough is situated in the north-west of England, positioned geographically between the cities of Liverpool and Manchester, and close to the transport corridors of the M6, M62, and main west coast railway line. For administrative purposes St Helens is one of six authorities that together form the Liverpool City Region [LCR]<sup>1</sup>. There is a strong history of coal mining and manufacturing within St Helens, with a particular link to the glass making industry. Outside of the towns of St Helens, Newton-le-Willows and Earlestown, and the wider urban area, over half of the Borough is rural or semi-rural in nature most of which is designated as Green Belt.
11. The St Helens Borough Local Plan proposes to replace all of the policies in the St Helens Local Plan Core Strategy 2012 [CS] and the previously 'saved' policies of the St Helens Unitary Development Plan 1998 [UDP]. This is made clear by paragraph 1.3.5 of the Plan. Other development plan documents are the Joint Merseyside and Halton Waste Local Plan 2013 and the Bold Forest

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<sup>1</sup> Liverpool, Wirral, Sefton, Knowsley, Halton, and St Helens

Park Area Action Plan 2017 [BFAAP]. These two documents will remain extant and will not be replaced by this Plan.

12. The submitted Plan includes the period 2020-2035 in its title. However, as explained later in the report, this period does not reflect the base date of the Plan and is not an appropriate Plan period. For clarity we have removed the references to 2020-2035 from the report when referring to the Plan's title.
13. During the examination the Government published a revised Framework and changes to Planning Practice Guidance [PPG]. These changes to Government policy and guidance have been taken into account in the schedule of MMs.

## **Public Sector Equality Duty**

14. We have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included our consideration of several matters during the examination, including the provision of traveller sites to meet need, and accessible and adaptable housing for older people and those with disabilities. These matters are discussed in more detail under our assessment of soundness that follows.

## **Assessment of Duty to Cooperate**

15. Section 20(5)(c) of the 2004 Act requires that we consider whether the Council complied with any duty imposed on it by Section 33A in respect of the Plan's preparation.
16. We have had regard to the DtC Statement (SD009) and representations in considering whether the DtC has been met. The Statement describes regional working with other local planning authorities, cross-boundary co-operation on strategic priorities, and the consultation that has taken place with prescribed bodies.
17. Our assessment of whether the DtC has been met focuses on the relationship of St Helens with authorities and prescribed bodies within the LCR and with the other adjoining LPAs of Warrington, Wigan, and West Lancashire.
18. The LCR authorities together with West Lancashire form a single functional economic area. St Helens, along with Warrington and Halton, forms a strategic housing market area [HMA] known as mid-Mersey.
19. There is a history of joint working on planning matters within the LCR such as the preparation of joint evidence-based studies on housing and employment needs and supply. Joint working within the LCR was formalised in 2014 through

the establishment of the LCR Combined Authority which deals with a range of functions including strategic planning. To this end the Combined Authority is preparing a Spatial Development Strategy [SDS] for the LCR. The SDS is at an early stage, focusing on a proposed vision, policy topic areas and suggested policy approaches. However, there is alignment between the Plan and the SDS thus far. There is nothing to suggest that the position will change as the SDS progresses.

20. A Statement of Common Ground [SOCG] dated October 2019 between the LCR authorities and West Lancashire Borough Council<sup>2</sup> (SD010) sets out the housing needed for each LPA at that time, based on adopted and emerging LPs. The SOCG noted that there was no current unmet need to be distributed among or beyond the seven LPAs. That position remains the same in that each LPA, including St Helens, currently plans to meet its own housing need. This includes Liverpool where the LP was adopted in January 2022 but examined under the transitional arrangements, so subject to the 2012 Framework. The increase in the housing figures for Liverpool as a result of the transition to the standard method, including the cities uplift, is a matter to be addressed by the SDS, any update of the Liverpool LP and other LP reviews in the LCR. In any event St Helens lies in a different HMA.
21. No spare capacity has been identified in any of the LPAs to meet St Helens housing needs. This is in the context that all of the seven LPAs are constrained by Green Belt (see SD030).
22. Warrington, immediately to the south-east of St Helens, has strong economic, housing and infrastructure links with St Helens, but is also constrained by Green Belt. The two authorities have worked together, particularly on a housing needs evidence base and on the provision of employment land. In relation to the latter, the major employment site at Omega on the boundary between the two Boroughs and straddling the M62, has been identified by the Plan for expansion. This has resulted in the proposed allocation of Site 1EA for employment to meet Warrington's employment land needs.
23. The Warrington LP was submitted for examination in April 2022. A SOCG between St Helens and Warrington was provided in support of the Warrington LP. The submitted LP indicates that the Omega site would contribute to Warrington's employment land needs. The SOCG also records the position on housing needs, confirming that Warrington is to meet its own housing needs but cannot accommodate any housing needs from St Helens. Again, this is reflected in the submitted Warrington LP. Although at different stages, the respective LPs and the SOCG demonstrate constructive working between the two LPAs.

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<sup>2</sup> An associate member of the Combined Authority

24. Wigan, the other adjacent LPA, lies within the Greater Manchester conurbation and is also affected by Green Belt. There is no SOCG with Wigan. However, St Helens has engaged with the emerging strategic LP 'Places for Everyone' prepared by nine Greater Manchester Council's, including Wigan. No requirement to meet Wigan's or Greater Manchester's development needs has been identified by the emerging LP or indeed by Wigan alone.
25. A sub-regional need for the logistics and warehousing sector has been identified through the preparation of the LCR Strategic Housing and Employment Land Market Assessment [SHELMA] (SUB001). There is no agreed distribution of large-scale Use Class B8<sup>3</sup> development. But there is a commitment to addressing the need across the LCR through the plan-making process. St Helens has a role to play in this respect, particularly given its proximity to the strategic road and rail networks. No objections have been raised by other strategic policy making authorities, including the LCR Combined Authority and the LCR Local Enterprise Partnership, to the Plan's uplift in the employment land requirement to help meet this sub-regional need.
26. Connected to an extent to the logistics and warehousing sector, but also to wider employment provision in the region, is the longstanding aspiration to develop a strategic rail freight interchange [SRFI] at Parkside. The SRFI has support from the LCR and other agencies such as Transport for North and Warrington. This support is evidenced through funding by the LCR Strategic Investment Fund for the Parkside Link Road which is required to deliver the SRFI. The Plan's specific proposals for the SRFI and Parkside are dealt with later in this report.
27. The DtC Statement also evidences the co-operation with other prescribed bodies, including infrastructure providers and technical consultees. This has influenced the policies in the Plan and the preparation of key supporting documents such as the Infrastructure Delivery Plan [IDP] (SD013).
28. National Highways (formerly Highways England) [NH] has had ongoing involvement in ensuring that improvements to the strategic road network to accommodate development is programmed and included in the IDP and referenced in relevant Plan policies. A SOCG reflects this cooperation, particularly in respect of Junctions 22 and 23 on the M6 and Junctions 7 and 8 of the M62 (SD031). In relation to J23, Wigan has been involved, along with St Helens and NH, in a working group and feasibility study. The same partners, together with site promoters, will convene as a taskforce to drive forward design and funding for junction improvements.
29. Key bodies such as the Environment Agency and Natural England have also had an input into the need for additional evidence to support the policies and

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<sup>3</sup> The B8 use class comprises 'use for storage or as a distribution centre'

proposals. The Council, Environment Agency and Halton and Warrington Councils have worked on the Sankey Catchment Action Plan to provide a long-term integrated water management approach to the catchment. Natural England and LCR authorities have been engaged in the preparation of a Recreation Mitigation Strategy [RMS] and an LCR Ecological Network. The latter identifies ecological assets and Nature Improvement Areas, two of which are in St Helens.

30. St Helens and other LCR authorities have produced the Joint Waste Local Plan. The Council works collaboratively on minerals as part of the North-West Aggregates Working Party which prepares annual aggregates assessments and monitoring reports. This joint working has informed the waste and minerals policies of the Plan.
31. We are satisfied that, where necessary, the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to cooperate has therefore been met.

## **Assessment of Other Aspects of Legal Compliance**

### **Local Development Scheme**

32. The Plan has been prepared in accordance with the Council's Local Development Scheme [LDS] (SD014). The Regulation 19 consultation on the Submission Draft version of the Plan took place within the period identified in the LDS (between January and May 2019). Submission of the draft Plan was also made in line with the LDS (October 2020). Adoption of the Plan is likely to be some 6 months after the date anticipated by the LDS, but the difference is due to the length of the examination which could not have been predicted when the LDS was last updated.

### **Consultation**

33. Consultation on the Plan and the MMs has been carried out in compliance with the Council's Statement of Community Involvement of November 2013 [SCI] (SD015). The SCI is over 8 years old. The Council considered updating the SCI during the Plan preparation process. However, it was felt that altering the approach during the evolution of the Plan could have led to inconsistencies. Moreover, the consultation and engagement methods which included drop-in sessions, appear to have been effective, notwithstanding criticisms of a lack of public meetings and workshops. Consultation has exceeded the requirements of the regulations. Given the above, we consider that the age of the SCI is not, in itself, an issue.

34. That said, during the examination process and in response to the challenges raised by the Covid-19 pandemic, the Council produced an SCI Addendum (SD015A). The addendum anticipates how consultation, particularly on the MMs, should take into account Government restrictions and guidance that have been in place from time to time during the pandemic. The addendum recognises that primary access will be via a digital format but that provision should be made to prevent digital exclusion. As it turned out the Council made hard copies of relevant documents available at the Borough's libraries during the MM consultation.
35. Some specific concerns about the extent of consultation in Billinge and Bold were raised at the hearings but the Council subsequently confirmed that the relevant parties had been consulted.

### **Sustainability Appraisal**

36. The Council carried out a SA of the Plan, prepared a report of the findings of the appraisal, and published the report along with the Plan and other submission documents under Regulation 19. Two further SA Addendum reports were published in September 2020 and June 2021 (the latter following the close of the examination hearing sessions). These addendums updated some factual information and also corrected a small number of minor inaccuracies that had been identified. The SA was also updated to assess the MMs. This iteration of the SA identified that the MMs would lead to some positive effects for SA objectives compared to the submission version of the Plan<sup>4</sup>.
37. The SA assessed a range of housing and economic growth options against 20 sustainability objectives. These options ranged from 451 to 712 dwellings per annum [dpa] for housing and around 109 hectares [ha] (low growth) to 306 ha (higher growth) of employment development. Whilst it is true that the quantum of growth assessed could have been higher, or indeed lower, it is essentially for the Council to define the content of the reasonable alternatives to be assessed. Whether or not an alternative is 'reasonable' is ultimately a matter of law but the determining factor is whether the process of identifying and assessing reasonable alternatives was followed. Whilst the growth ranges tested could have been different, it does not follow that the alternatives selected by the Council were unreasonable. The fact is that the options tested comprised a range that were sufficiently distinct so as to allow a meaningful comparison to be made between the different growth options. The options of not meeting housing and employment needs were not considered as reasonable alternatives by the Council.

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<sup>4</sup> The suite of SA documents are referenced SD005 and SD005.1 to SD005.6

38. In assessing individual sites there was also some discussion regarding whether or not the SA (and also the Green Belt Review [GBR]<sup>5</sup>) should have taken account of more detailed information where this was available. This might be the case where, for example, more detailed work has been undertaken in support of the proposed allocation or a planning application and could include detailed transport assessment work or ecological reports.
39. It may be that more detailed information at the site level might alter specific findings in the SA. However that detailed information was not available for all sites assessed in the SA. The methodology for the SA sought to ensure that all sites were assessed on an equal basis as that would help to ensure that the outcomes of the site assessment process were comparable. Furthermore, the information available for individual sites often evolves during the Plan making process, with additional information becoming available. If it were a requirement to constantly revisit strategic level site assessments, as additional detailed site information became available, then this would have its own practical difficulties as it would be unlikely that there would ever be a time when the evidence base ceased evolving.
40. The strategic assessment of sites is therefore necessarily a snap-shot in time and, providing there are no fundamental flaws in the process, it is not reasonable to expect reports to be constantly updated as new, more detailed information becomes available. The methodology adopted in assessing sites helped to ensure a consistent approach was taken to the assessment of sites.
41. Overall, the SA has adequately considered reasonable alternatives and is suitably comprehensive and legally compliant.

### **Habitat Regulations Assessment**

42. The HRA of December 2018 (SD006), the subsequent HRA Addendum of September 2020 (SD006.1), and the HRA of the MMs (SD006.2) set out that a proportionate appropriate assessment has been undertaken of the Plan. The HRA concludes that the Plan contains an adequate policy framework to ensure that it would result in no adverse effects on the integrity of European sites. An example of this is the RMS which is being developed jointly by the LCR authorities to mitigate the cumulative effects of development across the area from recreational pressure on European sites such as those along the coast. The legal requirement to undertake an appropriate assessment has been met.

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<sup>5</sup> Of December 2018 (SD020) read together with the further Stage 2B Assessments (SD021)

## **Strategic Priorities**

43. The Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area. The Plan is explicit as to which policies are strategic.

## **Climate Change**

44. The Plan, taken as a whole, includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. Policies on matters including flood risk, water management, renewable energy, and low carbon development, aim to achieve this. We consider these policies later in our report. Specifically, the Plan now refers to the Council's climate change emergency declaration and various MMs (**MM003, MM006, MM012, MM014, MM025, MM027, MM029, MM032, MM034** and **MM039**) ensure that this is a cross cutting theme throughout the policies of the Plan. These changes are required so that the Plan is positively prepared.

## **Conclusions on legal compliance**

45. In summary, the Plan complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

## **Assessment of Soundness**

### **Main Issues**

46. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, we have identified ten main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy or policy criterion in the Plan.

### **Issue 1 – Whether the Plan period and the housing and employment requirements in the LP are justified taking into account national policy and the needs and constraints of the area. In particular whether exceptional circumstances have been demonstrated for the alteration of Green Belt boundaries**

#### **Plan period**

47. The Framework indicates that strategic policies should look ahead over a minimum 15-year period from adoption. The Plan has a stated timeframe of



2020 to 2035. However, the LP has had a long gestation period and, if it is adopted in 2022, it would only have about a 13-year period post adoption.

48. Extending the Plan period to 2037 would ensure a 15-year period post adoption so that it can respond to long-term requirements and opportunities, including those arising from improvements to infrastructure. The longer period would increase employment and housing land requirements but the Plan is able to accommodate these changes as demonstrated later in the report. Retail floorspace requirements would not need to change as they would be reviewed well before 2037 when changes in shopping behaviours, including the effects of the pandemic, would be taken into account.
49. A Plan period up to 2037 is required so that the Plan is positively prepared, justified, and consistent with national policy. **MM001** would secure the relevant changes. There are other consequential changes throughout the Plan which are dealt with below.

### **Housing Objectively Assessed Needs [OAN]**

50. The Framework indicates that, to determine the minimum number of homes needed, strategic policies should be informed by a local housing need [LHN] assessment, conducted using the standard method in national planning guidance, unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. PPG advises that if an alternative approach identifies a need higher than the standard method, it should be considered sound as it will have exceeded the minimum starting point. When taken together, national policy and guidance implies that, in most cases<sup>6</sup>, the housing OAN should not be lower than the LHN figure but there may be justification for it to be higher.
51. At the time of submission of the LP, the LHN was 434 dpa. At the time of the hearings the latest LHN assessment based on the standard method showed a housing need of 424 dpa (see SHBC013). Figures published in April 2022, taking into account 2021 affordability ratios, show a housing need of 399 dpa. The household growth figure contained in the Council's recently published draft Housing Strategy (407 dpa) is based on the 2018 household projections, is not a LHN assessment and has not been tested. The Plan proposes a housing requirement of 486 dpa which represents an uplift of about 12%, 15% or 22% on these minimum figures.
52. The standard method takes into account affordability ratios which in St Helens are low compared to national figures. Moreover, ratios in the Borough have

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<sup>6</sup> Paragraph 11 b) i. of the Framework provides an exception

been fairly level for the last 10 years, whereas nationally they have generally been rising.

53. That said, PPG gives examples of where a housing need higher than LHN can be considered. One of these relates to growth strategies for an area that are likely to be deliverable. In this respect the LCR has a growth strategy and St Helens has been awarded £25m as part of the Government's Towns Fund. The other examples cited, strategic infrastructure improvements driving an increase in homes needed and unmet needs from a neighbouring authority, do not apply in St Helens.
54. The PPG also makes it clear that other circumstances might also justify a higher figure. In the case of St Helens, the 486 dpa is justified to correlate with the aspirations to achieve increased economic growth and jobs which are likely to lead to increased housing need and demand. The link between economic and housing growth is evidenced by the Strategic Housing Market Assessment [SHMA] Update 2019 (HOU001) and the relevant Background Paper (SD025). The jobs growth forecasts which underpin the housing need figure reflects a number of local factors. These include the Employment Land Needs Study of 2015 [ELNS] (EMP002) which states that St Helens has a net outflow of commuters, particularly to the neighbouring areas of Warrington, Knowsley, and Liverpool. There are, therefore, likely to be opportunities to improve the commuting imbalance and improve employment opportunities for local residents. There is also the opportunity for St Helens, because of its geographic location and proximity to a number of major strategic transport routes, to take advantage of demand for the logistics sector. In addition, there is the job growth experienced on existing sites within St Helens.
55. Affordable housing need has been assessed in the SHMA Update as being around 117 dpa which is slightly less than identified in the Mid-Mersey SHMA of 2016. Provision has been meeting this level since 2012. The level of affordable housing contributions set in this Plan are lower overall than the CS, taking into account viability issues in some areas and on brownfield land in particular. But, combined with Council interventions, the requirement is likely to lead to affordable housing being delivered at levels corresponding to the need.
56. In terms of losses to Right to Buy, there is no explicit reference in national policy or guidance as to whether these should be taken into account in calculating affordable housing needs. Although the PPG refers to 'net additional affordable dwellings' and 'total net need' this is in the context of taking into account available affordable housing stock/supply in calculating the need going forward. Moreover, whether purchase of a home by a tenant creates more housing need is difficult to quantify.

57. Therefore, there is no need to further increase the housing OAN to deliver more affordable homes.
58. There is no need to deal with any backlog from the CS as the standard method, which uses the 2014-based household projections, addresses any historic under-delivery through the affordability adjustment.
59. The Council put forward a higher housing figure of 570 dpa at preferred options stage which reflected the CS requirement, and evidence and national policy at the time. The Council has been delivering an average of over 600 dpa in the last few years. However, the standard method which results in a much lower housing need figure is appropriate as a minimum starting point. Taking into account the LHN and the economic and other factors referred to above, the uplift and 486 dpa as a minimum housing need figure is justified.

## **Employment OAN**

60. The ELNS and the ELNS Addendum Report of January 2019 (EMP001) assessed demand for employment land provision in St Helens, following the methodology set out in the PPG. The ELNS forms the evidence base for the employment land OAN of 227 ha proposed in the submitted Plan. The OAN figure is at the high end of the growth ranges considered and includes a 5-year buffer along with an allowance for Parkside SRFI and the LCR SuperPort, the latter being the cluster of assets and investment across the region needed to develop a multimodal freight hub.
61. The ELNS used a historic take-up methodology to calculate the OAN with a base date of 2012. The decade from 1998 to 2008 was identified as a particularly strong period of growth for the area, with an annual average of 7.5 ha. However, if the period of analysis is extended from 1997 to 2015 the annual average growth rate fell to 4.86 ha. This was because the evidence showed a decline in employment land take-up in St Helens beyond 2012.
62. The take-up of employment land in St Helens during this period contrasts with take-up rates in neighbouring authorities (such as Warrington) that have similar geographical and locational characteristics to St Helens. Where sites, such as Omega in Warrington, have been made available, take-up rates have been considerably higher during the same period.
63. Since more employment land has been made available in St Helens through the grant of planning permissions in 2018/19 and 2019/20 there has been an increase in take-up. Several planning applications for large scale logistics development have also been received since 2017, notably the Omega extension site, Parkside, and Haydock Point North.

64. The response from stakeholders during the preparation of the ELNS also supports the view that there is demand for employment land in the area, particularly for large scale logistics development.
65. The St Helens Allocations Local Plan Economic Evidence Base Paper of 2015 (EMP003) identified a number of key locational and specific criteria required by large scale logistic uses (300,000 square feet). These include a minimum site size of 5 ha and a drive time to the motorway of less than 10 minutes. On that basis, the paper concluded that none of the sites identified in the CS met those requirements and were therefore not suitable, hence why in recent years these type of occupiers have located elsewhere, outside of the Borough.
66. These factors together do point to a picture of pent-up demand for employment land that has been constrained since 2012 due to a lack of available sites suitably attractive to the market. For these reasons, the inclusion of post 2012 data is likely to distort the historic baseline for predicting needs as this is reflective of a period where demand was suppressed due to limited land supply.
67. On the other hand, more recent data for 2019/20 show that this was a particularly strong year for employment land take up, and if this were to be included (along with post 2012 data) this would increase the average annual take-up by approximately 9%. However, there could be a danger that the inclusion of a significant recent peak in the statistics for one year may distort the overall picture.
68. Clearly in any assessment of long-term employment needs it is desirable to take a longer-term view that captures the natural peaks and troughs of the economic cycle. Additionally, whilst it is likely that there will be an acceleration in take-up once suitable sites are made available, the evidence suggests that this would moderate in the medium term as the market returns to more typical levels and reaches a new natural equilibrium. Therefore, the take-up scenario used in the ELNS which is based on the period 1997-2012 is likely to represent a more complete picture of a sustained period of growth, when a suitable supply of employment land was available, but differences in the level of demand have also been factored in.
69. The average annual growth rate identified for this period (1997-2012) is at the higher end of the growth scenarios identified. It is therefore an aspirational figure that should support economic growth through ensuring that employment needs are met during the Plan period. This leads to a residual baseline requirement of about 174 ha for St Helens. This figure includes the five year buffer referred to above. The buffer is included because each parcel of employment land does not necessarily meet the needs of the business looking for a site. Therefore, there needs to be a margin included within the modelling to

enable choice of land. This margin was approximated using a five-year buffer on top of the original forecasts to provide this flexibility.

70. There are several references in the PPG which refer to the need to allocate space for logistics, and the specific needs of the logistics sector, such as the requirement for a significant amount of land and a suitably accessible location. Demand for employment land based on major projects and large-scale logistics has, therefore, been added to the OAN. This is over and above the demand calculated based on past trends and reflects the anticipated role that St Helens could play in accommodating demand as a result of increased capacity at SuperPort and also the SRFI at Parkside. This additional demand was estimated to be between 30-40 ha over and above the baseline growth. However, the existing and anticipated demand for large scale logistics warehousing in the area led to this being revised upwards to 55-65 ha. When this figure is added to the requirement figure referred to earlier, the OAN figure of about 239 ha is reached (this has been amended from 227 ha to take into account an adjusted Plan period).
71. The evidence base highlighted the logistics sector as having strong demand in the area. The ELNS Addendum states that it is the sector most likely to drive growth and it is anticipated to be a dominant market sector in the area. This assumption is supported by other studies, such as the B8 land-use forecasts for the LCR of May 2016 which was used to inform the LCR's SHELMA. In the LCR report, two transport scenarios were modelled which looked at a 'do nothing' or 'do something' option. Under the 'do something' scenario, the land requirement for large B8 floorspace is anticipated to be 321ha by 2033 and 512ha by 2043.
72. Historically, St Helens has been shown to accommodate around a 16% share of the city region's large scale logistics market. Whilst the report did not disaggregate the land requirement to individual LPAs, if a 16% share were applied this would give a land requirement of 51 ha by 2033 and 82 ha by 2043. On this basis, adding 55 ha to the OAN is justified.
73. Continued interest from developers for large scale sites suitable for logistics warehousing near the M6 and M62 motorway intersection, is anticipated to sustain this demand, with further growth in the sector during the Plan period. The two planning applications at Haydock that have been granted, along with the two applications at Omega and Parkside recently granted by the Secretary of State, all reinforce the picture of strong developer interest for large scale sites suitable for logistic warehousing in St Helens that are close to the strategic motorway network. This is anticipated to fuel a period of further growth in demand.
74. As to whether the demand for large scale logistics development is likely to be sustained during the Plan period, the evidence shows that there is likely to be

substantial demand for this type of development over the coming years. Over time, consumer behaviour has changed and there has been a steady growth in online shopping. It is likely that this long-term trend has been accelerated during the Covid pandemic as a consequence of national lockdowns and other restrictions. This change in behaviour has in turn increased demand for large scale logistics warehousing to store and deliver the consumer goods ordered, particularly close to urban centres. Consumers also want more choice, such as click and collect delivery, and this all has an effect on the amount of warehousing space required. Forecasts show that this demand is set to continue into the future.

75. Given that parts of the strategic motorway and rail network pass through St Helens, the area is well placed to meet this demand. However, in the event that large scale B8 uses do not come forward on the allocated sites as envisaged, the sites are also allocated for B2 uses which should ensure some flexibility in accommodating the needs of end users.
76. It is therefore considered that the major projects allowance within the employment OAN is justified and consistent with national policy and guidance.
77. **MM001** extends the Plan period to 2037. This has the effect of increasing the employment OAN from 227 ha to 239 ha. This figure has been calculated by projecting forwards the historic 5.8 ha per annum growth for the 1997 – 2012 period. The additional two years therefore equates to a further 11.6 ha of employment land, which has been added to the previous OAN figure, and is justified (**MM007**).
78. Taking account of the above, the employment land OAN figure is justified to meet the specific needs of the area and the wider sub-region.

### **Exceptional circumstances**

79. The Framework requires that LPs should provide for objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework, such as those relating to Green Belt, indicate that development should be restricted.
80. Given the importance placed on preserving the Green Belt in national planning policy, exceptional circumstances must be demonstrated to justify Green Belt release through the preparation of a local plan.
81. St. Helens is constrained by Green Belt, in that approximately 65% of the Borough is so designated. The remainder of the Borough is urban land. In most

areas the Green Belt boundary is tight to the edge of the existing built-up areas of the main towns and villages. The boundaries of the St. Helens Green Belt were drawn up in 1983 and have remained largely unchanged since.

82. Both the UDP and the CS aimed to focus most new development on brownfield land in urban areas. Indeed, the CS set a target for 80% of all new housing development to be delivered on such land between 2003 and 2027. However, the CS also identified a potential need for Green Belt release to meet housing needs from 2022.
83. The 2017 Strategic Housing Land Availability Assessment [SHLAA] shows that there remains substantial capacity for housing on urban sites during the Plan period. As such, a large proportion of the identified housing need can continue to be met on sites in the urban area. Provision will be through a combination of allocations, other sites within the built-up areas of the Borough, and a windfall allowance. However, the evidence base also shows insufficient capacity to meet housing needs in full, because of the quantity, quality, and range of sites. In particular viability issues affect many sites, including brownfield sites subject to contamination.
84. Some sites close to the town centres would be more suited to high-density apartment type developments, but in such cases viability is also challenging. Furthermore, the provision of flats would be at odds with the appropriate type and mix of properties identified as being needed. The SHMA identifies that 2- and 3-bedroom properties should be the focus for new housing development, with demand for family housing and medium sized properties expected to continue during the Plan period.
85. Policy LPA05 encourages high densities (40 dwellings per hectare [dph]) in appropriate locations, such as sites within or adjacent to St. Helens and Earlestown Town Centres. Increasing densities above this could give rise to 'town cramming'. Using greenfield urban spaces and recreation sites would lead to a change in the character of the existing built environment that would be contrary to the Council's aim of delivering high quality development. It is too early to ascertain whether changing shopping patterns will increase opportunities for housing in the Borough's town centres. For these reasons suitable non-Green Belt sites cannot be found to meet all the need. There is a shortfall of over 2000 dwellings in the submitted Plan.
86. As a result the Plan makes allocations on Green Belt land to deliver over 2000 homes during the Plan period, equating to about 27% of the residual requirement for the period 2021 and 2037.
87. In terms of employment there has been a slow take up of land since the adoption of the CS, the evidence base suggesting that this is due to a lack of

available sites suitably attractive to the market rather than a lack of demand, as discussed above. To meet the submitted OAN figure, Policy LPA04 allocates 234 ha of land across ten sites, the majority of which, some 95% of land take, comprise Green Belt release. These figures do not take account of the 31 ha allocated for the Omega site (1EA) as this is to meet the needs of Warrington Council.

88. As pointed out earlier neighbouring authorities also have large areas of Green Belt and have similar constraints. The other authorities in the HMA, Halton, and Warrington, have identified a shortfall of urban land supply to meet their own needs. Similarly, none of the authorities in the functional economic area have identified spare urban capacity in order to meet the employment needs of St. Helens. Indeed, many neighbouring authorities have undertaken their own Green Belt reviews to identify land to release from the Green Belt in order to meet their own housing and employment needs. For these reasons, meeting any unmet need within neighbouring authorities is not a feasible option.
89. The Plan's strategy is dependent on meeting the needs of the Borough close to home. Providing housing and employment on the doorstep would prevent out-migration from the Borough, the loss of economically active residents, and out-commuting. The delivery of affordable and special needs housing would be prejudiced if housing need was not met or met elsewhere. Most importantly the Plan would not meet the key objectives of tackling low levels of economic activity and high deprivation.
90. The Plan has sought to strike the right balance between providing homes and jobs and protecting the Green Belt. There is a strong case for meeting the Borough's housing and employment needs in full. Exceptional circumstances exist at a strategic level to justify the Plan's proposals for some Green Belt release. The quantum of housing and employment land proposed for release has been justified. However, the exceptional circumstances have not been fully articulated in the submitted Plan. **MM006** provides the justification for the strategy of Green Belt release contained within Policy LPA02 and ensures consistency with national policy. We deal with the particular Green Belt impacts of the allocations later in the report.

## Housing and employment requirements

91. As exceptional circumstances have been demonstrated at a strategic level, the Plan makes provision for all of the housing and employment need identified. The needs are reflected in the requirements.
92. The base date for the housing requirement is 1 April 2016, as the SHMA Update projected housing needs forward using population and household projections from 2016. Taking into account the extended Plan period up to



2037, this results in a minimum housing requirement of 10,206 dwellings (21 x 486 dpa). **MM009** and **MM021** amend Policy LPA05 (Housing Needs), Table 4.6 (Housing requirements) and the explanation to Policy LPC01 (Housing Mix) to reflect the extended Plan period and to ensure that the Plan is positively prepared, justified, and consistent with national policy. The requirement is a net figure so will have regard to demolitions. We have amended MM009 following MM consultation to ensure the figures for the LHN, Plan period and dpa are up-to-date and accurate for clarity.

93. The whole of the employment OAN, taking into account the extended Plan period, is now 239 ha of employment land. **MM007** updates table 4.4 (Residual Employment Land Requirements) to ensure that the requirement reflects the extension of the Plan period to 2037. This ensures that the Plan is positively prepared, justified, and consistent with national policy.

## Conclusion

94. We conclude that, subject to the MMs proposed, the Plan period and the housing and employment requirements in the Plan are justified taking into account national policy and the needs and constraints of the area. In particular exceptional circumstances have been demonstrated for the alteration of Green Belt boundaries.

## **Issue 2 – Whether the spatial strategy for the distribution of development is justified and other strategic policies, including those relating to the Green Belt, are positively prepared, effective, and consistent with national policy**

### **Spatial strategy**

95. St Helens is a fairly compact Borough. St Helens itself and the surrounding urban area (collectively known hereafter as the Core Area) is by far the largest settlement in the Borough. Physically linked to the Core Area by built development are the settlement of Rainhill and the urban area of Haydock/Blackbrook. Indeed, Rainhill is also contiguous with Whiston in Knowsley Borough.
96. Newton-le-Willows/Earlestown, a few miles to the east of the Core Area, is the largest settlement after the Core Area. The villages of Rainford, Billinge and Garswood lie to the north of the Borough but, again, are not far from the Core Area.
97. All the aforementioned settlements (referred to as Key Settlements) provide some employment opportunities as well as services such as schools, health provision and shops. Public transport links by either bus or train are available to

larger centres within and beyond the Borough boundaries, including the Core Area. Other significant employment opportunities are provided at Omega and elsewhere in Warrington Borough, in the Liverpool conurbation to the west, and in Wigan Borough to the north-east. Shopping and other services are likewise close at hand in neighbouring towns and Liverpool.

98. Because of the proximity of, and accessibility to, settlements and services, the level of service provision, and for other reasons set out below, it is not necessary to provide new housing and employment opportunities in each key settlement. Nor is it necessary to apportion housing and employment provision broadly equivalent to population levels.
99. That said a good proportion of housing growth is proposed in most key settlements<sup>7</sup>. Some 12% of housing development will take place in Newton-le-Willows/Earlestown, and between 12% and 13% in Haydock/Blackbrook and the northern villages. But a sizeable proportion of housing is to be focused on the Core Area (some 75%) to make use of brownfield land, improve the housing offer, sustain the town centre and services, and tackle high levels of deprivation. Some of the new housing will be on Green Belt land on the edge of the Core Area and other key settlements due to the shortage of developable sites within built-up areas, as explained earlier. But such sites have been selected on the basis of them being the most suitable, including in accessible locations. The location of a good proportion of development in the southern part of the Core Area will align well with the most deprived parts of the Borough.
100. Employment is to be primarily focused on or close to the main transport corridors of the M6, the M62 and the railway network, at Haydock, Omega, and Parkside. These areas are currently in the Green Belt but meet the market's requirements. Accessibility from existing urban areas is reasonable. Moreover, improvements to links, particularly those involving active travel and public transport, will be supported by the Plan.
101. There are also a number of smaller settlements in the Borough that are either washed over or surrounded by Green Belt. These small villages and hamlets have limited services and, in some cases, poor transport links. The Plan does not propose any new development in these less sustainable locations. Elsewhere open countryside between the key and smaller settlements is to be retained as Green Belt.
102. The above, given affect by Policy LPA02, is an appropriate strategy which is, positively prepared, justified, effective and consistent with national policy.

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<sup>7</sup> See Appendix 1 to SHBC011

## **Green Belt**

103. We deal with the exceptional circumstances for Green Belt release at a strategic level to meet the Plan's housing and employment needs and in relation to specific allocations under Issues 1 and 3 respectively. Here we consider some other aspects of Green Belt policy.

### **Safeguarded land**

104. The Framework advises that, when defining Green Belt boundaries, plans should, where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period. The Plan identifies safeguarded land to meet longer-term housing and employment land needs through Policy LPA06.

105. The safeguarded employment land at Omega and Haydock is adjacent to the strategic road network and existing well-established employment sites. The eight safeguarded sites for housing achieve a reasonable geographic spread around the Borough, including land adjacent to the St Helens Core Area and Newton-le-Willows/Earlestown.

106. National policy does not quantify how much safeguarded land should be identified. The safeguarded employment land amounts to some 85 ha, or some 9 years supply based on the current OAN, whereas the housing land would provide for around 2700 dwellings or some 6 years supply based on the current OAN. However, it should also be noted that some of the allocated strategic housing sites are projected to deliver a significant proportion of development beyond the Plan period such that over 3200 homes would be likely to be built on these allocations post 2037.

107. The Plan needs to achieve a balance between protecting Green Belt and ensuring that Green Belt boundaries do not need to be altered again at the end of the Plan period. Moreover, there are uncertainties about what future needs will be or what non-Green Belt opportunities may arise. The Plan achieves an appropriate quantum of safeguarded land and demonstrates exceptional circumstances in this respect. We come on to the particular Green Belt impacts of the safeguarded land later in the report under Issue 3.

108. Policy LPA06 is broadly consistent with the Framework in requiring that planning permission for the permanent development of safeguarded land should only be granted following an update to a plan. Alternative approaches, such as allowing a phased release of safeguarded land through this Plan, would not be consistent with national policy.

109. However, in order to ensure that Policy LPA06 is positively prepared, it should recognise that it may be necessary to update the Plan partially or fully during the current Plan period, to respond to new evidence. Such a change would also reflect the advice within paragraph 33 of the Framework about reviewing plans. The changes to Policy LPA06 and its explanation would be achieved by **MM011**. We have amended MM011 following consultation to make reference to issues of both need and supply so that it is positively prepared.

### **Compensatory improvements**

110. The Framework requires that, when releasing Green Belt land, plans should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land. The submitted Plan does not specifically refer to compensatory improvements, albeit that it is acknowledged that areas such as the Bold Forest Park have the potential to be enhanced through improved access and infrastructure.

111. **MM006** ensures that Policy LPA02 and its explanation recognise that compensatory improvements will be needed when planning permission is sought for areas to be released from the Green Belt. This change is required so that the Plan is consistent with national policy.

112. Remaining areas of Green Belt will be protected by national policy as set out in Policy LPA02.

### **Other strategic policies**

113. Policy LPA02 sets out that the re-use of brownfield land will be a key priority. This approach is broadly consistent with Chapter 11 of the Framework and making effective use of land. However, the Framework also recognises that not all previously developed land is suitable for redevelopment. **MM006** ensures that Policy LPA02 makes reference to suitability so that the policy is consistent with national policy and is effective.

114. Effective use of land also involves achieving appropriate densities. The Framework refers to the inclusion of minimum density standards in Plans. Policy LPA05 seeks higher density housing development on sites within or close to St Helens and Earlestown Town Centres (40 dph). However, the policy is not clear as to what densities should be achieved elsewhere. As a result the Plan's objective of optimising the use of land would be undermined. **MM009** ensures that a minimum density of 30 dph is sought elsewhere unless a lower density would achieve a clear planning objective. The MM is needed so that the Plan is effective and consistent with national policy.

115. The Plan recognises that viability is likely to be challenging on many brownfield sites and that lower thresholds for contributions will be necessary. Policy LPA08 (Infrastructure Delivery and Funding) and Policy LPC02 (Affordable Housing) provide further policy support for a finer grained approach to contributions. **MM006** makes it clear the circumstances where lower thresholds are likely to be supported and appropriate so that Policy LPA02 is effective.
116. In promoting health and wellbeing and seeking to reduce health inequalities, Policy LPA11 acknowledges that working with partners will be crucial to improving outcomes. This applies in particular to matters such as achieving affordable warmth where planning will only be one of a range of possible public, voluntary, and private sector interventions. The policy is broadly consistent with national policy and in particular Section 8 of the Framework. However, the policy refers to 'planning processes' being used to encourage and guide development which lacks clarity. The policy should also acknowledge that opportunities for anti-social behaviour as well as crime should be minimised. **MM016** would secure these changes so that Policy LPA11 is effective.
117. There is no need for the Plan to reiterate policies that are already set out in the Framework. Policy LPA01 recites the presumption in favour of sustainable development at paragraph 11 of the Framework. This would give the Framework presumption development plan weight which would potentially weaken other policies within the Plan. Moreover, the wording of national policy in relation to the presumption has changed with the revised Framework so Policy LPA01 would be inconsistent upon adoption. Therefore, the policy is not necessary and should be deleted by **MM005** so that the Plan is consistent with national policy.

## Conclusion

118. We conclude that, subject to the MMs proposed, the spatial strategy for the distribution of development is justified and other strategic policies, including those relating to the Green Belt, are positively prepared, effective, and consistent with national policy.

## **Issue 3 – Whether the allocations and safeguarded land identified for development within St Helens, and Green Belt boundaries, are consistent with the Plan's strategy and national policy, including protecting Green Belt land, and whether the housing and employment land identified will be delivered**

### Generally

119. We have already found that, in order to meet the Plan's housing and employment requirements and to provide land for longer-term needs,

exceptional circumstances exist at a strategic level to justify the release of land from the Green Belt in the Borough. We have also reasoned earlier that the overall quantum of land required and its general spatial distribution have been justified. We consider below site specific issues for the allocations and safeguarded land, including the effect on Green Belt purposes, in order to determine whether exceptional circumstances exist for the specific Green Belt releases.

120. The identification of potential housing sites derives from the SHLAA and 'call for sites' exercises. The former, together with the brownfield register, focuses on the urban area land supply, the latter has been more widespread. The Site Selection Paper (SHBC012), provided at our request, summarises the approach.
121. The SHLAA has been undertaken in accordance with guidance in the PPG. Section 3 of the SHLAA sets out the methodology for identifying sites and then appraising them to see whether they are deliverable, developable, or non-developable against a range of factors, including their suitability for housing development. Those sites considered deliverable or developable have been included in the Plan's housing supply. The SHLAA supply also includes sites that are under-construction or have planning permission. SHLAA sites with a capacity of over 300 units which had not commenced at the time of publication of the Plan have been allocated (Sites 3HA, 6HA, 9HA and 10HA).
122. The SHLAA is generally robust and seeks to make the best use of the urban land supply in accordance with the spatial strategy of the Plan, particularly Policy LPA02, and Sections 5 and 10 of the Framework. Under Issue 5 we consider non-allocated SHLAA sites in more detail and advise that some SHLAA sites should be discounted from the supply because they are not developable.
123. In terms of potential employment land, a review was undertaken of sites identified in the CS to see whether any of these could reasonably contribute to supply during the Plan period. Many sites were no longer available due to their loss to higher value uses, would not be viable or developable for speculative employment without gap funding, or were of poor quality in terms of market attractiveness for various other reasons (e.g. contamination, infrastructure issues). Moreover, none of the sites identified as part of the evidence base for the CS would meet the need for large scale warehousing and logistics. Therefore, the pool of sites to meet employment needs is limited. However, three sites included in the CS were identified as deliverable over the Plan period, and able to contribute to meeting identified employment needs, and, therefore, have been allocated (9EA, 10EA and 11EA).

124. Due to the supply of urban land being insufficient to meet identified needs, the Council undertook a review of the Green Belt across the Borough. The GBR had the objective of 'topping up' the supply of sites so that the overall requirement and longer-term needs could be met. The GBR considered parcels and sub-parcels of land across the entire extent of the Green Belt against the Green Belt purposes set out in the Framework. These assessments also discounted parcels or sub-parcels which did not have a realistic prospect of being developed due to the presence of a prohibitive constraint.
125. The SA has assessed the allocations and proposals for safeguarded land and reasonable alternatives against eighteen key sustainability issues.
126. In the light of the above evidence and in response to the quantum of land needed to 'top up' supply, the Plan proposes the alteration of Green Belt boundaries through the allocation of six sites and eight areas of safeguarded land for housing and eight sites and two areas of safeguarded land for employment.
127. The combination of the GBR and SA has been, in our view, a generally robust iterative process for identifying sites beyond the urban area. The detailed critiques of the scoring put forward in representations, statements and at the hearings have revealed some minor inconsistencies but have not significantly undermined the site selection process. The different approach to housing and employment sites has been justified, particularly in respect of some employment sites being progressed beyond the Stage 1B assessment in the GBR, despite identified Green Belt harms. Therefore, Sites 7EA and 2ES were taken forward considering the evidence in the round, including the specific requirements to meet B8 needs.
128. The Green Belt sites will all affect Green Belt openness and purposes to an extent by leading to encroachment into the countryside. However, the effects on other Green Belt purposes vary depending on the particular characteristics of the parcels. In addition, the sites are predominantly on the best and most versatile agricultural land. However, that would be the case for the vast majority of greenfield sites on the edge of the Borough's settlements. That said, the highest quality of agricultural land is in the north-west of the Borough, near Rainford. Limited development is directed to that area.
129. The Council, although accepting that both allocated and safeguarded sites can be released from the Green Belt, have made judgements as to which sites should contribute to needs during the Plan period and those that are likely to be required for longer-term needs. The judgements are based on assessing relative Green Belt and other impacts, any constraints that might affect when sites might come forward, supporting sustainable patterns of development, and

ensuring that the right quantum of development comes forward, in the right places, and at the right time.

130. In some cases the differences between some of the sites that have been allocated and others that have been either safeguarded or remain within the Green Belt are not significant. However, the judgement calls are justified and result in a sustainable pattern of development and an appropriate strategy. It is also argued that some of the safeguarded sites should be allocated. However, bringing forward too much greenfield land would be likely to undermine the ability to maximise the development of previously developed land, and other sites in the urban area which are in the most sustainable locations, as set out in Policy LPA02.
131. As explained earlier, exceptional circumstances exist to justify the alteration of Green Belt boundaries at a strategic level. In terms of releasing particular sites from the Green Belt, we set out below our reasoning. However, the Plan itself does not clearly and concisely justify each allocation that will alter Green Belt boundaries. **MM007**, **MM009** and **MM011** would secure changes to the justification for Policies LPA04 (employment allocations), LPA05 (housing allocations) and LPA06 (safeguarded land). As a result, a concise explanation is included to explain the reasoning and exceptional circumstances for the removal of sites from the Green Belt, including by reference to the GBR, Green Belt purposes and other site characteristics. These changes are needed so that the Plan is positively prepared, justified, and consistent with national policy.
132. Most of the allocated housing sites to be removed from the Green Belt make some contribution to the five-year supply but are projected to commence some 2 years after Plan adoption at the earliest i.e., by 2024/25. The majority of sites are shown as delivering at around 40-45 dpa, apart from the commencement year when delivery would be 50%, i.e., between 20 and 22 dpa. The rate of delivery in most cases is based on the assumption that there would be a single housebuilder outlet on an allocated site. Some developers have indicated the potential for shorter lead-in times and higher build-out rates. However, the Council's assumptions about lead-in times and build-out rates are realistic. We will come onto those sites which have projected longer lead-in times and different build-out rates later in this section.
133. Appendices 5 and 7 of the Plan sets out profiles for each allocated or safeguarded site. The profiles include key requirements that would need to be addressed when the sites are brought forward. However, some of the requirements are generic and would apply to any site because of policies of the Plan. The Site Profiles should only include requirements which are site specific such as those relating to access, sustainable travel routes, heritage assets, and landscaping. **MM044** and **MM045** would ensure that Appendices 5 and 7 are effective in this respect.



134. The Site Profiles together with LP policies such as LPA07, LPA08 and LPC05 seek to ensure that necessary infrastructure or contributions are sought from allocations for off-site highway works, sustainable travel, school places, health facilities and open space/recreation provision.
135. Appendix I of the GBR sets out details of where the Green Belt boundary should be amended so that it follows readily identifiable features on the ground or excludes areas of built development on the edge of settlements from the Green Belt. These changes are reflected on the submitted Policies Map.
136. We now deal with the specific allocations, safeguarded land, and Green Belt boundaries by area having regard to the evidence base, representations and our assessment which includes visits to the sites.

## **Bold, Eccleston, Sutton Manor, Thatto Heath and St. Helens Core Area**

### **Allocations and Safeguarded Land**

137. The largest urban area in the Borough is the St Helens Core Area which includes those parts of Bold, Eccleston, Moss Bank, Parr, Sutton, Thatto Heath, West Park and Windle which are built-up, as well as the town centre ward. In addition, the large village of Rainhill is physically linked to the Core Area to the north.
138. **Omega South-Western Extension (Site 1EA)** comprises 31 ha of Green Belt land, allocated for B2 and B8 uses.
139. The GBR found that the site scored medium in terms of its contribution to the Green Belt purposes of checking the unrestricted sprawl of large urban areas, preventing neighbouring towns merging into one another, and safeguarding the countryside from encroachment. In relation to the first and third Green Belt purposes, the site is currently largely free from development and there are open views across the site. However, the site is bordered by the M62 motorway to the north from which large scale built development is visible, including the existing Omega site to the east. Due to the proximity of existing development, the GBR assessed the site as having a moderate countryside character. As 1EA is next to the existing Omega strategic employment site, it would form a natural extension to it. The site is well contained to the north and west and, in part, to the south and east.
140. As to the second Green Belt purpose, the site is within a strategic gap between the towns of St Helens and Warrington. Whilst the gap would be reduced as a consequence of development taking place on the site, a sufficient gap would be maintained to ensure that the towns did not merge into one another.

141. In terms of constraints other than Green Belt, there is a protected woodland within the site. However, this could be retained and the issue would be capable of being resolved at the detailed application stage. As with most of the Green Belt allocations there is the best and most versatile agricultural land present.
142. With regard to benefits, Omega is the premier strategic employment site within Warrington, with approximately 277 ha originally intended to be delivered between 2006-2027. However, the current Omega site is at capacity and further land is therefore required to maintain continuity of supply. As referred to earlier, there is agreement between St Helens and Warrington Councils that the allocation of the site would contribute towards meeting the needs of Warrington.
143. The site is also within 1km of an area that has one of the top 20% most deprived populations in the UK. The development of the site would bring with it opportunities to improve access to potential jobs for deprived communities nearby at both the existing Omega site as well as at Site 1EA. To help secure these benefits, **MM044** amends the Site Profile to include the requirement to improve access to the site from areas nearby via walking, cycling and public transport.
144. Given the size of the allocation and its proximity to the M62, it is suitable for large-scale logistics warehousing development. Indeed, a recent planning application for logistics development at the site (along with offices and B2 and B8) has been granted planning permission after having been 'called-in' by the Secretary of State<sup>8</sup>. This is evidence of the site's suitability for this type of development which has been identified as strategically important for the growth of the economy in St Helens and the wider LCR.
145. The planning permission that has been granted is for a significantly larger development and on a larger site than that allocated in the LP. The permitted scheme has also been designed to meet the specific requirements of an identified end user. For these reasons, the development will be different to that envisaged in the LP. However, that does not render the original allocation unsound. Moreover, the permission post-dates the LP's supply baseline of 31 March 2021. A MM to amend the allocation (and associated policies) to reflect the planning application is not therefore necessary or justified. However, a reference has been made in **MM044** to the recent planning permission for effectiveness and as a factual update.
146. The IDP identifies the potential requirement for mitigation to be provided in relation to Junction 8 [J8] of the M62. J8 is situated wholly within Warrington Council and capacity issues have been identified. Neither NH nor Warrington Council have objected to the allocation on the basis of highway impacts. NH commissioned a report in 2019 looking at options for junction improvements.

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<sup>8</sup> See SHBC037

However, further work is needed to identify costs and the impacts of potential interventions. The Council have entered into a SOCG along with Warrington Council to work together and liaise with NH to address the cumulative impact of LP allocations and the Omega site on J8.

147. The Site Profile requires the implementation of any measures required to mitigate impacts on the M62 (J8) or other parts of the highway network (including potentially J7 of the M62). The phasing of development at the site will also be an important consideration in mitigating any impacts.
148. **Omega North-Western Extension (Site 1ES)** is close to the M62 motorway and existing large-scale development at Omega North. It is therefore well contained to the east and south. The western boundary is marked by a hedgerow, and trees (some of which are subject to a Tree Preservation Order) and there is a lane along part of the northern boundary. However, the site itself is open and there is agricultural land to the north and west.
149. The GBR scored this site as making a medium contribution to the Green Belt in terms of its role in checking the unrestricted sprawl of a built-up area, preventing neighbouring towns from merging, and protecting the countryside from encroachment. However, the GBR also noted that, whilst the site falls into the strategic gap between the towns of St Helens and Warrington, a significant gap could still be maintained even if this parcel of land were developed. The proximity of the motorway and large-scale development influences the perception of the site and it has only a moderate countryside character. Once development at the adjacent Site 1EA commences this will also inevitably further influence the character of Site 1ES.
150. The site's location would form a natural extension to the Omega site. However, access would need to be achieved through land in the ownership of a third party. Whilst it is possible that agreement could be reached with the third party soon, it indicates that the site may not be immediately available for development. Given that the sites allocated in the LP will be sufficient to meet the residual employment need during the Plan period, it is logical that the LP safeguards the site for longer term employment needs of the area as this will allow more time for access options to be explored. Potential impacts on J8 of the M62, which experiences capacity and congestion issues, would also need to be addressed. The Site Profile refers to these issues, along with others, that any future development would need to address. **MM044** is necessary for effectiveness as it inserts additional wording to the Site Profile to ensure that a full range of sustainable modes of transport will be secured, enhancing connections to the St Helens Core Area.
151. Exceptional circumstances have been demonstrated for the release of Sites 1EA and 1ES from the Green Belt.

152. **Bold Forest Garden Suburb (4HA)** is the largest housing allocation in the Plan comprising some 132 ha of Green Belt land to the south of the St Helens Core Area. Whilst very open in places with expansive views across the site from the surroundings, the overall site has clear physical boundaries. Moreover, much of the site comprises a notable indent into the alignment of the southern edge of the built-up area around Clock Face. Development of the site would not bring the eastern extremity of St Helens any closer to Burtonwood. Therefore, the site makes a medium to low contribution to Green Belt purposes.
153. The site comprises predominantly large level arable fields interspersed with some boundary hedgerows and small copses, some of which have biodiversity value. The landscape is pleasant but not remarkable. It can be enjoyed by those using the various public rights of way that cross the site. The allocation would have adverse landscape and visual impacts, result in a significant loss of higher-grade agricultural land, and also would affect local businesses, such as equestrian centres.
154. The site has good accessibility to local industrial areas and transport, including St Helens Junction Railway Station. Highway and biodiversity impacts can be mitigated.
155. The Garden Suburb is at a scale where it is anticipated that it would need to deliver social infrastructure in the form of school places, a local centre, and possible health facilities. The site would also make a significant contribution to Green Infrastructure [GI], visitor facilities and recreation hubs within, and close to, the Forest Park and provide considerable on-site open space and recreation opportunities, including the enhancement of the Greenway and bridleway networks. The site has the potential to achieve biodiversity net gain. Tunstall's Farm Local Wildlife Site has been excluded from the allocation.
156. In view of the scale, the various requirements, and to ensure appropriate masterplanning and phasing, a bespoke policy for the Bold Forest Garden Suburb should be included in the Plan. This would be achieved by **MM018** which would insert Policy LPA13 into the Plan for effectiveness and so that it is positively prepared. We have amended the wording of the policy and the reasoned justification following the MM consultation to make it clear that a comprehensive masterplan should be in place in advance of any planning applications but that a Supplementary Planning Document may not also be necessary. Consequential changes would be required to Policy LPA05.1 and Appendix 5 to the Plan (Site Profiles) to cross reference masterplanning and other requirements with Policy LPA13 (**MM010** and **MM044**).
157. The site is in a number of ownerships but most of the land making up 4HA is being actively promoted. There will be a need for significant masterplanning as a forerunner to any planning applications. In this respect the site is not shown

as delivering housing until later in the Plan period (from 2028/29), with only some 500 homes built by 2037, out of a total capacity of around 3000 homes. However, when it does commence, it is anticipated that two housebuilder outlets would be likely to be in place delivering in total around 60 dpa. These delivery assumptions are realistic. If more homes are delivered during the Plan period, all well and good.

158. **Land south of Gartons Lane (5HA)** has an area of about 22 ha. It has a strong element of visual containment within the clearly defined boundaries of Gartons Lane and the urban area to the north, Sutton Manor Nature Reserve to the south, the B5419 to the west, and a dismantled railway line and housing to the east. Therefore, the site makes a low contribution to Green Belt purposes. The site is located close to local shops, a primary school, and open space.
159. The site can make a contribution to the planned Sutton Manor Recreation Hub, by providing links to the car park, utility connections, and sustainable routes from the north. These requirements are included within the relevant Site Profile.
160. Gartons Lane has areas of higher density housing nearby and is close to sustainable transport routes. A higher indicative minimum density of 35 dph is achievable. The site is being promoted by a major housebuilder. There are no barriers to the site coming forward as anticipated by the trajectory. The small brownfield sites on Gartons Lane occupied by a church and farm buildings could be incorporated into the site. However, a change to the Policies Map to include them as part of the allocation is not necessary as these sites are excluded from the Green Belt. Therefore, there is no objection in principle to their redevelopment. They could be included through the development management process.
161. Both 4HA and 5HA are close to the most deprived parts of the Borough where housing and, in the case of 4HA in particular, new social infrastructure, would deliver social and economic benefits. The allocations would accord with the objectives of the BFAAP which through Policy BFP1 seeks to ensure that the Bold Forest Park area contributes to meeting the Borough's needs for, amongst other things, housing. Site 4HA would only comprise about 7% of the Bold Forest Park area.
162. The LP Transport Impact Assessment (TRA003) and the Bold Forest Garden Suburb Transport Review (TRA005), when read together, indicate that, through a combination of changes to existing junctions, the creation of new routes through the sites, and a modal shift towards sustainable travel, cumulative residual impacts on the road network would not be severe. Sustainable travel to both sites will be assisted by improved cycle and walking routes, including towards Lea Green Station, for which funding has been secured (see SHBC020). **MM044** amends the Site Profile for Site 5HA to include reference to

the potential for contributions to the improvements to local railway stations so that the Plan is positively prepared and effective.

163. For the above reasons and having regard to the social and economic benefits of providing housing and related infrastructure, both during the Plan period and beyond, the allocations are justified. Exceptional circumstances for the removal of the sites from the Green Belt have been demonstrated.
164. The **Former Penlake Industrial Estate (3HA)** was predominantly built-out by March 2021 and therefore should be removed as an allocation and included in the housing supply as a combination of completions and commitments. **MM009**, **MM010** and **MM044** would remove the site from Table 4.5, Policy LPA05.1 and its reasoned justification, Footnote 35, and the Site Profiles, for effectiveness.
165. The employment allocations at **Lea Green Farm, Thatto Heath (10EA)** and **Gerards Park, College Street (11EA)** have now been respectively built-out and commenced. The Plan should, therefore, reflect their status at 31 March 2021 and that they no longer need to be allocated. Tables 4.1 and 4.4 and the Site Profiles are amended accordingly in the interests of the Plan's effectiveness (**MM007** and **MM044**).
166. Table 4.5, the reasoned justification to Policy LPA05, the housing supply tables and the Site Profiles need to be updated to reflect the planning status at 31 March 2021 of the non-Green Belt sites of the **former Linkway Distribution Park, Thatto Heath (9HA)**, **land east of City Road, Cowley Hill (6HA)**, and **Moss Nook Urban Village (10HA)** for effectiveness (**MM009** and **MM044**). By that date, 9HA had an outline planning permission, 6HA had a resolution to grant outline planning permission, and for 10HA there was permission for, and commencement of, supporting infrastructure and a reserved matters application pending for the first phase.
167. The housing trajectory shows the above allocations commencing by 2023/24 which is reasonable given their planning status. Although 9HA, 6HA and 10HA are large allocations with projected capacities of 350, 1100 and 800 homes respectively, suggesting the potential for more than one outlet, delivery of 45 dpa is realistic given their urban location.
168. The Plan safeguards four sites around St Helens Core Area for housing beyond the Plan period. The four sites would ensure a reasonable geographical spread of opportunities to meet longer-term needs around the urban fringe.
169. The **former Eccleston Park Golf Club (3HS)** has housing development on three sides. Development to the north at Eccleston Park and Grange Park is contiguous such that the urban areas of St Helens and Prescot already merge. Therefore, the site is not an important strategic gap. The site is reasonably well-

contained with strong boundaries such that it is not perceived as contributing significantly to Green Belt openness or purposes. The site is well-related to services and jobs, including those at the nearby Whiston Hospital. Public transport connections are also good, with Eccleston Park Railway Station adjacent.

170. The golf course use has ceased and there is no evidence that it is essential that the site should be retained for sports use. Indeed, the Sports Facilities Needs Assessment – Golf Addendum (OPE002) indicated capacity for additional participants at all golf courses within St Helens. Although the report was produced in 2016, there is no evidence that the position has materially changed. Sport England has not objected to the safeguarding of the site.
171. The site has some constraints, including those related to highway network impacts and utilities that need to be overcome. The refusal of planning permission for up to 962 dwellings in January 2022 is a reflection of the current development plan and its Green Belt status and some of the technical constraints but does not alter the Council's position that the site should be safeguarded. Given the need to assess and mitigate the constraints, which may affect the developable area and capacity, safeguarding rather than allocating the site is appropriate.
172. **Land east of Chapel Lane, Sutton Manor (6HS)** has a reasonable degree of self-containment due to the presence of woodland to its southern edge. The site does not contribute significantly to the strategic gap between Sutton Manor and Rainhill. That said, it projects out from the urban edge into the countryside. The constraints of a local wildlife site and protected woodland will need to be assessed. Overall, the site would be suitable for longer-term needs.
173. The promoters of the site have suggested that it can provide 100% affordable housing and this, along with other reasons, supports its allocation rather than safeguarding. However, allocations are to meet housing needs overall. There would be no certainty that the site would come forward entirely for affordable housing. Moreover, as explained under Issue 1, the Plan is likely to make provision for affordable housing to meet the identified needs, and the Plan will meet its housing needs overall, so there is no soundness reason for bringing the site forward during the Plan period.
174. **Land south of Elton Head Road, Thatto Heath (7HS)** makes a limited contribution to Green Belt purposes with reasonable self-containment due to the presence of a school and housing to the east, residential areas on the opposite side of the B5204 to the north, woodland, and the new Waterside Village to the south, and a hedgerow and higher ground to the west. The site is close to a primary school and local convenience store, and on a bus route.

175. **Land south of A580, Windle (8HS)** is a large (52 ha) triangle of predominantly agricultural land on the north-west edge of the St Helens urban area. The site has well-defined boundaries formed by the East Lancashire Road, Houghton's Lane, and the existing built-up area. The site makes a limited contribution to Green Belt purposes.
176. The site comprises large arable fields interspersed with some boundary hedgerows and small copses, with the land rising up towards the eastern corner. The landscape is pleasant but not remarkable. It can be enjoyed by those using the various public rights of way that cross the site. Housing development would have adverse landscape and visual impacts and result in a significant loss of higher-grade agricultural land.
177. The site is located relatively close to local primary schools and a secondary school. However, given the scale of the site, some additional social infrastructure may be required. In addition, off-site highway and transport improvements are likely to be needed.
178. Notwithstanding the adverse effects, the site is well-placed to meet longer-term housing needs. This would fit in with the need to undertake significant technical work and masterplanning to bring the site forward. Taking into account the above, safeguarding is appropriate.
179. Exceptional circumstances exist for the release of safeguarded Sites 3HS, 6HS, 7HS and 8HS from the Green Belt. The Site Profiles require amending (**MM045**) to reflect opportunities for sustainable modes of access so that the Plan is positively prepared and effective.
180. There has been significant development in the St Helens urban area since 2016. At 31 March 2021 some 2400 homes had been completed or were under-construction. Opportunities exist in the St Helens Core Area to bring forward further previously developed land, including the allocated sites 6HA, 9HA and 10HA, and other urban sites. The Green Belt allocations 4HA and 5HA will add to the range of sites. Therefore, making Sites 3HS, 6HS, 7HS and 8HS available to meet longer-term needs would be appropriate.

### **Green Belt boundaries**

181. In terms of the submitted Policies Map, there remains one anomaly in this part of the Borough. The Policies Map shows some of the land to the south of the A580 in the vicinity of Carr Mill Road as Green Belt. In order to ensure that the Green Belt boundary follows recognisable and permanent physical features and Green Belt policies are justified and effective, it should follow the line of the road. The change to the extent of the Green Belt would require changes to the submitted Policies Map. The other modest changes to the Green Belt



boundaries set out in Appendix I of the GBR are justified. Exceptional circumstances have been demonstrated for these clearly defined boundaries.

## **Rainford, Billinge, Garswood and Haydock**

### **Allocations and Safeguarded Land**

182. Garswood and Rainford are large villages near the northern edge of the Borough. Garswood has primary schools, a medical centre, local shops, and a railway station. Rainford has a secondary school, primary schools, a medical centre, and a vibrant village centre. The railway station at Rainford Junction is some distance to the north of the village so would be too far to access on foot. That said there is a linear path which would allow cycle access from the village to the station.
183. The Plan allocates **land to south of Billinge Road, Garswood (1HA)** and safeguards **land to south of Leyland Green, Garswood (1HS)**, both for housing.
184. Site 1HA is a triangle of fairly level pastureland contained by the B5207, Garswood Road and Smock Lane. These strong boundaries and its siting between the main village and Simm's Lane End result in the land making only a limited contribution to Green Belt purposes whilst representing a logical expansion of the village. In particular, development of the site would not lead to any material closing of the strategic gap between Garswood and Billinge.
185. The site is within walking distance of local services and the railway station. The allocation is unlikely to materially exacerbate parking issues at the railway station and nearest primary school given its relatively close proximity to these facilities. There are no significant technical constraints in that a safe access can be obtained and mitigation can be put in place to resolve on-site and off-site drainage issues.
186. Site 1HS is immediately to the north of 1HA. It can be distinguished from 1HA in that 1HS projects more into the countryside and is more open in character. As such it makes a greater contribution to the Green Belt purpose of safeguarding the countryside from encroachment and is a less logical extension to the village. The effects on other Green Belt purposes are comparable to Site 1HA.
187. Although Site 1HS is also equidistant to some local services such as the medical centre and primary school, it is further away from others such as the main convenience store/post office and railway station.
188. Neither site has significant technical constraints. But there is no need to allocate both sites now and to do so would have the potential to undermine the Plan's

priority of bringing forward land within the existing urban areas of the Borough. Phasing the sites so that one provides housing during the Plan period and the other meets longer-term needs would achieve a sustainable expansion of the village and is justified by the different characteristics of the sites. Exceptional circumstances exist for the release of Site 1HA and Site 1HS from the Green Belt.

189. The Site Profiles require updating to ensure that, when the sites come forward, measures to enhance sustainable modes of travel are incorporated to ensure a positively prepared and effective Plan (**MM044** and **MM045**). In the case of Site 1HA this would include the potential for enhancing bus stop provision and upgrading the railway station, albeit it is acknowledged that measures relating to accessibility would require significant funding.
190. **Land to west of Sandwash Close, Rainford (9EA)**, lies adjacent to an existing industrial estate. It is an employment allocation carried over from the UDP and has an extant planning permission. Its deliverability has been assessed taking into account the acquisition of additional land adjacent to Sandwash Close by the owner which opens up access to the site. This change should be reflected in the site area set out in Table 4.1 and the Site Profile so that the Plan is effective (**MM007** and **MM044**). The Policies Map will also need to be updated to reflect the revised site area.
191. The site has the potential to serve a range of local employment needs. In this respect the appropriate uses set out in Table 4.1 should include light industrial as well as general industrial and warehousing/storage so that the Plan is positively prepared. **MM007** would secure this change.
192. The extant planning permission has a number of key conditions relating to the protection of existing trees and the landscape, highways and access and drainage. The relevant Site Profile has therefore been amended to include reference to these matters to ensure that the Plan is effective (**MM044**).
193. **Land south of Higher Lane, Rainford (8HA)**, allocated for housing, makes a limited contribution to Green Belt purposes and benefits from strong boundaries and a high degree of visual containment. The site would not extend the village any closer to Billinge given the linear nature of the Rainford Industrial Estate.
194. The site slopes away from Higher Lane and is conspicuous in views from the road and from properties in Rookery Lane. Development of the site would have some adverse landscape and visual effects and lead to the loss of good quality agricultural land. However, the site represents a logical extension of Rainford. Local facilities in the village centre, a primary school and the health centre would be reasonably close and capable of being accessed by foot and cycle via the Rainford Linear Park. There are no significant technical constraints.

Exceptional circumstances exist for the release of Site 8HA from the Green Belt.

195. The Site Profile requires updating so that measures to enhance sustainable modes of travel are incorporated to ensure a positively prepared and effective Plan (**MM044**). In particular, links should be facilitated to the linear way and bus stops provided. The reference in the site requirements to a minimum 25m wide linear flood attenuation and habitat creation feature is prescriptive but may be adjusted upon the receipt of more technical information.
196. The sites allocated for housing in Garswood and Rainford are attractive to the market. The sites are being promoted by major housebuilders. There are no barriers to the sites coming forward as anticipated by the housing trajectory.
197. Haydock and Blackbrook comprise a single urban area between St Helens and Ashton-in-Makerfield. The latter lies within Wigan Borough. There are large employment sites north of the A580 at Haydock. In addition to jobs, the settlement has schools, a health centre and good bus links to St Helens.
198. There is a grouping of employment allocations to the north of the A580 which are well-placed to serve the needs of the logistics and warehousing sector and will enhance the existing jobs offer. They would also contribute to reducing poverty and social exclusion given their proximity to areas of high deprivation.
199. Most of the land at **Florida Farm North (2EA)** and **Land North of Penny Lane (3EA)** has been developed. As a result, these sites no longer need to be allocated but would constitute part of the take up of land in the employment supply figures. **MM007**, **MM008**, and **MM044** would remove the sites from Table 4.1, delete references to Site 2EA from Policy LPA04.1 and its explanation (Strategic Employment Sites), and remove the Site Profiles.
200. However, it would be appropriate to remove both sites from the Green Belt and show them as white land. Otherwise, if they remained as Green Belt, any proposals for residual land or ancillary development within the site boundaries would need to demonstrate very special circumstances. Exceptional circumstances have been demonstrated. The change from allocations to white land would necessitate changes to the Policies Map. The above changes are needed to ensure a positively prepared and effective Plan.
201. **Land south of Penny Lane (4EA)** at 2.16 ha is a small, triangular shaped site currently situated in the Green Belt. The LP allocates the site for B2 and B8 uses. The site is next to Site 3EA which has been largely built-out since the GBR was undertaken. Consequently, 4EA is now bordered by development on two sides (Site 3EA, a hotel, and the A559 Penny Lane), with the M6 running

along the third side. As such, the site is very well contained by development and would also form a natural extension to the existing Haydock Industrial Estate.

202. The site was assessed in the GBR as making a medium contribution to Green Belt purposes. However, that was in combination with Site 3EA. On its own the site makes a very limited contribution to Green Belt purposes. Its development for employment uses would be entirely logical and exceptional circumstances have been demonstrated.
203. In terms of highways, the site will need to take into account any impacts on J23, along with Sites 5EA and 6EA. However, NH have confirmed that there is nothing to prevent a relatively small site such as 4EA coming forward on an incremental basis in advance of the M6 improvements to J23 providing that any proposed scheme can demonstrate that impacts will be acceptable.
204. **MM044** is necessary to the Site Profile to secure suitable access to the site via walking, cycling, and public transport, in the interests of a positively prepared and effective LP.
205. Site 4EA is expected to be delivered well before the end of the Plan period. Based on the available evidence, this is a reasonable assumption.
206. The GBR assessed **Land West of Haydock Industrial Estate (5EA)**, and **Land West of Millfield Lane, Haydock (6EA)** as part of the same parcel of land. It found that overall the parcel made a moderate contribution to the purposes of the Green Belt. The GBR acknowledged the role of 6EA in preventing ribbon development along Liverpool Road and in broadly contributing to the physical and visual separation of Haydock and Ashton-in-Makerfield. However, the sites would form a natural extension to the existing Haydock Industrial Park and are bounded by the triangle of existing roads. They are therefore relatively self-contained with well-defined boundaries. The sites do not encroach onto the attractive rolling countryside to the north of the A58.
207. The allocation of both sites for B2 and B8 employment uses is therefore logical. The removal of the sites from the Green Belt will also help to ensure permanence in the boundaries of the Green Belt for the long-term in this location. Exceptional circumstances have been demonstrated. However, in recognition of the potential landscape and visual impacts, **MM044** adds a requirement to the Site Profile for 6EA relating to the layout and landscaping of the site, particularly in terms of treatment along Liverpool Road.
208. Access to 5EA will be achieved through the adjacent employment sites 2EA and/ or 6EA. **MM044** therefore amends the Site Profiles for both 5EA and 6EA to refer to this to ensure that this requirement is taken into account when Site

6EA is developed. The MM also includes measures to secure suitable access to the site via walking, cycling and public transport.

209. **MM044** also adds a requirement to the Site Profile for 5EA to ensure that effective flood management measures for Clipsley Brook are provided. This is necessary to ensure the risk of flooding downstream is reduced, as well as enhancing biodiversity. The MM also adds wording to the Site Profile for 6EA to provide a green space buffer alongside Millfield Lane. This is necessary to ensure that any effects on the setting of the listed building, 'Le Chateau', are minimised.
210. The above changes through **MM044** are required to ensure that the Plan is positively prepared, effective, and consistent with national policy.
211. The employment land delivery trajectory set out in the Employment Land Background Paper (SD022) envisages a staggered approach to the development of Sites 4EA, 5EA and 6EA to take account of impacts on, and the need for a significant upgrade to, J23 of the M6. Reference is also made to this issue in the Site Profiles for 5EA and 6EA to ensure that it is addressed by any planning application. 5EA is expected to be operational by 2030. As 6EA is the larger of the two sites, it is anticipated that the later start date will allow for the improvement works at J23 to take place but that the site will be operational by the end of the Plan period. Based on the available evidence, the delivery assumptions for both sites are reasonable.
212. **Land north-east of J23 (M6), Haydock (2ES)** is a generally open area of agricultural land of around 43 hectares in size. It is next to J23 of the M6 Motorway and the A580 East Lancashire Road, south of Haydock Racecourse, and the A49 runs along its western boundary. An area of woodland borders the site's eastern boundary.
213. The GBR found that the site made a strong contribution to the purposes of the Green Belt. Specifically, it contributes to the strategic gap between settlements (Haydock and Golborne and also Haydock and Ashton-in-Makerfield) and has an important role in checking the outward expansion of the large built-up areas of Haydock and Ashton-in-Makerfield into the countryside. As such, the GBR acknowledged that the development of this site would have a high impact on the Green Belt.
214. On the other hand, the GBR also acknowledged that the site, because of its size and location (being close to the strategic road network), has the potential to help meet the long-term need for logistics development within the area and wider sub-region.

215. The decision was taken by the Council to safeguard this site rather than allocate it based on the ranking given to the employment sites during Stage 3 of the GBR. Seven sites scored more highly than 2ES and these higher scoring sites have been allocated in the LP.
216. A planning application for development on part of the allocated site was made in 2020 for 167,000 sqm of B8 storage and distribution and B2 business use (with an 80/20% split of floorspace respectively). Permission for the scheme was dismissed on appeal in November 2021<sup>9</sup> on the basis of conflict with Green Belt policies and landscape and visual impact harm. Loss of agricultural land and heritage concerns were also identified.
217. In terms of landscape and visual impact, it is the case that development of the site for large scale logistics would detract from its current open and rural character. However, this is an issue that will need to be weighed in the balance when considering the need to meet employment needs beyond the Plan period and the sites suitability in meeting them.
218. Development of the site would involve the loss of agricultural land but that is the case for most sites in St Helens on the edge of the urban area. The site would also cover a large part of the former Haydock Park medieval hunting ground which is a non-designated heritage asset. However, much of this has been eroded by modern development and only remains to a limited extent.
219. The appeal scheme included proposed works to the A49 Lodge Lane. The Council has acknowledged that this is likely to form part of any future improvement works to J23 of the M6. Whilst that might be the case and any private sector contributions as a result of development at the site would no doubt make a positive contribution towards the funding of J23 improvement works, the fact remains that this would only be a partial solution. NH have made it clear that their preference would be for a comprehensive scheme to come forward as that would enable a complete design solution to be delivered and would also minimise disruption to users of the existing road network during construction works.
220. An initial feasibility study was undertaken in 2019 between St Helens, LCR, NH (then Highways England) and Wigan Council to look at options for improvement works at J23. A number of options were identified. However, the design option recommended is outside of current national standards. Therefore, further work is needed to identify a preferred solution and options for funding are being investigated.

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<sup>9</sup> See SHBC039

221. In summary and despite its Green Belt and landscape impacts, Site 2ES is of a suitable size and in the right location to meet the need for large scale logistics development that would bring substantial economic benefits to the area and wider sub-region. The economic benefits of the site were also acknowledged as substantial in the recently dismissed appeal. Nevertheless, the decision was taken by the Council to safeguard this site rather than allocate it based on the ranking referred to above. Deciding which sites to allocate is a matter for the Council. Given that the employment requirement during the LP period can be met in full through the allocated sites, the decision to safeguard Site 2ES to meet long term employment requirements beyond the Plan period is justified. Exceptional circumstances for safeguarding Site 2ES have been demonstrated.
222. **MM044** is necessary to add wording to the Site Profile to ensure that any future development on the site addresses the landscape and visual impacts through a suitably designed scheme. The MM would also ensure that measures to secure suitable access to the site via walking, cycling and public transport are included. These changes are necessary for a positively prepared and effective Plan.
223. **Land at Florida Farm, Haydock (2HA)** has residential areas to the south and the East Lancashire Road and large new warehousing to the north. It would involve a logical extension of Haydock up to the A580 and the A58. The site makes a limited contribution to Green Belt purposes.
224. The site is in a sustainable location with good access to services and jobs. Aside from some limitations imposed by the capacity of J23 of the M6, there are no significant technical constraints. Flood risk, noise, and historic mineshafts can be mitigated. Exceptional circumstances have been demonstrated. **MM044** would modify the Site Profile to recognise the opportunities for sustainable means of access in the interests of a positively prepared and effective Plan.
225. The housing trajectory anticipates that development at Florida Farm would not commence until 2027/28. The site is one of several allocations that might add to capacity issues at J23 and, therefore, may need off-site highway improvements before it can be brought forward. That said, further assessment might indicate that some of the site can be developed in advance of works. But a cautious approach by the Council to delivery is reasonable in the circumstances.
226. Additional housing allocations or the provision of safeguarded land for housing around Haydock/Blackbrook are not necessary to make the Plan sound. Although there is limited identified supply, apart from Site 2HA, the settlement is close to St Helens, Garswood and Newton-le-Willows/Earlestown which, in combination, have a plentiful supply of sites. In addition, there may be opportunities to develop other land which is now excluded from the Green Belt, for example land to the west of Haydock Park Racecourse. The development of land to the south of Haydock/Blackbrook, particularly south-west of J23, would

erode the gap between the settlement and the nearby built-up area of Newton-le-Willows/Earlestown, leading to a perception of merger.

### **Green Belt boundaries**

227. The change to the boundary in the vicinity of Barrows Farm, Billinge, shown in Appendix I of the GBR is justified in that the frontage development on Carr Mill Road and the more tightly knit development behind would be removed from the Green Belt, whereas the more open areas of the complex further east would remain within the Green Belt. The other modest changes to the Green Belt boundary set out in Appendix I are justified. Exceptional circumstances have been demonstrated for these clearly defined Green Belt boundaries.

### **Parkside, Newton-le-Willows and Earlestown**

#### **Allocations and Safeguarded Land**

228. Newton-le-Willows/Earlestown comprises a single urban area to the east of the Borough. Apart from St Helens it is the largest distinct settlement. The area is served by Earlestown Town Centre and Newton-le-Willows Local Centre, schools, health facilities, and good transport links, including two railway stations. The former Parkside Colliery lies adjacent to Newton-le-Willows, between the West Coast mainline and the A49, and the M6.

229. **Parkside East (7EA)**, allocated for a SRFI, is situated mostly to the east of the M6 motorway close to J22, with a thin strip of land crossing over the M6 to include a small area on the west of the motorway to allow for rail enabled development. It is a large open Green Belt site of around 125 hectares consisting of agricultural land with some agricultural buildings on it. The A579 Winwick Road is situated to the south, and the Chat Moss railway line along with an area of woodland to the north. The A573 Parkside Road and Barrow Lane cross the site. The site is therefore well-contained apart from along its eastern boundary which is open.

230. The GBR assessed the site as making a high + contribution to the Green Belt. This was specifically in relation two Green Belt purposes: checking the unrestricted sprawl of built-up areas and assisting the safeguarding of the countryside from encroachment. It is acknowledged that developing the site would be harmful to the Green Belt due to the size of the site, the lack of enclosure to the east, its strong countryside character, and the absence of existing development.

231. **Parkside West (8EA)**, allocated for B2 and B8 uses, includes the site of the former Parkside Colliery and is about 80 hectares in size. The site is a mixture



of brownfield land, farm buildings, trees, and grassland. It is bounded by the Chat Moss railway line to the north, the M6 and agricultural land to the east, Hermitage Lane and woodland to the south, and the West Coast railway line and A49 Mill Lane to the west. To the west it adjoins Newton-le-Willows. The site is therefore well contained by its boundaries to the north and west and to a lesser extent to the south and east.

232. The GBR assessed the site as making an overall medium contribution to Green Belt purposes. The review noted the sites high degree of enclosure, that part of the site is brownfield and that it did not have a strong sense of openness or countryside character.
233. The Framework promotes economic growth and sustainable transport. The Department for Transport's National Policy Statement identifies SRFIs as key to facilitating the transfer of freight from road to rail. The Government has concluded that there is a compelling case for an expanded network of SRFIs. However, there is also acknowledgement that due to the requirements for road and rail access, the number of locations where SRFIs can be developed will be limited.
234. SRFI's are an important tool in promoting a modal shift to more sustainable modes of transport, by encouraging the transportation of goods via the national rail network rather than by road, thereby reducing carbon emissions and congestion. They therefore have significant environmental benefits.
235. Both 7EA and 8EA together form the wider Parkside site which has been the subject of planning applications for a SRFI. It was identified in the CS as a strategic location for a SRFI. Evidence demonstrates the site to be of national and regional significance in relation to policy, market demand, and the need to deliver new SRFIs.
236. The development of an SRFI would contribute towards the Plan's strategic aims of regeneration and tackling the issues of multiple deprivation that exist in the area. The proposed SRFI would lead to the creation of jobs and training opportunities that would benefit nearby deprived communities that suffer from unemployment, low skills and educational attainment, and low incomes.
237. As noted, the locations where a SRFI could be developed are limited due to the locational requirements. Given Parkside's proximity to the strategic road and rail network with links to routes connecting the north, south, east, and west of the country, the site is placed in a somewhat unique location to provide a SRFI.
238. In terms of the scale of the SRFI proposed, Policy CAS 3.2 of the CS identified the former Parkside Colliery and part of the adjacent land as being a strategic location which had the potential to facilitate the transfer of freight between road

and rail. At the time of the CS, the Council had considered the proposal on the basis of a small-scale facility which used the minimum amount of land necessary to develop such a facility. The evidence at the time showed that it was viable to develop a SRFI on Parkside West, with some land possibly being required within what is now Parkside East for operational reasons.

239. Since the adoption of the CS in 2012, a number of studies and reports have been commissioned to better understand the operating requirements of an SRFI on the site. The 2016 AECOM study looked at four options for developing SRFIs of different scales. The study found that either a medium (defined as handling between 4-8 trains per day) or large (over 9 trains per day) scale SRFI would be economically viable on the site. The assessment took into account matters such as infrastructure costs, flexibility of rail access, and road access. Both options require land on the east of the M6 to be utilised. Additionally, evidence indicates that a rail facility capable of accommodating trains 775m in length could not be accommodated on Parkside West (Site 8EA) alone. Being able to handle trains of this length is essential as it would meet the operational requirements of the logistics sector, and additionally, helps ensure that the full environmental benefits are realised in that longer trains are able to transport more goods which equates to fewer journeys and less emissions.
240. Additionally, if a rail facility were developed solely on Parkside West there would be insufficient space to accommodate the necessary reception sidings for trains from the west/south prior to arriving at the terminal. This would result in the west side loop being blocked, making rail access from the west less suitable for a SRFI. It is clear, therefore, that if an SRFI is to be built at Parkside then incorporating land on the east of the M6 will be necessary to realise its full benefits and to ensure the facility is viable.
241. Developing an SRFI has a high initial capital investment in terms of ensuring the necessary infrastructure is in place. Viability is therefore a very important consideration. Of the options looked at, the large scale SRFI (handling up to 12 trains per day) is the one that would be capable of accommodating trains 775m in length. Rail access would also be the most flexible with a facility being capable of accepting trains from both the south and west. Additionally, the size of the core handling area would mean that trains would not need to be split for handling which would save time and provide an operational benefit. The 2016 AECOM study also noted that the higher throughput of trains that would be capable of being handled by a facility of this size would make better use of the infrastructure and equipment provided on the site and would result in the initial capital costs being paid back more quickly than other options. The large scale SRFI was therefore considered to be the best option available by the study as it would make optimal use of the site's strategic location.
242. The employment land allocations trajectory assumes that a rail terminal at Parkside would open in 2026-2028 and that the site would be operational by

2030, with development ongoing at the end of the Plan period. Given the scale of the facility envisaged, this is an ambitious project timetable. However, a planning application for the development of Parkside Phase 1 for primarily road-based logistics on about 60% of Site 8EA was approved by the Secretary of State in November 2021<sup>10</sup>. An application for the Parkside Link Road was also approved at the same time<sup>11</sup>. There is also a developer who is promoting the Parkside East Site who has a track record in delivering strategic logistics-based developments. They are in advanced discussions with a rail freight operator in relation to the site. Their plans for the site at this stage are to develop a SRFI with a major manufacturing and logistics 'Super Hub'. The evidence therefore suggests that there is strong interest in developing Parkside as a SRFI from the logistics industry. The delivery assumptions for both sites, whilst being challenging, are nevertheless realistic.

243. The Parkside Strategic Rail Freight Interchange Capacity Study (EMP012) found that the existing rail infrastructure could support 4 trains per day at Parkside and this is the minimum number necessary to meet the definition of a rail freight Nationally Significant Infrastructure Project under the relevant legislation. However, in total, 19 paths were identified which means that it is likely that more trains could be accommodated at Parkside. Furthermore, as the facility grows over time and given the strong demand in the logistics market, it is likely that the facility would be able to accommodate more trains allowing for path capacity improvements through timetabling changes and infrastructure improvements. Against a national policy background that promotes growth in the transportation of freight via the rail network, it is reasonable to anticipate that future growth at the facility could be accommodated.

244. In summary, the provision of a SRFI requires a critical mass to justify the capital cost investment in infrastructure and this is informed by the scale of the proposal which in turn affects its viability. On the basis that the development of an SRFI at Parkside is supported, then a large-scale facility is therefore justified, otherwise the full economic, social, and environmental benefits would not be realised as a smaller scheme would be unviable. Although it is acknowledged that significant harm to the Green Belt would occur as a consequence of developing Site 7EA in particular, exceptional circumstances have been successfully demonstrated to support the release of both 7EA and 8EA from the Green Belt. These exceptional circumstances are summarised in **MM007** which is necessary so that the Plan is positively prepared, justified, and consistent with national policy. We have added some additional wording following MM consultation to include reference to warehousing and industrial development linked to the SRFI.

245. As the justification for releasing 7EA rests on the development of the site as a SRFI, **MM015** is necessary to ensure that this is delivered. The additional

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<sup>10</sup> See SHBC040

<sup>11</sup> See SHBC038

wording to Policy LPA10 requires any masterplan for the site to set out phasing for the whole site which should include a clear floorspace trigger for the delivery of the rail terminal infrastructure.

246. There is an existing access from the A49 to Parkside West. The 2016 AECOM study found that traffic impacts on the A49 would be acceptable if a small-scale facility (up to three trains per day) were developed at the site, providing some junction improvements were implemented. However, the study found that access from the A49 alone would not be feasible if a medium to large scale facility were developed at the site. To mitigate the impacts of developing both 7EA and 8EA, the Council has developed a scheme to provide a link road between the A49 to M6 J22. The link road will provide access from both Parkside East and Parkside West to J22. Funding for the scheme has been secured from the LCR Combined Authority and the Council, with additional funding to be provided by the private sector. Construction work on the link road commenced in January 2022. Policy LPA10 makes the provision for a safe and convenient access to J22 a requirement for the delivery of the site. There is also the ongoing work between NH, St Helens, and Wigan, to identify funding for delivery of improvement works to J22 itself. NH's Road Investment Strategy [RIS] 2 includes the junction as a pipeline scheme for potential future development in the next plan period (RIS3, 2025-2030).
247. Given the large scale of 8EA and its relationship to site 7EA, **MM017** introduces a site specific policy into the Plan for effectiveness. Site 7EA already has a site specific policy (LPA10). As a consequence **MM044** deletes the text in the Site Profile for 8EA and refers instead to new Policy LPA12. A number of consequential changes are also made throughout the Plan to update references to the new policy where necessary (**MM006**, **MM008**). Additionally, for effectiveness and following the MM consultation, we have amended **MM017** so that the explanation to the new policy now includes a reference to the planning permissions recently granted by the Secretary of State for Site 8EA and the link road.
248. New Policy LPA12 confirms that the site is suitable for B2 and B8 development. It also sets out a number of detailed considerations that a planning application on the site will be required to address, including access to and from the M6 for HGVs and other vehicles (including a specific reference to the link road recently granted permission), and the need to mitigate any adverse impacts on J22 of the M6. Other matters are also referred to in order to address specific issues identified in the SA and evidence base including the presence of a designated historical battlefield, the amenity of nearby residents, provide access via walking, cycling and improved bus provision, and training schemes to increase opportunities for the local population. These modifications are needed so that the allocation is positively prepared and effective.

249. The Plan allocates **land to the west of the A49, Newton (7HA)** and safeguards **land between Vista Road and Belvedere Road, Earlestown (2HS), land east of Newlands Grange, Newton (4HS)** and **land west of Winwick Road, Newton (5HS)** for housing.
250. **Site 7HA** is occupied by vacant school buildings and associated grounds. The school complex provides strong boundaries and enclosures which together with its partly brownfield condition, results in a low contribution to Green Belt purposes. The site is within walking and cycling distance of Newton Railway Station, on a bus route, close to local facilities, and opposite Parkside West. Exceptional circumstances have been demonstrated.
251. Since the commencement of the examination, permission has been granted for redevelopment of the site to accommodate the relocation of Penkford School from its existing site on the edge of Earlestown. This will lead to a reduction in the capacity of Site 7HA to reflect that part of the site is to be taken up by the new school and its associated parking and playing field. The revised yield from the site is estimated to be some 140 dwellings compared to around 180 units in the submitted Plan. The revised figure is justified<sup>12</sup>. The revisions would take into account a modification to increase the minimum density from 30 to 35 dph which would be consistent with densities to be achieved on other urban edge sites and would reflect the modern housing to the north.
252. Land to the south at Red Bank Farm is not included in the allocation but potentially could be developed as it now lies beyond the Green Belt, providing flood risk issues in relation to Newton Brook are resolved.
253. The revisions to capacity at Site 7HA are reflected in changes to the reasoned justification to Policy LPA05, Tables 4.5, 4.6 and 4.7 and Figure 4.3 (**MM009**), and the Site Profile (**MM044**). **MM044** also introduces requirements in the Site Profile relating to walking and cycling links and bus stop improvements. These modifications are needed so that the allocation is positively prepared and effective. Changes to the Policies Map will also be required.
254. **Site 2HS** is on the northern edge of the settlement but is set back from existing housing to the north-east. Therefore, although adjudged to have a medium contribution to Green Belt purposes, it would not bring the settlement any nearer to Haydock. The northern boundary is clearly defined by a strong hedge line with trees. The site is reasonably close to schools, health facilities and Earlestown Town Centre.
255. **Site 4HS** is sandwiched between the main west coast railway line, recently built housing estates and Vulcan Village. It makes a low contribution to Green Belt

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<sup>12</sup> see SHBC023

purposes. The site is close to a modern foodstore, with a primary school, health and recreation facilities, and the railway stations also within walking distance.

256. The area of safeguarded land should be extended to the south-west up to the northern boundary of the recreation ground so that it includes land to the east of the Vulcan Village Conservation Area. The Site Profile already includes a requirement for a landscaping buffer to the Conservation Area. In addition, there is a well-wooded bank immediately to the east of the Conservation Area. Together these existing and proposed buffers would provide sufficient protection to the setting of the Conservation Area. Moreover, the built development within the Conservation Area is inward looking and urban in form. There would not be any significant impact on Green Belt purposes taking into account the findings of the GBR and our site visits. This change is required to ensure a positively prepared and justified area of safeguarded land. Table 4.8 requires modifying accordingly to reflect increased site area and indicative capacity (**MM011**) and there are consequential changes to the Policies Map.
257. **Site 5HS** is also between the main west coast railway line and housing. It makes a low contribution to Green Belt purposes. The site has a primary school, health and recreation facilities and Newton Railway Station within walking distance.
258. The site makes some contribution, alongside the cemetery and the local wildlife site flanking Newton Brook, to the relatively tranquil green lung permeating through the urban area. There are also constraints that would need to be mitigated relating to the wildlife site, flood risk and nearby landfill. These factors have led to Site 5HS being safeguarded rather than allocated, a position which is justified.
259. Exceptional circumstances exist for the release of Sites 2HS, 4HS in its modified form and 5HS from the Green Belt.
260. **MM045** introduces requirements within the Site Profiles for 2HS, 4HS and 5HS relating to sustainable transport measures to ensure a positively prepared and effective Plan.
261. There has been significant development in the Newton-le-Willows and Earlestown urban area since 2016. At 31 March 2021 over 1000 homes had been completed or were under-construction. Opportunities exist in the built-up area to bring forward further previously developed land. The allocation 7HA will add to the range of sites. Therefore, making Sites 2HS, 4HS and 5HS available to meet longer-term needs would be appropriate.

## Green Belt boundaries

262. The modest changes to the Green Belt boundary in Appendix I of the Green Belt Review, so far as they affect Newton-le-Willows and Earlestown, are justified. Exceptional circumstances have been demonstrated for these clearly defined boundaries.

## Conclusion

263. We conclude that, subject to MMs proposed, the allocations and safeguarded land identified for development within St Helens, and Green Belt boundaries, are consistent with the Plan's strategy and national policy, including protecting Green Belt land, and whether the housing and employment land identified will be delivered. The MMs which affect the allocations and safeguarded sites will require consequential adjustments to Figure 4.1 (Key Settlements Plan) and Figure 4.2 (Key Diagram). We have amended **MM**

## Issue 4 – Whether the Plan meets the development needs of business through its policies

### Employment Land Supply

264. Policy LPA04 and accompanying Table 4.1 in the submitted Plan allocates approximately 234 ha of employment land across ten sites to meet the employment needs of St Helens. The Omega site (1EA) of around 31 ha is excluded from the supply calculations as it has been allocated in the LP to meet the employment needs of Warrington.

265. Take up of employment land between 1 April 2012 and 31 March 2021 has been around 61 ha (this includes the allocated sites 2EA, 3EA and 10EA which have now been substantially built out). The vast proportion of this land (approximately 58 ha) has been delivered in recent years (post 2018). The existing supply of deliverable sites is about 5 ha. This leaves a residual requirement of about 173 ha.

266. To reflect the above position, **MM007**, **MM008** and **MM044** update Tables 4.1 and 4.4 of the Plan, Policy LPA04.1 (Strategic Employment Sites) and the Site Profiles. This is necessary to reflect (1) the employment land supply figures for the extension of the Plan period to 2037, (2) the latest available data (up to 31 March 2021) and (3) the four sites - 2EA, 3EA, 10EA and 11EA – that are now substantially completed or are under-construction and, therefore, do not need to be allocated. These changes ensure that the Plan is effective.

267. As the land that remains allocated for employment in the Plan amounts to about 182 ha, this will exceed the residual requirement. We therefore conclude that, subject to the MMs proposed, the amount of employment land allocated in the Plan is appropriate and will be sufficient to meet the employment needs of the area and that sufficient supply exists to meet the OAN in full.

### **Protection of Employment Land and New Employment Development**

268. Policy LPA04 seeks to protect allocated employment land from being developed for alternative uses by, amongst other things, requiring an 18-month marketing period. However, there are other sites that are also meeting the employment need identified in the Plan but are not now allocations (such as the deleted allocations 2EA, 3EA, 10EA and 11EA). **MM007** amends the reasoned justification to the policy to make it clear that the 18-month marketing period also applies to these sites as well. This MM is justified and necessary to ensure that the policy is effective in ensuring that identified employment land is protected.

269. Policy LPA04 also sets the approach to protecting existing employment sites unless other uses can be justified. The policy seeks to explain how applications for non-employment uses will be dealt with on existing employment sites. However, much of the detail on how the policy will be applied is contained in the Local Economy Supplementary Planning Document. To ensure that the policy is effective and readily understood, **MM007** inserts a reference into the reasoned justification for the policy to a 12-month marketing period being required in order to demonstrate that a site is no longer viable for employment uses.

270. As Policy LPA04 does not prevent employment sites from being developed for alternative uses, provided specific requirements are met, it is consistent with paragraph 123 of the Framework.

271. Since the submission version of the Plan was published, changes to the Use Classes Order have come into effect. These include introducing a new Class E which incorporates the previous B1 Use Class. **MM006**, and **MM007** are therefore necessary to update references throughout the relevant policies and reasoned justification to provide a full description of the uses that are being referred to. For the most part, the wording refers to 'light industrial, offices and research and development uses'. **MM007** also introduces safeguards into Policy LPA04, such that new employment uses now falling within Class E would be subject to a condition preventing a change to town centre uses. These MMs are necessary to ensure that the Plan is effective in retaining employment uses and consistent with national policy.

272. Given the widespread effect that the Covid-19 Pandemic has had on many aspects of our lives, **MM007** inserts a reference to it in Policy LPA04. This is to



ensure that planning decisions support businesses and the economic recovery of the Borough and ensures that the Plan is effective.

## Main Town Centre Uses

273. Policy LPC04 sets out the retail hierarchy. St Helens is identified as the principal town centre, followed by Earlestown Town Centre. There are then two district centres identified (Rainhill and Thatto Heath) and a number of local centres. The hierarchy reflects that established in the CS (except for the omission of the Local Centre Chancery Lane) and is supported by the evidence base. In particular, the Retail and Leisure Study (EMP004) reviewed the hierarchy to take account of any changes in circumstances since the CS was adopted. The hierarchy is, therefore, appropriate and justified.
274. The retail strategy of supporting existing centres and directing new development towards the principal town of St Helens (set out in Policy LPC04 and paragraph 4.6.16) will help support the regeneration of the area which in turn reflects one of the central themes of the Plan. This also reflects national policy. As referred to above, **MM007** proposes the use of conditions to restrict changes within Class E on employment sites. The MM is necessary to ensure that the Plan is effective in protecting town centres in accordance with national policy (Section 7 of the Framework).
275. **MM024** inserts a reference within Policy LPC04 to make it clear that the development of main town centre uses within defined centres will be supported and that permission will be granted for development that is appropriate in terms of scale and nature. This MM is necessary to ensure that the policy is positively prepared and effective.
276. The English Cities Fund [ECF] and Town Deal are two initiatives that will be integral to ensuring the delivery of the Plan's aim to regenerate centres in the area. This will be achieved through partnership working and additional funding. **MM006**, **MM019**, and **MM020** insert references to these initiatives into the relevant policies. The changes are necessary to ensure that the policies are effective in explaining how these initiatives will contribute towards the delivery of the Plan's policies and objectives.
277. National policy no longer refers to the need to identify primary and secondary shopping areas. **MM019** deletes references to these terms in Policy LPB01, Appendix 11, and the glossary, and uses the term 'Primary Shopping Area' in relation to St Helens Town Centre. This MM is necessary to ensure that the Plan is consistent with national policy. Consequential changes to the Policies Map will also be required.

278. Policy LPB01 refers to the St Helens Town Centre and Central Spatial Area. To ensure that the policy is clear on how the 'Central Spatial Area' is defined, **MM046** inserts a map into Appendix 11 of the Plan along with a reference to the map in the reasoned justification. This MM is necessary to ensure that the policy is effective and readily understood.

279. The Retail and Leisure Study provides the evidence base for a locally set threshold where an impact assessment will be required. Policy LPC04 (Part 6) sets the threshold for retail development at different centres. The thresholds have been informed by the size of existing units within the centre, the vacancy rate of units, and whether there are existing out of centre retail destinations nearby. The thresholds set out in the policy are appropriate and supported by the evidence.

## Conclusion

280. We conclude that, subject to the MMs proposed, the Plan meets the development needs of business through its policies.

## **Issue 5 – Whether the housing requirement will be met; whether the means of meeting the requirement have been justified and will be effective; and whether the Plan will have a five-year housing land supply upon adoption and be able to maintain it through the Plan period**

### Generally

281. Earlier in this report we concluded that the Plan's requirement for 10,206 homes between 2016 and 2037 is justified. Under Issue 3 we considered whether the allocated sites were suitable and would be delivered. We now go onto consider the totality of the likely housing supply against the Plan's requirements and whether there will be a five-year housing land supply.

### Components of Supply

282. Policy LPA05 and its justification explain how the housing requirement will be met. Table 4.6 sets out components of the land supply. It includes contributions from completions, non-Green Belt sites identified in the SHLAA (including some allocations), a small sites allowance, and Plan allocations within the Green Belt. Table 4.6 needs to be updated to reflect the extended Plan period until 2037. The revised table should also set out the most up-to-date position at 31 March 2021. The revisions to the table (now included in separate Tables 5.2 – 5.5) would be secured by **MM009** which is required for an effective Plan.

283. The completion of 3,074 units shown in the modified tables are for the period 1 April 2016 to 31 March 2021. There is no dispute about the figures for completions. Completions show an over-supply of housing against the requirement of 486 dpa since the base date of the Plan. This leaves a minimum residual requirement for the remainder of the plan period (1 April 2021 to 31 March 2037) of 7,132 dwellings (or around 446 dpa).
284. PPG is silent on whether or not over-delivery since the base date of a plan can be used to proportionately reduce the subsequent housing requirement over the rest of the plan period. That said, there is nothing in national policy or guidance which prevents an over-supply of housing in the early years of a Plan being taken into account. Indeed, it would be equitable to do so taking into account that Plans need to address any under-delivery. In the circumstances it is reasonable to use a residual requirement of around 446 dpa for calculating both the five-year requirement and the residual requirement for the rest of the Plan period. This is reflected in the tables associated with **MM009**, to ensure an effective Plan.
285. The small sites allowance relates to sites below 0.25 hectares or 5 dwellings. The figure of 93 dpa is based on historic data which shows delivery of an average of 103 dpa from this source over the last 10 years. The SHLAA does not include such small sites. The SHLAA sites within the five-year supply calculation also exclude units on developments of 4 or less. Therefore, there is no double counting. The small sites windfall allowance is justified by compelling evidence. An allowance for larger windfall sites would not be warranted as such sites are captured by the SHLAA.
286. No allowance is included for demolitions. There are no plans to carry out major clearance. Demolitions from SHLAA sites and allocations are largely known and therefore have been accounted for in the net figures for sites. A demolition allowance is not required.
287. The SHLAA sites include those under-construction, with planning permission and other sites identified as likely to come forward during the Plan period, including allocations within the urban area (6HA, 9HA and 10HA). The capacity of SHLAA sites shown to come forward beyond the next 5 years is reduced by 15% to reflect the potential non-delivery of some sites, including some with planning permission. No lapse rate has been applied to SHLAA sites with planning permission which are included within the 5 year supply for the very reason that they have been assessed as being deliverable.
288. Many of the SHLAA sites are no larger than 1 ha. Added to this will be windfall sites that come forward and which are accounted for by the small sites allowance. At least 10% of the housing requirement will come forward on small to medium-sized sites in accordance with paragraph 69 of the Framework.

289. Taking into account completions, the small sites allowance, and SHLAA sites, the residual requirement to be met from Green Belt sites is some 1,462 dwellings. However, to increase the robustness of overall Plan supply, a 20% increase on what is required from the Green Belt allocations in the Plan period has been added. This is justified by potential for lead-in times to be longer than anticipated due to the possibility of greater infrastructure requirements. The requirement is, therefore, some 1,754 homes. The sites are shown as being able to deliver 2,114 dwellings during the Plan period.
290. The updated tables setting out components of the supply, including the capacity reductions/allowances referred to above, show some 10,858 dwellings are capable of being delivered in the Plan period. Even with these reductions/allowances, potential supply exceeds the requirement by around 6%. Therefore, there is some flexibility built into the supply. Additional flexibility would require more Green Belt release which would not be justified by exceptional circumstances.

### Housing Trajectory and Five-year Housing Land Supply

291. Paragraph 74 of the Framework indicates that strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period. Table 4.7 and Figure 4.3 show the trajectory in tabular and graph form. The table and figure need to be updated to take into account the extended Plan period, the housing land supply position at 31 March 2021, and the removal of some SHLAA sites from the supply. The information should also be presented to clearly distinguish between different sources of supply. **MM009** secures these changes so that the Plan is effective. The trajectory within the Plan is supported by a more detailed site by site trajectory, the most up-to-date version of which is contained within SHBC031.
292. The contribution of SHLAA sites to the Plan's supply takes into account those that we have recommended be removed due to them not being deliverable or developable, or where delivery has been adjusted. The reasons for these sites being removed or adjusted were discussed at the hearings and are set out in our letter dated 30 July 2021 (INSP014). In terms of the former Pilkington HQ, Alexandra Park, we recognise the constraint of the heritage assets but are satisfied with the Council's assessment that the site is developable with a projected capacity of 162 dwellings, taking into account a site visit and the information in SHBC021 and SHBC030.
293. In terms of other disputed SHLAA sites which remain as part of the supply, there are a number of factors which give us comfort that overall delivery will be broadly as anticipated. The Council has a strong track record in bringing forward sites in the urban area. In the last 5 years, completions on previously developed land have been upwards of 75% of total completions. The Council

works with partners to bring forward sites and seek funding opportunities. For example, a £2 million grant was obtained from the LCR Strategic Investment Fund to accelerate development on the Moss Nook site (allocation 10HA). Further funding is being obtained from the ECF to deliver brownfield land in St Helens and Earlestown Town Centres. In addition, we emphasise the 15% reduction in capacity of developable SHLAA sites referred to above.

294. Some sites may deliver slower than anticipated or not at all, others may come forward quicker than expected. Sites which have not been identified and which are above the small site threshold may become available. However, overall, and having regard to the above, the data that supports the housing trajectory and which derives from the SHLAA is based on realistic assumptions about when those sites left in the supply will come forward, lead-in times and build-out rates. We have confidence that supply from SHLAA sites will be delivered broadly as anticipated.
295. The overall assumptions relating to the delivery of allocations have not been subject to significant challenge during the examination. Indeed, some developers felt that their sites would come forward sooner than anticipated. As indicated under Issue 3, the lead-in times and build-out rates for the allocations are realistic.
296. In identifying a five-year supply of deliverable housing sites, the Framework requires an additional buffer of 5%, 10% or 20% to be added, the latter to be applied where there has been significant under delivery of housing over the previous three years. The five-year supply position set out in the supporting evidence is based on a 5% buffer. Figures since the base date of the Plan show that delivery has been above the 486 dpa requirement for all but one of the 5 years. In the last 3 years completions have been considerably above the requirement, ranging from about 650 to over 800 homes. There has not been under delivery.
297. Five-year supply is a matter that we are considering in judging the soundness of the Plan. However, the situation is not one where the 10% buffer would apply as the Council did not make it clear as part of the plan-making process that it would be seeking confirmation of the existence of a five-year supply. A 5% buffer is justified.
298. The LP should clearly express the key assumptions and parameters which will be relied upon to calculate the five-year housing land supply. **MM009**, which includes tables to be inserted into the Plan, would ensure that the current housing land supply position is set out, including reference to the residual requirement, the 5% buffer and the components of the five-year supply. These changes are required so that the Plan is effective and consistent with national policy.

299. The tables indicate that supply would be just above five years on adoption of the LP using the base date of 31 March 2021. However, these figures take into account a cautious approach to the delivery of some Green Belt sites, including 2HA. The Council's track record in robustly monitoring supply and the flexibility in the overall supply give us comfort that a five-year supply can be maintained over the Plan period. This is reflected in the housing trajectory.

300. Section 4 of Policy LPA05 refers to monitoring of housing supply. The policy is not clear on what would demonstrate that delivery had fallen significantly below the required level. **MM009** links monitoring to the housing delivery test so that the policy is effective and consistent with national policy.

## Conclusion

301. We conclude that, subject to the MMs proposed, the housing requirement will be met; the means of meeting the requirement have been justified and will be effective; and the Plan will have a five-year housing land supply upon adoption and be able to maintain it through the Plan period.

## **Issue 6 – Whether the policies of the Plan address the needs for all types of housing, including affordable housing and those of different groups in the community such as gypsies and travellers**

### Generally

302. The Economic Viability Assessment [EVA] of December 2018 (VIA001) considers the implications of the Plan's housing mix, affordable housing, and housing standards policies, along with other policies of, and contributions sought by, the Plan. The assessment concludes that the overall scale of obligations, standards and policy burdens contained in the Plan are not of such a scale that cumulatively threaten the ability of the sites and scale of development identified in the Plan to be developed viably. The assessment also notes that policies such as LPC01 and LPC02 include clauses that allow some flexibility where there are viability issues, albeit that such instances would be the exception, not the rule.

303. The EVA is considered to be, overall, realistic, robust, and proportionate, applying existing use values, sales values, interest rates, construction costs and developer profits, in accordance with PPG and local evidence. Developer profit of 20% for larger developments is particularly robust given that the PPG suggests between 15-20% should be considered a suitable return. The EVA Update Note (SHBC027), provided after the hearings, included a proportionate response to some of the viability evidence, as well as testing of different scenarios.

## Housing Mix and Types

304. The Framework requires that LPAs assess the housing needed for different groups in the community and these needs should be reflected in planning policies.
305. Policy LPC01 requires that housing is well designed to address local housing need informed by the relevant evidence including the latest SHMA. However, the policy should emphasise that evidence should be up-to-date and the wording should not be too inflexible (use of the term 'should' rather than 'must'). **MM021** would secure these changes so that Policy LPC01 is justified and effective.
306. Detached houses make up a relatively small proportion of the existing housing stock. However, although the SHMA indicates a need for 3-bed and 4+- bed homes, there is insufficient evidence to translate that need into a specific policy requirement for detached houses. That said, the need for larger dwellings will be a factor in considering compliance with Policy LPC01.
307. Policy LPC01 includes a provision that 5% of new homes on larger greenfield sites should be bungalows. However, although the SHMA makes reference for a demand for bungalows, the document acknowledges that it is difficult to quantify the need/demand. Moreover, the inclusion of bungalows is likely to make the minimum densities required by Policy LPA05 more difficult to achieve, which could result in the ineffective use of land. Whilst the viability assessment considered the implications of the policy, we do not consider that the requirement has been fully justified. For these reasons **MM021** removes Section 3 of Policy LPC01.
308. However, bungalows will still have a part to play, along with other forms of accommodation such as sheltered and extra care housing, in meeting the needs of older people. **MM021** recognises this by including reference to bungalows within Section 5 of Policy LPC01 so that the Plan is positively prepared.
309. Policy LPC01 also supports the delivery of self-build and custom-build homes but is not prescriptive about what is required. That said there are only a dozen or so people on the relevant register. In many cases those wanting to build their homes will seek out individual plots. These are most likely to come forward within existing urban areas as windfalls. Policy LPC01 is consistent with national policy in this regard.

## Affordable Housing

310. Policy LPC02 supports the delivery of affordable housing. The policy includes a zonal approach to the provision of affordable homes on larger housing developments. In Zone 1 (St Helens Town Centre and Parr Wards) no affordable housing would be required. In Zone 2 (wards covering Newton-le-Willows, Earlestown, Haydock, Garswood, and the wider St Helens Core Area) brownfield sites would not be expected to deliver any affordable housing but 30% of homes on greenfield sites would be required to be affordable. In Zone 3 (Rainford, Eccleston and Rainhill), brownfield sites would be expected to provide 10% affordable housing, greenfield sites 30%.
311. The above approach would depart from the Framework's expectation that at least 10% of homes on major developments are to be available for affordable home ownership. Concerns have also been raised that the Plan will not be able to deliver the number of affordable homes required to meet the need. In this respect it is argued that more greenfield sites should be allocated where 30% affordable housing is deliverable.
312. However, the Framework does not impose the 10% as a mandatory requirement. The viability assessment concludes that housing development within Zone 1 and on brownfield sites within Zone 2 would not be viable with affordable housing. But it is important that new housing is brought forward in the most deprived wards of the Borough, coinciding with Zone 1. Moreover, development of sites in the existing urban areas has advantages in terms of providing homes in the most accessible locations, improving the townscape by removing derelict and untidy sites, remediating contaminated sites, contributing to the supply of small and medium sized sites, and protecting the Green Belt. Furthermore, registered providers, such as the Council's partner Torus, are proactive in the urban areas and often deliver schemes with 100% affordable housing. Based on the evidence, the policy approach is likely to deliver sufficient affordable homes in a sustainable manner.
313. In Zone 2, the EVA shows that greenfield sites providing 30% affordable housing at 30 dph are not viable, albeit that the deficit is marginal. However, at a higher density of 35 dph most greenfield development would be viable. Although Policy LPA05, as modified by MM009, sets a minimum density of 30 dph and this is reflected for some allocations (Table 4.5), sites are likely to achieve higher densities and therefore be able to deliver 30% affordable housing. Moreover, Section 4 of Policy LPC02 does allow a lower level of provision on a site-by-site basis were justified by the evidence.
314. In referring to developments of 11 dwellings or more contributing to affordable housing, Policy LPC02 aligns with earlier versions of the PPG which set a threshold of 11. However, the Framework now states that affordable housing



should not be sought for residential developments that are not major developments. Therefore, the policy should align with the Framework in referring to developments of 10 or more dwellings. **MM022** secures this change so that Policy LPC02 is consistent with national policy.

315. During the examination the Government introduced, through its Written Ministerial Statement of May 2021 and revisions to the PPG, a requirement that 25% of affordable housing should be First Homes, a specific kind of discounted market housing. However, the PPG includes a transition period for plan-making. Thus, this Plan does not need to reflect the First Homes policy requirement. That said, the Plan should recognise that First Homes would need to be addressed by an update of the Plan. This would be achieved by **MM022** so that the Plan is consistent with national policy.

## Housing Standards

316. Policy LPC01 requires a proportion of adaptable and accessible homes on larger housing developments. However, the policy is not clear as to whether it is seeking wheelchair adaptable or wheelchair user dwellings under Part M4(3) of the Building Regulations. In addition, in applying the requirements for adaptable homes under Parts M4(2) and M4(3), it is reasonable for a transition period to be included so that developers can factor in the cost of such standards. **MM021** clarifies both these matters so that Policy LPC01 is effective. Following the MM consultation, we have reverted to the original wording of Part 2. a) of the policy in relation to 'accessible and adaptable' dwellings under Part M4(2) and amended the wording of Part 2. b) and the reasoned justification so that it refers specifically to 'adaptable dwellings' under Part M4(3)(2)(a) for clarity.
317. Policy LPC13 promotes the sustainable design of new homes but does not include any specific provisions linked to particular standards. The Written Ministerial Statement of 2015 remains extant Government policy in setting energy standards for new homes. **MM032** would ensure that the requirements for a standard equivalent to the Code for Sustainable Homes Level 4 is incorporated within Policy LPC13 so that it is effective and consistent with national policy. Such standards are likely to be replaced by the Future Homes Standards by 2025.

## Gypsies, Travellers and Travelling Showpeople

318. The needs of gypsies, travellers and travelling showpeople were assessed in the Merseyside and West Lancashire Gypsy and Traveller Accommodation Assessment [GTAA] of 2015 (GYP001). The GTAA identified a need for 8 residential pitches and 3 transit pitches up to 2032/33, but no need for plots for travelling showpeople. However, the Plan recognises that the need for residential pitches has increased since 2015 due to household growth and

evidence such as a rise in unauthorised sites. As a result, the need for the Plan period now stands at around 18 residential pitches.

319. There is planning permission for 12 pitches on land east of Sherdley Road Caravan Park, Thatto Heath. In addition, Policy LPC03 allocates a further site for 8 pitches as well as a site for 3 transit pitches, both in Sherdley Road. In combination, the permission and allocations would meet currently identified traveller needs for the Plan period.
320. Policy LPC03 does not set pitch targets for gypsies and travellers to address the above permanent and transit accommodation needs. **MM023** would ensure that the policy makes reference to the target and the reasoned justification explains how the 18-pitch need is made up so that the Plan is positively prepared, effective, and consistent with national policy, particularly the provisions of Policy B of Planning Policy for Traveller Sites.
321. Policy LPC03 includes criteria for assessing applications that come forward for traveller and travelling showpeople sites in accordance with the aforementioned Policy B. However, Section 5 of the policy should recognise that sites for travelling showpeople need to be able to provide space for storage of rides and associated equipment. This would be secured by **MM023** so that the policy is positively prepared.

## Conclusion

322. We conclude that, subject to the MMs proposed, the policies of the Plan address the needs for all types of housing, including affordable housing and those of different groups in the community such as gypsies and travellers.

## **Issue 7 – Whether the policies of the Plan relating to green infrastructure, open space and recreation are positively prepared, justified, effective and consistent with national policy**

323. Policy LPA09 sets out that the Plan will enhance the GI assets of the Borough by working with relevant organisations; ensuring the provision and management of GI alongside developments; supporting development that would contribute to the function of existing GI; and resisting the loss or fragmentation of GI. Specific components of GI are dealt with by Policy LPC07 (Greenways) and Policies LPC05 and LPD03 (open space). Taken together these policies recognise the multiple benefits that GI can bring to the population of the Borough and its natural assets, in accord with national policy.
324. The justification to Policy LPA09 at paragraph 4.33.2 refers to countryside around the Borough's towns forming part of the GI network. It also states that this countryside accounts for 50% of the Borough's land area. The definition of

GI in the Glossary to the Plan (Appendix 1) also makes reference to 'open countryside'. However, including all countryside as GI, much of which is farmland, goes beyond the description of GI in Section 1 of the policy and the definition of GI in the Glossary to the Framework. Policy LPA09 also lacks clarity as to when loss of GI might be justified and what mitigation would be required.

325. **MM014** and **MM041** would remove the wide-ranging definition of GI within the policy explanation and Glossary, and clarify the exceptions and mitigation required where the loss of GI might be contemplated, so that the Plan is effective and consistent with national policy.

326. There is a network of well-established Greenways within the Borough which Policy LPC07 aims to protect and enhance. Figure 7.2 shows potential new Greenway routes, one of which runs through the allocation at Bold Forest (4HA). However, the policy itself is not explicit in supporting the expansion of the network in connection with new developments. **MM027** would ensure that such a provision is included within the policy so that it is positively prepared and effective. Policy LPA05.1 (Strategic Housing Sites) should also be modified for the same reasons (**MM010**) and the new policy for Bold Forest (Policy LPA13) should contain reference to the Greenway network (**MM018**).

327. Open space for sport and recreation forms an important component of GI. Indoor facilities also make a significant contribution to people's health and well-being. There are deficiencies in certain typologies of open space and in some sports which are predominantly played indoors, as set out in the Background Paper on Open Space (SHBC003).

328. The explanation to Policy LPA08 recognises that open space, including playing fields, and indoor sports facilities, are part of the infrastructure that needs to be protected and may need to be enhanced alongside new development, either by including such provision within the development or through contributing to facilities off-site. The explanations to Policies LPC05 (Open Space) and LPD03 (Open Space and Residential Development) also acknowledge the role of provision and contributions, particularly to address any deficiencies which would be exacerbated by new housing development.

329. Although not explicit in what provision is needed, the Plan supported by the evidence base, would allow opportunities for new provision and contributions to enhance existing provision to meet needs. However, the Plan would be effective if Policy LPD03 in particular makes it clear how new development would contribute to outdoor sports facilities. Moreover, reference should be made to the relevant evidence base (the Council's Playing Pitch Strategy and Action Plan) that would inform the type of contribution that would be necessary. **MM036** is required in these respects.

330. Policy LPD03 and the explanation to Policy LPC05 indicate that, where there is no deficiency in open space or recreation facilities in the locality, residential development may not need to make any provision. However, even if there is sufficient open space in the area, larger residential developments would need to provide certain types of open space. For example, children's play areas should be provided close to home. Informal open space would provide visual relief and areas for quiet recreation. **MM036** and **MM025** would ensure that Policies LPD03 and LPC05 support provision of certain typologies of open space, even where there may not be any deficiencies in a locality, so that the Plan is positively prepared and effective.

331. The Policies Map designates open space and also shows the typologies. These designations are, in the main, justified. However, land at Sankey Valley Industrial Estate is shown as falling within the playing field typology, whereas it is evident that the site has not been in sports use for some time. The site now has the character of natural green space and is accessible from the adjacent local wildlife site (see SHBC035A). The Policies Map should be amended accordingly so that Policy LPC05 is justified.

### **Conclusion on Issue 7**

332. We conclude that, subject to the MMs proposed, the policies of the Plan relating to green infrastructure, open space and recreation are positively prepared, justified, effective and consistent with national policy.

### **Issue 8 – Whether other policies of the Plan are positively prepared, justified, effective, consistent with national policy and clear to the decision-maker**

#### **Natural environment**

333. Policy LPC06 (Biodiversity and Geological Conservation) deals with the hierarchy of designated sites. It seeks to translate statutory obligations and national policy as set out in Circular 06/2005 and the Framework into the Plan. However, there are some inconsistencies with national policy. In addition, the policy needs to make clear that a sequential approach and a preference for on-site measures, should be applied to, not only mitigation, but also biodiversity net gain. Furthermore, the explanation to the policy should acknowledge that the mitigation strategy for European sites is being developed at a LCR level, albeit that in St Helens, strategic greenspace enhancements are likely to be focused on Bold Forest Park. **MM026** would ensure that Policy LPC06 is effective and consistent with national policy in the above respects. It is not necessary for the policy to prioritise replacement habitats on a like for like basis as this may not always be the most desirable solution.

334. The effects of traffic flows on the Manchester Mosses Special Area of Conservation [SAC] is referred to in Policy LPD09 (Air Quality), specifically in relation to developments that would generate significant traffic flows along the adjacent section of the M62. However, the justification to the policy should explain the sort of measures that could mitigate the effects, such as promoting sustainable modes of travel. Moreover, the in-combination effects of smaller developments should also be taken into account, as referenced by Policy LPC06. **MM039** refers to mitigation measures and sets out that smaller developments, normally above a certain threshold, would require evidence relating to the effects on the SAC. These changes are required so that Policy LPD09 (alongside Policy LPC06) is positively prepared, effective, and consistent with national policy.
335. The reasoned justification to Policy LPC09 (Landscape Protection and Enhancement) refers to valued landscapes (paragraph 7.15.1). However, the Framework at paragraph 174 distinguishes between valued landscapes and the countryside generally. Valued landscapes are to be protected and enhanced whereas the intrinsic character and beauty of the countryside is to be recognised. The Landscape Character Assessment (NAT001) is some 15 years old and does not grapple with whether any of the landscape within St Helens could be considered to be 'valued'. No other evidence has been put before the examination to support the identification of valued landscapes within the Borough. Therefore, **MM028** removes the reference to valued landscapes so that the Plan is justified and consistent with national policy.
336. Policy LPC10 (Trees and Woodland) refers in Section 6 to development not damaging or destroying trees. Reference to 'retain' rather than 'damage or destroy' would be reflective of a positively prepared Plan and would be achieved by **MM029**.
337. Section 6 of Policy LPC10 also includes the requirement to replace any tree lost at the minimum of a 2 for 1 ratio. Whilst such a requirement is fairly prescriptive, it is a clear quantifiable method, along with other enhancements, by which developments can contribute to biodiversity net gain. Moreover, the requirement is not mandatory and it may be that it can be demonstrated that other means would be more effective on a particular site as part of the development management process.

## Historic environment

338. Policy LPC11 (Historic Environment), in dealing with heritage assets, seeks to translate national policy as set out in the Framework into the Plan. However, there is no need for the Plan policies to repeat national policy (or statutory duties), so it would be effective for Policy LPC11 to reference national policy in terms of heritage assets and include only the implications of national policy at the Borough level.

339. For example, in the case of Section 4 of the policy, this repeats paragraph 202 of the Framework. However, Section 5 of the policy does not replicate paragraph 203 of the Framework and gives development proposals a higher test to pass in relation to the effect on the significance of non-designated heritage assets than designated heritage assets. **MM030** would ensure that Policy LPC11 is effective and consistent with national policy.

### Climate change and flood risk

340. Policy LPC12 (Flood Risk and Water Management) is another policy that, to a large extent, repeats national policy and guidance. The policy would be effective if it were to reference national policy in terms of flood risk but then only include the implications of national policy at the Borough level. **MM031** would achieve these changes so that Policy LPC12 is effective and consistent with national policy. Following the MM consultation we have included additional wording where multiple developers are involved to make Section 10 of the policy effective.

341. The reasoned justification to Policy LPC13 (Renewable and Low Carbon Energy Development) refers to national policy on wind energy development (including what is now Footnote 54 of the Framework). But then paragraph 7.27.5 of the Plan contradicts national policy by suggesting that wind energy development may be acceptable in the Borough despite what is said in Footnote 54. **MM032** deletes the relevant section of the paragraph so that the approach aligns with national policy.

### Minerals and waste

342. Policy LPC14 sets out a number of provisions relating to minerals. The policy prioritises the use of secondary and recycled materials, to reduce the need for the production of new primary aggregates and disposal to landfill. This approach is consistent with national policy. Section 1 of the policy refers to ensuring that St Helens provides a steady and adequate supply of minerals to contribute towards regional and national needs. **MM033** amends the policy to add in a reference to 'local' needs. This is necessary to ensure consistency with national policy (paragraph 210 of the Framework).

343. **MM033** deletes the word 'only' from the opening sentence of section 4 of Policy LPC14. This is necessary to ensure that the policy is positively worded and is permissive of proposals for the extraction, storage, processing and/or distribution of minerals that are consistent with policy requirements.

344. A Minerals Safeguarding Area [MSA] is shown on the Proposals Map. Appendix 10 of the Plan shows the extent of each resource, namely shallow coal, clay, and sandstone. The purpose of the MSA is to inform developers of the

presence of these mineral resources. Policy LPC14 ensures that the potential for the sterilisation of mineral resources is considered during the planning process, without being unduly onerous on small scale developments.

345. Policy LPC15 acknowledges the role of the Joint Waste Local Plan in promoting the sustainable management of waste in accordance with the waste hierarchy. The policy is consistent with the National Planning Policy for Waste (2014) and the Joint Waste Local Plan.

### Well-designed places

346. Policy LPD01 (Ensuring Quality Development) has a range of provisions. In terms of criterion 1. a), and having regard to the reasoned justification, it should refer to the importance of local distinctiveness and the role of good design in improving the quality of run-down areas.
347. In terms of criterion 1. b), avoiding causing any 'harm to the amenities of the local area' would be a high bar to pass in some cases. The inclusion of 'unacceptable' would make the policy effective.
348. With regard to criterion 1. c), the Framework refers to a 'high standard of amenity' rather than 'an appropriate standard of amenity'. The policy should be modified so that it is consistent with the Framework. 'Adversely affected' is a high test to pass and 'unacceptably' affected would result in a more effective policy.
349. Criterion 1. g) should make reference to tree-lined streets to accord with paragraph 131 of the Framework.
350. In relation to public art (Criterion h), it is accepted that it can enhance the quality of public spaces. However, the effects of requiring contributions on viability have not been assessed. The policy should be amended to refer to encouragement of public art within appropriate schemes, for example, those that are at a prominent gateway.
351. Finally, it is assumed that for criterion i), Policy LPC01 provides the specific requirements for the needs of special groups and would be usefully cross referenced. Collectively these changes to Policy LPD01 would be achieved by **MM034** and are necessary so that the Plan is effective and consistent with national policy.
352. Policy LPD02 (Design and Layout of New Housing) includes criteria relating to heritage assets and natural habitats (6. and 7.). However, the way that the criteria are written is not entirely consistent with the provisions of Policies

LPC06, LPC08, LPC09, LPC10 and LPC11. In this respect the criteria should simply cross-reference with these policies so that the Plan is effective. Section 3 of the policy should refer to tree-lined streets. **MM035** is necessary so that the Plan is effective and consistent with national policy.

353. Policy LPD04 (Householder Developments), in referring to extensions, sets a high bar in requiring them to have 'no adverse impact' on neighbouring occupiers. The policy also refers to harm to the free flow of traffic. Free flowing traffic is not always desirable, particularly on residential streets. **MM037** inserts 'no significant impact' and deletes 'free flow of traffic' to ensure that the policy is positively prepared.

## Communications

354. Policy LPD07 (Digital Communications) supports the provision of digital communication networks within developments. However, the policy also suggests that contributions may be sought for off-site fast broadband infrastructure. However, the viability assessment does not address off-site digital infrastructure. **MM038** deletes reference to off-site infrastructure and is required so that the policy is justified.

## Healthy communities

355. Policy LPD10 (Food and Drink) proposes, amongst other things, an exclusion zone of 400m for hot food takeaways around primary schools, secondary schools and sixth form colleges. The justification for these restrictions is that the number of primary school children in St Helens classed as overweight is significantly more than the national average. High levels of obesity continue into teenage and adult life in St Helens. There are strong linkages between obesity, health, and deprivation indicators.

356. Although some hot food takeaways may sell healthy meals, many contain a high calorie count and significant proportions of fat, saturated fat, sugar, and salt. NHS guidance refers to obesity being related to, in part, poor diet. It is difficult to prove a direct causal link between the number of takeaways and child obesity, but analysis shows sufficient correlation. The Framework refers to planning policies supporting healthy lifestyles by, for example, enabling access to healthier foods. Reducing access to hot food takeaways is one component of an overall approach that can help to combat poor health, and childhood obesity in particular. But it is an important one. Sections 3 and 4 of Policy LPD10 are justified.

357. The changes to the Use Classes Order with the creation of the new Class E and the consequent classification of hot food takeaways as sui generis have an



impact on the effectiveness of Policy LPD10. **MM040** is, therefore, required to update the policy with references to Class E and sui generis uses.

## Conclusion

358. We conclude that, subject to the MMs proposed, other policies of the Plan not dealt with elsewhere are positively prepared, justified, effective, consistent with national policy and clear to the decision-maker.

## Issue 9 – Whether necessary infrastructure is likely to be delivered alongside development

359. The IDP sets out what new or improved infrastructure will be required to deliver the growth identified in the Plan. It aims to identify the cost, delivery agents, funding sources, timescale, and level of priority. The preparation of the document was informed by a range of stakeholders and key service providers.

360. Due to the nature of infrastructure provision, the IDP is intended to be a living document. It has evolved alongside the Plan and has been informed by the infrastructure requirements for the allocated sites. It will be monitored by the Annual Monitoring Report and the Council's intention is to update it as appropriate.

361. Policy LPA08 sets out how new development will be supported by infrastructure and delivery funding. The approach that will be taken to developer contributions is also explained. However, the policy goes beyond the legal and policy tests for planning obligations by referring to 'the needs of the wider area'. **MM013** would remove this part of LPA08 so that it is consistent with national policy.

362. Reference is made to how economic viability will be considered including any site-specific appraisal when deciding on the extent and level of any developer contribution. A hierarchy for different types of developer contributions is also listed to aid decision makers in prioritising funding for different types of infrastructure.

363. Whilst the policy seeks to take a flexible approach in taking account of viability where this can be shown to be an issue, the EVA Update Note acknowledges particular viability issues for both brownfield and greenfield typologies in Zone 1. This is where all Plan policy requirements have been taken into account and where the affordable housing requirement has been set at 0%. **MM013** adds additional wording to Part 5 of Policy LPA08 to acknowledge the lack of viability in Zone 1 and that a more pragmatic approach will be taken when negotiating developer contributions. This will ensure that the policy is effective and positively prepared.

364. The reasoned justification accompanying Policy LPA08 refers to Appendix 2 which defines the term 'infrastructure' for the purposes of the policy through a list. The list includes categories that are not infrastructure and therefore would not be expected to be supported by developer contributions as required by the policy. **MM042** and **MM013** delete Appendix 2, and references to it, as it is not justified.
365. Subject to the MMs proposed, Policy LPA08 will provide the necessary support for the delivery of essential new or improved infrastructure.
366. Policy LPA07 sets out how the strategic priorities for the transport network will be achieved and the criteria to be assessed in considering the impact of development on the network. **MM012** amends Policy LPA07 1 (a) by adding a reference to rail improvements. This will make it clear that rail forms part of the infrastructure necessary to achieve the Council's strategic priorities, for example, the new station at Carr Mill and Parkside SRFI. This MM will ensure that the policy is effective and consistent with national policy which seeks to promote sustainable transport.
367. Other changes are required to Policy LPA07 relating to travel plans, access to the strategic road network, and funding for the Government's Major Road Network, so that the policy will be effective (**MM012**).
368. We have referred to the SOCG between NH and the Council in the DtC section of our report. This confirms that the main motorway junctions likely to be impacted by the site allocations are Junctions 7, 8 and 9 of the M62 and Junctions 22, 23 and 24 of the M6. The evidence base demonstrates that impacts on most of these junctions can be addressed via the policies in the Plan and small-scale mitigation measures at sensitive junctions on the local network. The exception being the need for three larger scale interventions - Parkside Link Road, M62 J7 improvements and M6 J23 improvements. The Transport Impact Assessment also recommends further modelling for J8 of the M62 in relation to the combined effect of growth planned within Warrington Borough.
369. The Parkside Link Road has been discussed under Issue 3 of the report in the sections covering the Parkside employment allocations (7EA and 8EA). The scheme is necessary to mitigate the effects of the allocations on J22 of the M6 and the local road network and, as discussed in Issue 3, the evidence shows that this scheme has planning permissions, is deliverable and is fully funded. Improvements required at J22 itself have been identified by NH. The Council, NH and Wigan are working together to identify funding for these improvement works.
370. Impacts on J23 of the M6 have been identified in relation to a number of site allocations, notably 4EA, 5EA, 6EA, 1HA and 2HA. Junction improvements are

currently not identified as a priority or pipeline scheme in NH's RIS2. The improvement works needed at J23 are discussed in detail in Issue 3 in relation to safeguarded site 2ES. In summary, there is currently no agreed design option for the scheme, no funding has been identified and further work is needed on the business case for the scheme. NH and St Helens, along with other partners, intend to convene a working party to resolve these issues.

371. Impacts on J8 of the M62 have been identified in relation to 1EA and 4HA. Growth around the Warrington area will also be likely to have an impact. Improvement works at this junction have not been identified by NH in their RIS2 as either a potential or pipeline scheme. A preferred option for the works has been identified and a source of potential funding identified (LCR's Single Infrastructure Fund). Impacts on J8 will be assessed by NH, St Helens and Warrington as development comes forward.
372. Potential impacts on J7 of the M62 have been identified in relation to a number of site allocations, notably 4HA, 5HA, 9HA and 1EA. Growth around the Widnes and Warrington areas will also be likely to have an impact. However, assessments undertaken show that these impacts will not arise until towards the end of the Plan period (from 2035 onwards). It is therefore reasonable that St Helens, Halton, and Warrington Councils have agreed to work together on this issue, along with NH, to address any cumulative impacts arising.
373. A number of consequential factual changes have been made to the IDP to reflect the wording of the SOCG, for example the identification of lead delivery partners and sources of funding.
374. The IDP identifies the steps that the Council will take where the number of existing school places are shown not to be sufficient to accommodate additional places arising from new developments. The primary mechanism will be through developer contributions, normally via planning obligations.
375. The Bold Forest Garden Suburb (Site 4HA) may be required to provide a new primary school. The Council has undertaken to discuss the potential for this with developers as part of any planning application on the site. **MM018**, which introduces the bespoke policy for Site 4HA, includes reference to the possible need for a new primary school.

## Conclusion

376. We conclude that, subject to the MMs proposed, necessary infrastructure is likely to be delivered alongside development.

## Issue 10 – Whether the monitoring and implementation provisions of the Plan will be effective

377. The Plan includes a Monitoring Framework at Appendix 4. One of the indicators against Policy LPA05 is the five-year housing land supply. The trigger for action is having below a five-year supply and the potential for action is considering an early update of the Plan. However, there are other measures that the Council could take, other than an early update of the Plan, if supply falls below 5 years, including the type of measures that would be included in an action plan. An early update of the Plan would be a potential action where there is a longer-term underperformance against the five-year supply or if housing land supply falls significantly below the required level.
378. As indicated earlier in the report under Issue 5, **MM009** would introduce a link in Policy LPA05 between the housing delivery test in national policy and the need for actions, including an update of the Plan, if housing supply falls significantly below the required level. This MM, together with the changes to the Monitoring Framework referred to here, would, when considered in the round, provide the necessary triggers to tackle issues with 5 year supply.
379. In terms of Policy LPA06, the trigger for action is that 10% of safeguarded land has planning permission for built development. However, any loss of safeguarded land to development would indicate that the Plan requires updating as would the failure to deliver sufficient housing or employment land.
380. There are a number of other policies where the Monitoring Framework does not set targets, a trigger for action, or a potential action. Measurable targets, triggers and actions are required. The Monitoring Framework also needs to take into account policies that have been deleted, added, or significantly amended by other MMs.
381. Having regard to the above, a revised Monitoring Framework is proposed through **MM043** so that the Plan is effective. Following the MM consultation we have made some further changes to the Monitoring Framework for effectiveness, specifically in relation to 5 year supply, safeguarded land, Parkside East, the use of the words 'review' and 'update', bungalows and ensuring all policies have relevant indicators.
382. The intention is to review existing, and progress some new, supplementary planning documents to add further detail to the policies in the Plan and support its implementation. However, the Plan does not make clear the intentions. **MM004** would ensure an effective Plan in this respect.
383. Paragraph 33 of the Framework requires that Plans are reviewed to assess whether they need updating at least once every five years. However, the Plan

interprets review as meaning update which lacks clarity. **MM002** would ensure that the correct terminology is used so that the Plan is effective and consistent with national policy.

## Conclusion

384. We conclude that, subject to the MMs proposed, the monitoring and implementation provisions of the Plan will be effective.

## Overall Conclusion and Recommendation

385. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

386. The Council has requested that we recommend MMs to make the Plan sound and capable of adoption. We conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix, the St Helens Borough Local Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

*Mark Dakeyne and Victoria Lucas*

## INSPECTORS

This report is accompanied by an Appendix containing the Main Modifications.

## Appendix IJ17

St Helens Town Centre – 39 & 41 Hall Street (Swan Hotel and Fish & Chip Shop), TEP  
Technical Note

## Appendix IJ17

**St Helens Town Centre -****39 and 41 Hall Street (Swan Hotel and Fish & Chip Shop)**

<b>Project</b>	St Helens Town Centre	<b>Author</b>	Amir Bassir BSc PGCert MCIfA
<b>Date</b>	14/07/23	<b>Checked</b>	Stephenie Dalby BA(Hons) MA ACIfA
<b>Doc Ref</b>	9870.002	<b>Approved</b>	Jason Clarke BSc (Hons) MA MCIfA
<b>Version</b>	1.1	<b>Purpose</b>	Technical note

## 1.0 The Proposed Development

1.1 A hybrid planning application was submitted on 18<sup>th</sup> March 2022 for a comprehensive regeneration scheme (P/2022/0212/HYBR). Permission was sought for:

- Full planning permission including permission for demolition in a conservation area and for proposed demolition and site preparation works;
- Outline planning permission for development of a mix of uses comprising hotel use, (Use Class C1); residential units (Use Class C3); commercial, business and service uses (Use Class F1(b-e) and F2(b)); and sui generis uses with associated access, servicing, parking, public realm and landscaping, with all matters (Access, Appearance, Landscaping, Layout and Scale) reserved for future determination.

1.2 Among the buildings proposed for demolition are:

- 39 and 41 Hall Street, 'Swan Hotel and Fish and Chip shop' to the immediate east of the bus station.

1.3 Planning permission has been granted (C.1.; 31/03/2023) subject to the completion of a Section 106 agreement and a schedule of appropriate conditions.

1.4 TEP prepared two Historic Environment documents which were submitted in support of the hybrid application (H.1. and H.2.).

*Appendix 8.1 Historic Environment Desk-Based Assessment, St Helens Town Centre (H.1.)*

1.5 This document provides an overview of the historic and archaeological development of St Helens, including the development site, and the overall historic environment baseline conditions. It includes a description of the archaeological potential of the development site, an assessment of the significance of known and potential heritage assets and the contribution made by setting to that significance. The report also

provides an assessment of the likely effects of the proposed development on known and potential heritage assets with archaeological interest.

- 1.6 The desk-based assessment identified 33 designated heritage assets within the 2km study area including three scheduled monuments, two grade II\* listed buildings, 23 grade II listed buildings, two conservation areas and three registered parks and gardens. The assessment identified 250 non-designated heritage assets within a 1km study area dating from the prehistoric to modern periods and which included below-ground sites of archaeological interest and locally important buildings.

*ES Chapter 8 Built Heritage (H.2.)*

- 1.7 This chapter of the ES assesses the likely significant effects of the proposed development on the environment in terms of built heritage. The chapter and its supporting appendices describe the planning policy context, the assessment methodology; the baseline conditions at the application site and surroundings; the likely significant effects; the mitigation measures required to prevent, reduce or offset any significant adverse effects; the likely residual effects after these measures have been employed; and the cumulative effects.

## 2.0 Baseline conditions

### **39 & 41 Hall Street (Swan Hotel and Fish and Chip Shop)**

- 2.1 39 and 41 Hall Street (hereafter referred to as the Swan Hotel) is located at the intersection of Hall Street and Corporation Street, occupying a visually prominent corner location with elevations along both streets.
- 2.2 The building is two-storied with plain brick elevations and regular arrangement of modern replacement sash windows on both levels. The first-floor window openings are generally plain with flat arches, while a number of wider windows at ground level have moulded mullions and simple moulding to the lintels. A former arched doorway, now infilled with brick, is located centrally to the Hall Street elevation and formerly served as an entrance. The Corporation Street entrance was formerly two side-by-side doorways with a shared lintel, however one of the doors is blocked in brick.
- 2.3 The Fish and Chip shop is an extension to the south of the Hotel, on Hall Street, and the south elevation appears to be of modern brick, likely re-built following the demolition of an adjacent building. The elevation to Hall Street has a shop entrance with decorative surround at ground level and a tripartite window at the first floor.
- 2.4 A significant amount of modernisation and redevelopment, accompanied by clearance of 19<sup>th</sup> century buildings, has taken place in the immediate area of the Swan Hotel. Behind and to the west of the Swan Hotel is the modern bus interchange consisting of vehicle turning bays and bus shelters, with a group of 19<sup>th</sup> century terraced buildings at its western end to Library Street. Opposite to the Swan Hotel on the north side of Corporation Street is the Grade II Listed Church of Holy



Cross and St Helen. To the immediate east side of Hall Street is the Millennium Centre, and to the north-east is the Opera Bingo Hippodrome.

- 2.5 Research of historic sources undertaken in support of the project revealed that the Swan Hotel was built in the 19<sup>th</sup> century and in 1883 was one of 145 recorded pubs in the town that were supplied by Greenall's Brewery. A brick infilled entrance on Hall Street may be the original entrance to the building. The inn was rented out by the Greenalls and in 1876 the proprietor was recorded as Ellen Morris. By 1880 the property was listed as also on Corporation Street, under 'Hotels' in the Fulton's commercial directory with Henry Ashton as the proprietor. Ashton was still running the inn in 1897, as a compensation claim for damage to property caused by flooding is held under his name in the St Helens Archives (SH Archives ref: ST1/357).
- 2.6 Slater's Directory of Warrington, Widnes & St Helens of 1895 illustrates the diverse nature of businesses and occupants along Corporation Street near The Swan Inn. This includes grocers, schoolmasters, confectioners, bookkeepers, pawnbrokers, as well as St Helens Electro Depositing Company and Ansell and Eccles solicitors. The building lately in use as a Fish and Chip shop is recorded as 39 Hall Street, Smith Brothers, cycle makers and dealers.

### Significance

- 2.7 The Swan Hotel is not a Listed Building, nor is it included as a Locally Important building in the Appendix (unadopted) to the St Helens List of Locally Important Buildings Supplementary Planning Document (SPD) (H.3.). It is not included as a heritage asset in the St Helens Historic Environment Record. The building was not included as a non-designated heritage asset in the desk-based assessment and built heritage ES chapter, however, it was discussed in relation to possible impacts of its demolition on the heritage significance of nearby designated and non-designated heritage assets including listed buildings and conservation areas.
- 2.8 The Swan Hotel was assessed as holding a low level of heritage significance, providing historic context to the George Street Conservation Area. It is within the setting of the Grade II Listed Church of Holy Cross and Saint Helen, and the non-designated heritage assets of Holy Cross Presbytery, No.2, and Holy Cross Parish Hall, Corporation Street. This is equivalent to low heritage significance and the planning application was determined on this basis.

## 3.0 Assessment of effects

### *George Street Conservation Area*

- 3.1 The George Street Conservation Area is bound by Hall Street on the west, Church Street on the south, Shaw Street on the east and Corporation Street on the north. It extends to the north-west to encompass the Swan Hotel and the Grade II Listed Church of Holy Cross and St Helen. The 19<sup>th</sup> century buildings are set out on the historic street pattern. The Listed Buildings and Conservation Area hold high levels of architectural and historic interest. The locally important buildings hold some

communal value and many have historical association with important former inhabitants of St Helens.

3.2 The Built Heritage ES Chapter (H.2., table 8.6.1) notes that the 19<sup>th</sup> century buildings, including the Swan Hotel, provide context to and reflect the historic interest of the Conservation Area. The Swan Hotel is assessed as providing a minor positive contribution to the historic value held by the George Street Conservation Area as part of the 19<sup>th</sup> century built form on the north-western edge. It was considered the removal of these buildings would not impact on the dense and compact character of the Conservation Area which is a key element of its historic character. Nevertheless, their removal would impact the setting and Conservation Area itself and the change arising from the loss of the 19<sup>th</sup> century buildings would result in partial change to the baseline conditions. The impact (before mitigation) would be small and the significance of effect minor adverse.

3.3 Following mitigation, the effect on the heritage significance of the Conservation Area would be negligible. Following mitigation the proposed development would be compliant with S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance*” of conservation areas (H.4.).

*Church of Holy Cross and Saint Helen, Grade II Listed Building (HE ref 1075912)*

3.4 The Swan Hotel was assessed to provide context and reflect the historic interest of the Grade II Listed church, comprising one element of the open setting to the south of the asset. The loss of the Swan Hotel would be discernible but the key elements of its setting which contribute to its heritage significance would be unchanged. The impact magnitude would be small. This would be a minor adverse effect.

3.5 Following mitigation, the effect to the heritage significance would be negligible. This is compliant with S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (H.4.) which requires a special regard to the desirability of preserving listed buildings, their setting and features of special architectural or historic interest.

*Holy Cross Presbytery, No.2, Locally Listed Building*

3.6 The Swan Hotel is assessed as providing context and reflect the wider historic interest of the mid-19<sup>th</sup> century presbytery. It comprises one element of the setting to the south-east of the asset, providing a spatial link to the rest of the George Street Conservation Area. The replacement of the present bus station which is in the immediate setting of this asset would be a minor beneficial change and lessens the impact of the proposed alterations to the setting of this asset. The change to the asset would be slight and the magnitude would be small. Following mitigation no change in significance is anticipated.

*Holy Cross Parish Hall, Corporation Street, Locally Listed Building*

3.7 The Swan Hotel is within the setting of this heritage asset and provides context and reflects the wider historic interest of the mid-19<sup>th</sup> century development of the town. The Swan Hotel is one element of the setting to the south of this asset providing a

spatial link to the rest of the George Street Conservation Area. The replacement of the present bus station which is in the immediate setting of this asset would be a minor beneficial change to its setting and lessens the impact of the proposed alterations to the setting of this asset within the edge of the George Street Conservation Area. As such the change to this asset would be slight and the impact magnitude would be small. Following mitigation no change in effect significance is anticipated.

3.8 Such impacts were considered in the grant of planning permission.

## 4.0 Policies

### Planning (Listed Building and Conservation Areas) Act 1990 (H.4.)

- 4.1 Section 66 imposes a “General duty as respects listed buildings in exercise of planning functions”, Subsection (1) provides: “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.
- 4.2 Clarification on how decision-makers should discharge their statutory duty to have “special regard to the desirability of preserving” listed buildings, their setting and features of special interest was provided by the Court of Appeal in the Barnwell Manor appeal (H.5.).
- 4.3 The Court of Appeal clarified that in enacting S66(1) the statutory duty applies to all listed buildings including when the harm is judged to be less than substantial and that Parliament intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given “considerable importance and weight” when the decision-maker carries out the balancing exercise.
- 4.4 For development within a conservation area Section 72 (1) requires:
- 4.5 In the exercise, with respect to any buildings or other land in a conservation area ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

### **National Planning Policy (2021)**

- 4.6 The National Planning Policy Framework has three overarching objectives to achieve its aim of sustainable development. This includes an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment (Chapter 2, para 8) (A.9.).
- 4.7 Paragraph 194 advises local planning authorities to require an applicant to describe the significance of any heritage assets affected by their proposal, including any contribution made by their setting. It states that “*the level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance*”.
- 4.8 Paragraph 199 states that “*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*”.

- 4.9 Paragraph 202 states “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.
- 4.10 Paragraph 203 continues: “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.
- 4.11 Paragraph 205 further states That “Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted”.

### **St Helens Local Plan up to 2037 (B.2.)**

#### *Policy LPC11: Historic Environment*

- 4.12 St Helens Metropolitan Borough Council adopted the St Helens Borough Local Plan in July 2022. The Local Plan includes **Policy LPC11: Historic Environment (B.2.)** which is consistent with the NPPF. This replaces the previous Local Plan Core Strategy (2012) which included Policy CQL 4 ‘Heritage and Landscape’ (G.8.). The policy states:

- 1. The Council will promote the conservation and enhancement of the Borough’s heritage assets and their settings in a manner that is appropriate to the significance of each asset. These include designated heritage assets such as Scheduled Monuments, Registered Battlefields, Listed Buildings, Conservation Areas, Registered Parks and Gardens, and non-designated above ground assets and areas of archaeological interest.*
- 2. All proposals for development that may affect a heritage asset, or its setting should be accompanied by an Assessment of Significance that should form part of a Design and Access Statement and / or a Heritage Impact Assessment and clearly set out the significance of the heritage asset including any contribution made by its setting. The proposals should demonstrate how they respond to the significance of the asset. Merseyside Historic Environment Record (HER) should be consulted as a minimum.*
- 3. The impact of development proposals on the significance of heritage assets and their settings will be considered in accordance with case law, legislation, and the National Planning Policy Framework. Development affecting heritage assets*

4. *Development proposals that would lead to substantial harm to (or total loss of significance of) a designated heritage asset will be refused permission unless it can be demonstrated that:*

*a) the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or total loss; or*

*b) all the other exceptions set out in paragraph 195 of the National Planning Policy Framework (or any successor national policy that supersedes this paragraph) apply.*

5. *Development involving harm to or loss of any non-designated heritage asset (such as any building identified on a Local List prepared by the Council) will only be permitted where the benefits are considered sufficient to outweigh the harm, having regard to the scale of the harm and the significance of the heritage asset.*

6. *Where the complete or partial loss of any heritage asset is justified, the asset's significance must be recorded to a standard agreed by the Council and made publicly available.*

4.13 Regarding Conservation Areas, the policy states:

*9. The Planning (Listed Building and Conservation Areas) Act 1990 places statutory duties on Local Planning Authorities relating to the designation and ongoing review of Conservation Areas and adoption of policies to ensure their conservation and enhancement. There are currently eight Conservation Areas in St Helens Borough. Proposals for development affecting a Conservation Area should preserve or enhance those elements that have been identified as making a positive contribution to the character and special architectural or historic interest of the area. These elements may include buildings, boundary features, other structures, landscape features, open spaces, and the setting. Where proposals would lead to harm to a Conservation Area, then the harm will be identified as being either substantial or less than substantial based on the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole. Development causing such harm will be subject to the tests set out in Policy LPC11 and national policy.*

4.14 The policy also confirms the requirements in relation to non-designated buildings and other structures:

*10. The Borough contains a number of buildings and other structures that are not formally designated as heritage assets, but that nevertheless contribute to the character of the area. Policy LPC11 confirms that development that would cause harm to or loss of non-designated assets will be refused unless any public benefit from the development would outweigh such harm or loss. Development proposals that are likely to affect one or more non-designated assets will be required to include the evidence referred to in paragraph 2 of Policy LPC11.*

### St Helens Local Development Framework Core Strategy Supplementary Planning Document List of Locally Important Buildings 2011 (H.3.)

- 4.15 This Supplementary Planning Document (SPD) was adopted June 2011 and is to be a material consideration in planning decisions. This SPD sets out those buildings in the borough which are not considered to meet the criteria for national statutory listing but are of considerable local and/or architectural merit. The buildings/structures on the draft list (unadopted at time of writing) reinforce local distinctiveness and a sense of place, but do not enjoy statutory protection, particularly against demolition. Reference to planning policy within the SPD is outdated, however these locally important buildings are considered non-designated heritage assets (as set in the definition provided by Planning Policy Guidance 2019, Paragraph: 039 Reference ID: 18a-039-20190723) (A.7.). When considering application for alteration, extension or demolition of a building or structure on the local list, proposals should:

*preserve or enhance or restore its historic or architectural character ensure that that setting of a locally important building is preserved/enhanced (includes views, historical layout, and landscape features; and enhance or maintain the local interest of the area and street scene*

- 4.16 Demolition will only be permitted where the replacement is of such a high quality that the loss of the locally important building will be adequately mitigated by a development that enhances the character of the local area. Where a loss is proven to be acceptable the Council will require a full record of the building to be carried out and any features of local historical interest to be donated to an interested party e.g., the local archives at a library or incorporated into the site's redevelopment.

## 5.0 Consultee Comments

- 5.1 Several consultation comments have been received as part of the planning application in respect of heritage and archaeology which are detailed below.

Growth Lancashire, Email 17/01/2022 (H.6.)

- 5.2 *The site plan and demolition plan shows that the proposed re-development affects a substantial chunk of the Town Centre from Bickerstaffe Street in the east down to Chalon Way East and bounded to the south by Hall Street which forms the boundary with George Street CA. Because of the large site area a substantial number of heritage assets are likely affected (both designated and NDHA's). The impacts on those heritage assets will need to be assessed and tested as part of any submission...*
- 5.3 *...Impact on NDHA's – from the details provided in the heritage baseline it seems that there are very few NHDA's affected by the proposals and that the recorded sites within the demolition zone are archaeological ones. The impacts of proposals on NHDA's need to be considered under P.203 of the NPPF. You will need to take appropriate advise from your Archaeology contractor on such matters...*
- 5.4 *...As you are aware the LPA will need to consider lots of competing issues one of which includes the impact on heritage. The LPA will need to give great weight to the conservation of heritage assets and any harm will need to be carefully considered, this is irrespective of the level of harm (P.199 NPPF). That said as the proposals have no direct impacts on any designated heritage the harm from any redevelopment is likely to fall with the 'less than substantial' category and as such require assessment under P.202 of the NPPF. This allows the public benefits generated by the proposals to be weighed against the level of harm/loss of significance.*
- 5.5 *To enable a proper balanced heritage assessment to take place more details will be needed showing clearly the changes in the scale/design of the proposed new blocks/numbered sites. The applicant will need to provide a Heritage Impact Assessment to consider the impacts of the proposals on those identified heritage assets. Given the likely increase in scale across the re-development site I think it would be useful to gain a townscape assessment to deal with these issues.*
- 5.6 In support of the planning application TEP produced a historic environment desk-based assessment setting out the historic environment baseline conditions within the proposed development area and an appropriate surrounding study area. The report assessed the heritage significance of designated and non-designated heritage assets and identified the likely direct impacts of the proposed development. The likely significant effects in terms of built heritage were addressed in the ES chapter (H.2.).



Historic England, 18/02/2022, PL00763522 (H.7.)

- 5.7 *The George Street Conservation Area is currently on HE's Heritage at Risk Register due to its poor condition. Proposals to enhance the area, and the historic buildings within it are therefore strongly encouraged.*
- 5.8 *We do however note with concern the proposal to demolish two adjoining historic buildings within the George Street Conservation Area, which are proposed to be replaced by an area of soft landscaping adjacent to the bus station. These two buildings, especially The Swan, contribute positively to the character and appearance of the Conservation Area and as such their demolition does not appear to be suitably justified at present. We would therefore strongly encourage you to consider alternative options which include the retention of these buildings.*
- 5.9 *Additionally, we note the proposal to demolish historic buildings outside of the conservation area on Bickerstaffe Street and Corporation Street. St Helens has, in the past, lost a large number of historic buildings from its town centre, which is regrettable. While these buildings are not designated heritage assets, we would nonetheless therefore encourage you to re-evaluate the proposal and to consider options which would retain these properties, using them as an asset for sustainable regeneration in the area.*

Merseyside Environmental Advisory Service, Development Management Advice, 21<sup>st</sup> July 2022 (H.8.)

- 5.10 *35. The impact of the proposed demolition on 39 and 41 Hall Street, comprising the present Fish and Chip shop and the Swan Hotel assumes these buildings to be of local importance only and therefore their demolition is considered to be less than substantial harm. I question the process of attributing a level of importance to these buildings prior to any detailed research, recording and assessment having taken place (6.8).*
- 5.11 *39. Therefore, I advise that the applicant be required to undertake a programme of historic building investigation and recording to mitigate on this occasion the impact on the non-designated heritage assets, and that such recording be secured by means of the following condition:*
- 5.12 *No development or demolition shall take place until the applicant or their agents, has secured the implementation and submission of a report on a programme of historic building investigation. That programme of historic building investigation works should be undertaken in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the local planning authority prior to works taking place.*
- 5.13 *41. The use of such conditions is in line with the guidance set out in Paragraph 205, Section 16, Conserving and Enhancing the Historic Environment, of the National Planning Policy Framework (Ministry of Housing, Communities & Local Government: 2021), Managing Significance in Decision Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2 (Historic England: 2015)*

and St Helens Local Plan policy CQL 4 [replaced by policy LPC11] (St Helens Council: 2012).

- 5.14 42. *The use of such conditions is necessary to ensure the implementation of the required scheme of archaeological and historic building investigation and its appropriate publication.*
- 5.15 The programme of historic building recording requested by the consultee will be undertaken as a pre-construction condition following CPO and would require access to the building for this survey.

Historic England, Reject at Initial Assessment Report, 16 January 2023 (H.9.)

- 5.16 *An application for Listing was submitted by a third party to Historic England as part of a wider objection to the development and demolition of the Swan Hotel in particular (D.27.). This application was rejected at initial assessment stage. It was assessed that the building was of a standard architectural form and construction, of which numerous better examples survive - the original internal plan form does not survive, and the interior does not hold fixtures of fittings of special note. A copy of the report is appended to this technical note.*

**Objections to Compulsory Purchase Order**

- 5.17 Several objections have been submitted which refer to the history or heritage significance of the Swan Hotel and are included in the Core Documents:

D.10. – S Hindley Objection

- 5.18 The objection notes the age of the Swan Hotel.

D.15. - M Thomas Objection

- 5.19 The objection references the Swan Hotel's position within a conservation area and its historic origins.

D.16. - S Kwasek Objection

- 5.20 The objection notes the Swan Hotel's historical presence in the town.

D.17. - Cheetham Objection

- 5.21 The objection notes the age of the Swan Hotel

- 5.22 The response provided to the objections is as follows:

- 5.23 Planning permission has been granted for the demolition of 39 and 41 Hall Street (The Swan Hotel and Fish & Chip Shop) as part of the St Helens town centre redevelopment. The building has not been assessed as a non-designated heritage asset but is considered as holding heritage significance equivalent to low (local) significance. It is not included in the St Helens Historic Environment Record and is not a locally important building. The building has been rejected by Historic England as being appropriate for statutory protection.

- 5.24 The demolition of the building will result in total removal of a building of, at most, low heritage significance. Before mitigation, the significance of effect is, at most, minor adverse effects on the heritage significance of the George Street Conservation Area and the setting of Church of Holy Cross and Saint Helen. Following mitigation, the significance of effect to the Conservation Area and Listed Building would be negligible.

## 6.0 Discussion

- 6.1 Planning permission has been granted for the demolition of 39 and 41 Hall Street (The Swan Hotel and Fish and Chip Shop) as part of the St Helens Town Centre redevelopment. In granting the planning application decision-makers and statutory consultees applied the relevant statutory and NPPF tests on designated and non-designated heritage assets and considered the heritage significance and setting of the heritage assets that would be affected by the development, as well as the scale of the impact of development on the heritage significance which included demolition of the Swan Hotel.
- 6.2 The heritage significance and necessity of demolition of the Swan Hotel were specifically considered by Historic England who rejected the building as being appropriate for statutory protection.
- 6.3 The building has not been assessed as a non-designated heritage asset but is considered as holding heritage significance equivalent to low (local) heritage significance. It is not included in the St Helens Historic Environment Record and is not a locally important building. The demolition of the building represents a large magnitude of change to its heritage significance. The significance of effect is low adverse which is equivalent to less than substantial harm and in accordance with the NPPF 2021 should be weighed against the public benefits of the proposed bus station.
- 6.4 The Swan Hotel is assessed as providing a minor positive contribution to the George Street Conservation Area and is within the setting of the Grade II listed Church of Holy Cross and Saint Helen as well as the non-designated heritage assets of Holy Cross Presbytery, No.2 and Holy Cross Parish Hall, Corporation Street.
- 6.5 The demolition of the building will result in total removal of a building of at most low heritage significance. Before mitigation, the significance of effect is at most minor adverse effects on the heritage significance of the George Street Conservation Area and the setting of Church of Holy Cross and Saint Helen.
- 6.6 Consultation responses received from MEAS have confirmed that the applicant would be required to undertake a programme of historic building recording prior to construction to mitigate the impact of development. This is consistent with NPPF and local planning policy LPC11. This mitigation would be secured by means of a suitably worded condition.
- 6.7 Condition 8 of the planning decision (P/2022/0212/HYBR) is as follows:

8. No part of the demolition of 39-41 Hall Street hereby approved shall take place until a Written Scheme of Investigation (WSI) for a programme of historic building investigation works of these properties has been submitted to and approved in writing by the Local Planning Authority. The WSI must include the following:

- A programme and methodology of site investigation and recording.
- A programme for post-investigation reporting to include production of a final report of the significance of the historic building.
- Provision for appropriate publication and dissemination of the archaeology and history of the historic building.
- Provision for archive deposition of the report and records of the site investigation.
- Nomination of a competent person or persons / organisation to undertake the works set out within the approved WSI.

6.8 Following mitigation, the significance of effect to the Conservation Area and the setting of the Listed Building would be less than substantial.

## 7.0 References

- A.7. - Planning Practice Guidance: Historic Environment, July 2019: <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>
- A.9. - Ministry of Housing, Communities and Local Government (2021) *National Planning Policy Framework (NPPF)*
- B.2. - St Helens Borough Council (2022), *St Helens Borough Local Plan up to 2037*
- D.27. - A Hindley email to M Gove, 5/01/23
- G.8. - St Helens Borough Council (2012) *St Helens Local Plan Core Strategy*
- H.1. - TEP (2022) 'Chapter 8, Built Heritage', *St Helens Town Centre Development Environmental Statement, Vol II*
- H.2. - TEP (2022) 'St Helens Town Centre, St Helens, Merseyside, Historic Environment Desk-Based Assessment', Document Ref 9019.002, *St Helens Town Centre Development Environmental Statement Vol III Appendix 8.1*
- H.3. - St Helens Borough Council (2011) *St Helens Local Development Framework Core Strategy Supplementary Planning Document (SPD) List of Locally Important Buildings*
- H.4. - Planning (Listed Building and Conservation Areas) Act 1990
- H.5. - [Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council & Ors \[2014\] EWCA Civ 137 \(18 February 2014\) \(baillii.org\)](#)

## Appendix IJ18

St Helens Town Centre Planning Statement, CBRE Limited (July 2022)

# St Helens Town Centre

English Cities Fund (General Partner) Limited

## Planning Statement

CBRE Limited  
On Behalf of English Cities Fund (General Partner) Limited

July 2022

# Contents

1.0 Introduction ..... 1

2.0 Site & Surroundings..... 4

3.0 Consultation ..... 8

4.0 Proposed Development .....12

5.0 Planning Policy Context .....22

6.0 Planning Assessment..... 30

7.0 Summary Conclusions .....52



# List of Appendices

Appendix 1: Planning History

Appendix 2: Planning Policy

# 1.0 Introduction

- 1.1 This Planning Statement has been prepared by CBRE Limited on behalf of English Cities Fund (General Partner) Limited, hereafter referred to as 'ECF' or 'the Applicant'. The application is for the demolition of the existing buildings and redevelopment of part of St Helens town centre.
- 1.2 The application is hybrid in nature and seeks full planning permission for the demolition works (as well as permission for relevant demolition in a conservation area) and outline planning permission for the proposed built development (all matters reserved).
- 1.3 The application site is bound by Corporation Street to the north, St Helens Central and rail lines to the east, St Helens Canal to the south and the town centre, broadly defined by Bickerstaffe Street and Market Street, to the west.
- 1.4 There are three areas which are excluded from the red line but adjacent to the site, comprising the World of Glass Museum; St Helens Parish Church; buildings between Church Square and Foundry Street; and land between Hall Street, Church Street, Shaw Street and Bickerstaffe Street.
- 1.5 The description of development is as follows:

*Hybrid planning application seeking:*

*- Full planning permission and permission for relevant demolition in a conservation area for proposed demolition and site preparation works; and*

*- Outline planning permission for development of a mix of uses, comprising hotel use (Use Class C1); residential units (Use Class C3); commercial, business and service uses (Use Class E(a-g)); local community & learning uses (Use Class F1(b-e) and F2(b)); and Sui Generis uses, with associated access, servicing, parking, public realm and landscaping, with all matters (Access, Appearance, Landscaping, Layout and Scale) reserved for future determination.*

## 1.1 Application Submission

- 1.6 The application is accompanied by a suite of supporting information as detailed below, the scope of which was agreed with the Council during pre-application discussions.

**Table 1.1:** Submission documents

SUBMISSION DOCUMENT	PREPARED BY
Application Form	CBRE Limited
Application Covering Letter	CBRE Limited
Planning Statement	CBRE Limited
Design and Access Statement	Jon Matthews Architects
Consultation Statement	Lexington
Full suite of application drawings	Jon Matthews Architects Powers
Energy & Sustainability	Hilson Moran
Utilities Statement	Hilson Moran
Transport Assessment	WSP
Framework Travel Plan	WSP
Transport Assessment Addendum	WSP

Phase I Contaminated Land Assessment	Hilson Moran
Desk Study	AKT II
Air Quality Assessment	Hilson Moran
Water Resources: Flood Risk Assessment & SuDS Strategy	Hilson Moran
Arboricultural Impact Assessment	TEP
Habitat Regulations Assessment	TEP
Preliminary Ecological Assessment	TEP
Biodiversity Net Gain Assessment	TEP
TEP Letter (26/07/2022, ref. 8856.011)	TEP
CFD Analysis of Wind Microclimate Pedestrian Conditions	Hilson Moran
<b>Environmental Statement covering the following topics</b>	
Air Quality	Hilson Moran
Noise & Vibration	Hilson Moran
Heritage	TEP
Townscape and Visual Assessment	TEP
Socio-Economics	CBRE

## 1.2 Statement Structure

1.7 This Planning Statement is structured as follows:

- **Section 2: Site and Surroundings** – describes the application site, its wider context, and planning history;
- **Section 3: Consultation** – summarises the consultation undertaken with the Council, other stakeholders and the local community;
- **Section 4: Proposed Development** – outlines the scheme proposals including details of the proposed parameters;
- **Section 5: Planning Policy Context** – sets out the relevant policies of the statutory development plan and other material considerations;
- **Section 6: Planning Assessment** – assesses the proposed scheme against planning policies and other material considerations; and
- **Section 7: Summary Conclusions** – summarises the main findings of the Planning Statement, establishes the planning balance, and concludes on the overall merits of the scheme.

# 2.0 Site & Surroundings

## 2.1 Site Context

- 2.1 The application site comprises approximately 9.87ha of St Helens town centre. The site is bound by Corporation Street to the north, St Helens Central and rail lines to the east, St Helens Canal to the south and the town centre, broadly defined by Bickerstaffe Street and Market Street to the west.
- 2.2 There are three areas which are excluded from the red line, but adjacent to the site. These are the World of Glass Museum, St Helens Parish Church, buildings between Church Square and Foundry Street and land between Hall Street, Church Street, Shaw Street and Bickerstaffe Street.
- 2.3 A high proportion of the existing site is occupied by developed land, predominately shopping centres, with car parks and roads dominating the area at present, along with the pedestrianised areas along Market Street and Church Street.
- 2.4 The shopping centres comprise St Mary's Market to the south east and the Hardshaw Centre in the north-western part of the site.
- 2.5 The Merseytravel bus station is located in the north of the application site, between Bickerstaffe Street and Corporation Street. The Swan Hotel and Fish and Chip shop are located to the immediate east of the bus station and a block of retail units is present to the west, bounded by the bus station to the east, Bickerstaffe Street to the south and west, and Corporation Street to the north.
- 2.6 The Hardshaw Shopping Centre is present to the south of the bus station and Bickerstaffe Street. The shopping centre includes rooftop car parking.
- 2.7 The St Mary's Shopping Arcade, Market & Multi Storey Car Park (MSCP) is present in the south east of the application site. To the west of this lies the pedestrianised Church Street and Church Square.
- 2.8 The area of the recently demolished Chalon Way MSCP is present in the south west of the application site, adjacent to the World of Glass to the south east.

## 2.2 Site Surroundings

- 2.9 The site is within St Helens town centre, and the train station is located adjacent to the red line to the east of the site. The site is surrounded by a variety of land uses, with mainly residential terraced streets to the north and St Helens Town Hall and County Court to the north-west.
- 2.10 The area to the west is primarily in retail use, including Church Square Shopping Centre and other smaller units.
- 2.11 The eastern boundary of the site is primarily formed of the railway line. Larger retail units are located beyond the railway line to the east, however the railway provides a clear separation from this.
- 2.12 St Helens Rugby League Football Club stadium is located approximately 475m to the south-east.
- 2.13 The southern boundary of the site is formed by the St Helens Canal, with retail and leisure uses beyond this, including the retail unit The Range, Pyramid Leisure Health club and the Mercure Hotel. The Green Bank residential area is located further south-west and the Pilkington glass works is located further south over the A58 linkway road.
- 2.14 St Helens Town Centre is well connected to the highway network, to the south the A58 connects the town centre to the M62 via St Helens Linkway, which gives the Town Centre access to Liverpool within 15 miles, Junction 1 of the M57 within 7 miles, Warrington within 19 miles, Junction 21A of the M6 within 18 miles and Manchester within 27 miles.

2.15 To the north of St Helens Town Centre sits the A580 which connects the Town Centre to Liverpool within 14 miles, Junction 4 of the M57 within 7 miles, Junction 23 of the M6 within 5 miles, Wigan within 9 miles and Manchester within 25 miles.

### **2.2.1 Heritage**

2.16 Part of the north-east corner of the site is within the George Street Conservation Area. This includes 39 and 41 Hall Street, comprising the present Fish and Chip shop and the Swan Hotel.

2.17 The site is also adjacent to the Victoria Square Conservation Area. The Conservation Area adjoins the western boundary of the site and includes the Gamble Building, which is directly adjacent to the north-west corner of the site.

2.18 There are no listed buildings or Scheduled Ancient Monuments (SAMs) within the application red line boundary; however there are several designated heritage assets within the immediate surrounds.

2.19 The listed buildings of note in the immediate surrounds include:

- Scheduled monument (Historic England listing ref. 1020908) and Grade II\* listed structure (Historic England listing ref. 1075879) to the south of the World of Glass (south of the St Helens canal);
- Grade II\* listed: Statue of Queen Victoria (listing ref. 1075878) located within Victoria Square;
- Grade II listed: St Helens Quaker Meeting House (listing ref. 1075910), located within the George Street Conservation Area;
- Grade II listed: 16 Hardshaw Street (listing ref. 1199202) located to the west of the site;
- Grade II listed: Church of Holy Cross and Saint Helen (listing ref. 1075912) adjoining the north-east corner of the site;
- Grade II listed: Church of St Helen (listing ref. 1199141) located in the centre of the site but not included within the red line boundary; and
- Grade II listed: Pair of K6 Telephone kiosks flanking steps to the Town Hall (listing ref. 1075881) located within Victoria Square.

### **2.2.2 Ecology**

2.20 The site does not contain any statutory sites, designated for ecology purposes. However the Stanley Bank Meadows Site of Special Scientific Interest (SSSI) is 2.3km to the north east of the site and therefore the site is within the SSSI impact risk zone for this designation.

2.21 There are two statutory designated sites of local importance located within 2km of the site. The closest is Thatto Heath Meadows Local Nature Reserve (LNR), which is located 1.2km to the south of the site. The other site, Parr Hall Millennium Green, is a LNR located 1.3km to the north-east of the site.

2.22 More information regarding these designations is provided in the submitted Preliminary Ecological Assessment.

### **2.2.3 Flood Risk**

2.23 The majority of the site is located within Flood Zone 1 and is therefore at low risk of flooding from rivers/seas.

2.24 Consultation with St Helens Metropolitan Borough Council (SHMBC) and the Environment Agency (EA), has shown that a small section of the site is within Flood Risk Zones 2 and 3, immediately adjacent to the Hardshaw Brook.

- 2.25 The Hardshaw Brook is culverted as it flows eastwards across the Site, just north of the St Helens Canal. The canal forms the southern site boundary.
- 2.26 Further details regarding the risk of flooding at the site are provided in the submitted Water Resources: Flood Risk Assessment & SuDS Strategy.

### **2.3 Planning History**

- 2.27 The application site has been subject to numerous planning applications in recent years. The table provided in Appendix 1 documents the relevant planning history of the application site, dating from the most recent approval back to 2015.
- 2.28 Of note, in December 2020 permission was granted for the demolition of the Chalon Way Multi-Storey Car Park (application reference P/2020/0763/FUL). The works have since been completed and this part of the site is a cleared site, following the demolition works.



# 3.0 Consultation

- 3.1 The following section summarises the consultation which has been undertaken with key stakeholders, including St Helens Metropolitan Borough Council (SHMBC) and the local community. Further details are provided within the submitted Statement of Community Involvement.

### **3.1 Consultation with SHMBC**

- 3.2 The application proposals have been discussed with SHMBC as part of a pre-application process (reference PRE/2021/0199/PREC).
- 3.3 Meetings were held with various Officers to discuss the scope and methodology of the technical assessments prepared to support this planning application. Details of this consultation are provided in the relevant technical assessments which accompany the planning application.
- 3.4 The Council issued pre-application responses relating to the following topics:
1. Air quality
  2. Arboriculture
  3. Contaminated land
  4. Flood risk and drainage
  5. Heritage / Conservation
  6. Noise
  7. Planning policy
  8. Townscape and Visual impacts
  9. Transport / Highways
- 3.5 The pre-application response on planning policy identified relevant planning policies at a local and national level, including emerging Local Plan policies, and provided a high level assessment of the proposed uses against this policy context.
- 3.6 The design and technical assessments have evolved as a result of the pre-application advice received, as detailed in the submitted Design & Access Statement and reported in the technical assessments which support this planning application.

### **3.2 EIA Screening**

- 3.7 An EIA Screening Request was submitted in November 2021. The Council issued its screening decision on the 13<sup>th</sup> January 2022 (reference EIA/2021/0003/SCREEN), which identified that an Environmental Impact Assessment (EIA) was required.
- 3.8 Details of the scope of the EIA are included within the accompanying Environmental Statement (ES) (ES Volume II, Chapter 2).

### **3.3 Public Consultation**

- 3.9 As detailed in the submitted Consultation Statement, an extensive public consultation was undertaken in relation to the redevelopment of the town centre.

- 3.10 The public consultation was in relation to the St Helens Masterplan Development Framework (MDF) (which was endorsed by SHMBC in February 2022) but also related to this hybrid planning application.
- 3.11 As the consultation related to both the MDF and this hybrid planning application, the Consultation Statement which was prepared in relation to the MDF is also submitted as part of this planning application.
- 3.12 The public consultation was officially launched on Monday 1 November 2021 and ran until Monday 13 December 2021, for a total of 6-weeks.
- 3.13 To ensure the consultation process was accessible to all interested parties and groups in the area, several methodologies were employed, as detailed below:
- Posters and print publicity displayed in key locations and on buses, which included a link to the consultation website;
  - Social media adverts issued to residents and directing residents to the consultation website, as well as via the Council Facebook and Twitter pages ;
  - Press release issued via the local newspapers covering the site;
  - A website was created ([www.sthelenstowncentre.co.uk](http://www.sthelenstowncentre.co.uk)) which was the main hub for the consultation where there was a dedicated feedback form available for completion;
  - A virtual exhibition was hosted on the website to reach people due to the COVID-19 pandemic, to allow users to navigate through a series of exhibition boards;
  - A public exhibition was held for a week in the former Phones4U at 12 Church Street, St Helens in the town centre. The exhibition began on Monday 8 November 2021 and ended on Sunday 14 November 2021. The unit was open 10am – 6pm Monday to Friday, 10am – 4pm on Saturday and 10am – 2pm on Sunday; and
  - Pop-up events were held and took place on the following dates and times:
    - Monday 22 November – 11am – 2pm –St Helens College foyer
    - Monday 22 November – 3:30pm – 5:00pm – Newton-le-Willows Health & Fitness
    - Tuesday 23 November – 10am – 1pm –Chester Lane Library
    - Tuesday 23 November – 2pm – 5pm –Asda Supermarket
    - Wednesday 24 November – 10am – 1pm –St Helens Library
    - Wednesday 24 November – 6pm – 8:30pm – Opera Bingo
    - Thursday 25 November – 10am – 1pm – Tesco’s Supermarket, Earlestown
    - Thursday 25 November – 2pm – 5pm – Newton-le-Willows Library
    - Friday 26 November – 9:30am – 12:00pm – Queens Park Health & Fitness
    - Friday 26 November – 2pm – 5pm – Tesco’s Supermarket
    - Friday 26 November – 6pm – 8:30pm – Cineworld
    - Monday 29 November – 3pm – 6pm – Rainford Library

- o Tuesday 30 November – 10am – 1pm – Thatto Heath Library

- o Tuesday 30 November – 2pm – 5pm – Rainhill Library

3.14 It was possible for people to provide comments on a feedback form, a feedback map, via email and letter and in a comments book which was present during the public exhibition.

3.15 A total of 248 submissions were received during the public consultation. A summary of the responses is provided below. Further details are provided within the submitted Consultation Statement.

FEEDBACK TYPE	AMOUNT	OVERVIEW/ ANALYSIS
Email and letter feedback	26	This feedback was largely supportive, with some queries relating to the future provision of car parking, green spaces and the desire to see pedestrians prioritised.
Community Information Line feedback	1	Enquiry about new jobs
Shape tomorrow: feedback map comments	41	Many respondents submitted feedback which focused on how to retain and enhance the natural environment within the town centre, such as retaining existing trees, encouraging ‘green walls’ and the inclusion of play equipment in the open spaces. Some respondents queried the future provision of car parking in the town centre. Additionally, several respondents expressed a desire to see the town centre easier to move around as a pedestrian or cyclist.
Comments book feedback	34	These comments were overwhelmingly positive and respondents expressed their support for the proposals generally and specifically the ambitions to enhance the natural environment
Feedback Form	146	Almost 60% of responses were submitted via the feedback form which provided the opportunity for respondents to give support to specific aspects of the proposals, such as the inclusion of housing or office space and the reconfiguration of the bus station.

3.16 A detailed review of the consultation responses is provided within the submitted Consultation Statement. The proposed development has reviewed the consultation feedback received and this will be considered in depth at the detailed design stage, as the scheme is developed further.

# 4.0 Proposed Development

- 4.1 This chapter provides a summary of the proposed development, including the accommodation schedule and details of the parameters, including scale, access and landscaping.

## 4.1 Description of Development

- 4.2 The description of development is as follows:

*Hybrid planning application seeking:*

*- Full planning permission and permission for relevant demolition in a conservation area for proposed demolition and site preparation works; and*

*- Outline planning permission for development of a mix of uses, comprising hotel use (Use Class C1); residential units (Use Class C3); commercial, business and service uses (Use Class E(a-g)); local community & learning uses (Use Class F1(b-e) and F2(b)); and Sui Generis uses, with associated access, servicing, parking, public realm and landscaping, with all matters (Access, Appearance, Landscaping, Layout and Scale) reserved for future determination.*

- 4.3 Details of the proposed development are provided below. This section should be read alongside the submitted plans and Design & Access Statement.

- 4.4 The proposals include:

- Site clearance and preparation works, including removal of hardstanding areas and vegetation, where necessary;
- Demolition of the majority of existing buildings. The former M&S building in the west of the application site and a substation in the east of the site will not be demolished. The buildings proposed for demolition are as follows:
  - The Hardshaw Centre;
  - St Mary's Shopping Arcade, Market & Multi Storey Car Park (MSCP);
  - Swan Hotel and Fish and Chip shop to the immediate east of the bus station; and
  - All buildings in the block of retail units bounded by the bus station to the east, Bickerstaffe Street to the south and west, and Corporation Street to the north.
- Construction of a series of new buildings, up to 6 storeys (Ground plus 5 storeys) in height, which are for a range of uses as detailed in the development schedule and are presented as two options (options only affect Plots 4 and 11):
  - Up to 7,854 sqm Gross Internal Area (GIA) of retail/leisure/food & drink floorspace, including a market, kiosks, and other retail units (Option A) (Option B: up to 8,134 sqm);
  - Up to 24,678 sqm GIA of office floorspace (Option B) (Option A: up to 10,950 sq m GIA);
  - Up to 340 sqm GIA of arts/leisure/community/retail floorspace;
  - Up to 423 residential units (Option A) (Option B: up to 374 units);
  - A hotel of up to 155 beds (Option A only); and
  - Redeveloped bus station and ancillary bus station facilities (Plot 1 / 2 / 4).
- Pedestrian and vehicle access improvement works, including access reconfiguration around the redeveloped bus station;

- Provision of up to 175 car parking spaces and cycle parking in line with local authority requirements; and
  - Landscaping and public realm improvement works.
- 4.5 The proposed development is aligned with the key principles of the Masterplan Development Framework which sets out the vision for St Helens town centre and the opportunities for development. The alignment of the proposed development with the MDF is detailed further in Section 6.0 of this Planning Statement.
- 4.6 Since submission of planning application P/2022/0212/HYBR, the following changes have been made to the proposed plans:
- On the Area Schedule, the changes which have been made are highlighted in green for ease;
  - Plot 11 has been reduced in order to avoid a no-build zone associated with a culvert in this area;
  - Changes to the shape/size of parameter plots 1, 2, 3, 4, 5 and 6;
  - Upper Floor for Plot 5 has been removed as this is now proposed as a wrap around the existing, former M&S unit to allow access into the former M&S unit from the east, if this building were to be sub-divided in the future;
  - Minimum height of Plot 5 has been increased from 33.5m to 37.1m;
  - Gamble extension (Plot 1):
    - Minimum height reduced from 38m to 37m;
    - Maximum height amended with a taller middle section;
  - Shaw Street has been downgraded from a Primary vehicle street to a Secondary vehicle street;
  - Crossing point south of Gamble increased in size and new crossing added to the north east of plot 6; and
  - Note re. minimum street widths added to Access and Movement Plan and Public Realm Plan.
- 4.7 These changes have been made to the parameters plans for the following reasons:
- Details designs are progressing for several blocks, which has resulted in minor amendments to the parameter boundaries, to ensure the buildings remain within the designated extents.
  - Plot 3 has been re-orientated and a greater offset from Bickerstaffe Square created to enhance the pedestrian experience in this area.
  - Plot 4 has been increased in depth, however this is to accommodate a larger internal parking and courtyard area for residents, rather than increasing the floorspace of this plot.
  - Plot 5 has been reduced to a wrap around the former M&S unit to allow potential future subdivision of this unit and access from the east, whilst retaining a sufficient public realm area and streetscape along New Market Street.
  - Plot 6 has been moved to the west to accommodate a servicing/delivery and drop-off area and landscaping, to allow a greater offset from the George Street Conservation Area.
  - The Gamble extension (Plot 1) has been increased in height in the middle section, to allow lift access to be provided to all storeys of the Gamble from the extension, whilst still retaining appreciation of the eastern facade of this building.
  - Plot 11 has been reduced in extent to accommodate an existing culvert and associated no-build zone.

## 4.2 Accommodation Schedule

4.8 The following table sets out the accommodation schedule for the proposed development, as amended through the application addendum.

4.9 The differences between Option A and Option B affects Plots 4 and 11 only.

**Table 4.1:** Proposed Accommodation Schedule – Option A

PLOT NO.	USE CLASSES	GIA (SQ M)	PLOT TOTAL GIA (SQ M)
1	E (a-f) Retail/leisure/food & drink/commercial and drinking establishments (Sui Generis)	340	470
	F1(b-e) Learning and non-residential institutions		
	F2(b) Community		
	Sui Generis (Ancillary bus station facilities)	130	
2	Bus Station (Sui Generis)	1,000	1,150
	E(a-f) Retail/leisure/food & drink/commercial	150	
3	E(g)(i-ii) Office / Research	7,500	7,700
	E(b) Cafe / Restaurant	200	
4	C1 Hotel	5,510	12,967
	C3 Residential	5,574	
	E(a-f) Retail/leisure/food & drink/commercial	1,753	
	Drinking Establishment (Sui generis)		
	Sui Generis (Ancillary bus station facilities)	130	
5	E(a-f) Retail/leisure/food & drink/commercial	650	650
	Drinking Establishment (Sui generis)		
6	E(a) Market	2,000	2,000
	E(b) Food & Beverage Sales		
	Drinking Establishment (Sui generis)		
7	C3 Residential	9,037	9,590
	E(a-f) Retail/leisure/food & drink/commercial	553	
	Drinking Establishment (Sui generis)		
8	C3 Residential	9,037	9,590
	E(a-f) Retail/leisure/food & drink/commercial	553	
	Drinking Establishment (Sui generis)		
9	C3 Residential	9,905	10,650
	E(a-f) Retail/leisure/food & drink/commercial	745	
	Drinking Establishment (Sui generis)		



10	E(a-f) Retail/leisure/food & drink/commercial	750	4,200
	Drinking Establishment (Sui generis)		
	E(g)(i-ii) Office / Research	3,450	
11	C3 Residential	7,700	8,200
	E(a-f) Retail/leisure/food & drink/commercial	500	

**Table 4.2:** Proposed Accommodation Schedule – Option B

PLOT NO.	USE CLASSES	GIA (SQ M)	PLOT TOTAL GIA (SQ M)
1	E(a-f) Retail/leisure/food & drink/commercial and drinking establishments (Sui Generis)	340	470
	F1(b-e) Learning and non-residential institutions		
	F2(b) Community		
	Sui Generis (Ancillary bus station facilities)	130	
2	Bus Station (Sui Generis)	1,000	1,150
	E(a-f) Retail/leisure/food & drink/commercial	150	
3	E(g)(i-ii) Office / Research	7,500	7,700
	E(b) Cafe / Restaurant	200	
4	C3 Residential	9,529	11,412
	E(a-f) Retail/leisure/food & drink/commercial	1,753	
	Drinking Establishment (Sui generis)		
	Sui Generis (Ancillary bus station facilities)	130	
5	E(a-f) Retail/leisure/food & drink/commercial	650	650
	Drinking Establishment (Sui generis)		
6	E(a) Market	2,000	2,000
	E(b) Food & Beverage Sales		
	Drinking Establishment (Sui generis)		
7	C3 Residential	9,037	9,590
	E(a-f) Retail/leisure/food & drink/commercial	553	
	Drinking Establishment (Sui generis)		
8	C3 Residential	9,037	9,590
	E(a-f) Retail/leisure/food & drink/commercial	553	
	Drinking Establishment (Sui generis)		
9	C3 Residential	9,905	10,650
	E(a-f) Retail/leisure/food & drink/commercial	745	

Drinking Establishment (Sui generis)			
10	E(a-f) Retail/leisure/food & drink/commercial	750	4,200
Drinking Establishment (Sui generis)			
	E(g)(i-ii) Office / Research	3,450	
11	E(g)(i-ii) Office Research	13,728	14,508
	E(a-f) Retail/leisure/food & drink/commercial	780	

### 4.3 Layout

- 4.10 Layout is a reserved matter as part of this hybrid application and therefore details of the layout of the proposed development will be secured through future Reserved Matters applications. The below provides the design principles which have informed the illustrative masterplan layout at this stage.
- 4.11 The proposed development is split into a series of plots (no. 1 – 11), with a number of new streets and public spaces created throughout the site. This includes breaking up the massing of the Hardshaw Centre and creating a new street (referred to as ‘New Market Street’), linking Bickerstaffe Street in the north to Church Square in the south. Another key route created as part of the proposed development is the extension of Hall Street (referred to as ‘Hall Street South’) which breaks through the plot of the St Marys Shopping Arcade, Market and MSCP to create a north-south route to the World of Glass, bringing this asset into the town centre.
- 4.12 The proposed development also seeks to remove the significant road infrastructure which is located in the south-east of the site (Chalon Way) and replace this with a new, public space, which would be predominantly soft landscaped (referred to as ‘Discovery Park’).
- 4.13 The plot boundaries, as shown on the submitted parameter plans, set the maximum building line allowance for the development of each plot. The building footprint should remain entirely within the parameter plot boundary; however, these are maximum areas and therefore the buildings brought forwards through future Reserved Matters applications may not fill the entire plot. This allows for an element of flexibility within the layout and detailed design.
- 4.14 For Plot 1, the layout shows that the primary frontage must face onto the new public square proposed (referred to as Bickerstaffe Square) and Bickerstaffe Street.
- 4.15 The Bus Station in Plot 2 is not expected to deliver across the entire plot boundary, but the stands associated with the proposed Bus Station will be located within the development plot.
- 4.16 Plot 3 is proposed for primarily office use, and it is expected to hold the street but does not need to be up to the plot boundary. It should maximise interaction with the street and form a consistent building line with other plots. The primary frontage for Plot 3 must face onto the proposed Bickerstaffe Square and New Market Street, with the secondary frontage onto Claughton Street, with the frontage opposite Century House as active as possible to contribute positively to the street scene.
- 4.17 The layout of Plot 4 should be considered with all sides an active frontage, and development is expected to hold the street but does not need to be delivered up to the plot boundary. It should maximise interaction with the street.
- 4.18 Plot 5 wraps around the former Marks and Spencer building, providing a new façade and potentially allowing access into the former Marks and Spencer unit from the east. The development is expected to be delivered up to or close to the plot boundary to maximise interaction with the street and for consistent building line with the other plots. The primary frontage must face onto New Market Street and the secondary frontage onto

Cloughton Street and opposite Plot 3, which is seen as the primary service access. The Market Hall, Plot 6, is expected to hold the street but does not need to be developed up to the plot boundary and is in the round so every side should be considered as a primary frontage.

- 4.19 Plots 7, 8 and 9 are proposed primarily for residential use, with some retail use, sui generis (drinking establishments). For these plots, the development is expected to be up to or close to the plot boundary to maximise interaction with the street and for consistent building line. As the plots are in the round, every side should be considered as a primary frontage.
- 4.20 Plot 10 includes retail and office uses, and is expected to be delivered up to or close to the boundary both to maximise interaction with the street and to ensure consistent building line. The primary frontage must face onto Church Square and Hall Street South, with the secondary frontage overlooking the BT block accessed by an alley.
- 4.21 The layout of Plot 11 is expected to be broken down into permeable blocks linking the proposed Discovery Drive with the St Helens canal to the south of the site. The primary frontages are considered to be fronting Discovery Drive and the St Helens canal.

#### 4.4 Scale and Massing

- 4.22 Scale is a reserved matter as part of this hybrid application and therefore details of the scale of the proposed development will be secured through future Reserved Matters applications. The below provides the design principles which have informed the minimum and maximum development heights as shown on the submitted parameter plans.
- 4.23 The building heights must not exceed the maximum parameter allowance set in the Parameters Plans, measured above Ordnance Datum. The maximum height for the plots takes into account the potential future provision for a pitched roof / lift overrun / any roof plant as appropriate to the plots.
- 4.24 The existing development in the town centre is relatively similar in scale from two to four storeys. There are buildings that rise above this which are the churches, town hall, multi-storey car parks and new housing. Century House, located directly adjacent to the western site boundary, stands out in the surrounding townscape as it rises to 9 storeys.
- 4.25 As part of the development of the parameter plans, minimum and maximum development heights have been established. The massing has been carefully considered to work with and respect the existing uses and historic grain, as well as the other proposed uses.
- 4.26 The heights allow for articulation of the blocks to create markers that will improve the natural wayfinding.
- 4.27 The buildings in the Civic and Heritage Quarter such as the Town Hall, Gamble Institute, Century House, Wesley House and Theatre Royal are prominent buildings standing taller than most. The proposed development plots in the northern half of the site are proposed at a height which rises up to meet these existing buildings at an appropriate scale, creating the edge of the new Bickerstaffe Square and overlooking the bus station.
- 4.28 This scale is reduced as it merges with the George Street Quarter, former M&S building and new residential blocks (Plots 7, 8 & 9) along the edge of the Discovery Park. Increasing the scale of these three blocks at the western edge holds Church Square and Hall Street South and give it an appropriate scale alongside St Helens Parish Church and the proposed Market Hall (plot 6).
- 4.29 The slight increase in height of these central blocks creates a central corridor leading from the transport hub to the north, through the town centre towards the St Helens Canal edge bringing this key asset back into the town centre alongside the World of Glass.

- 4.30 The minimum heights proposed ensure that in future Reserved Matters applications, only buildings of an appropriate scale are brought forward. This prevents any buildings which could be considered out of context from being proposed.
- 4.31 The maximum height of Plot 3 was reduced from six storeys (Ground + 5) to five storeys (Ground + 4) during the design development, in response to initial results from a heritage review of the setting of the Victoria Square Conservation Area, and taking into consideration the aims of the proposed development to link Victoria Square with the wider town centre.
- 4.32 The proposed maximum and minimum heights are shown on the submitted Parameters Plans and included in Table 4.3 below.

**Table 4.3** Proposed Maximum Building Heights

Development Plot	Maximum Height		Minimum Height	
	Storeys	mAOD	Storeys	mAOD
1	G+4 / G+1	53.5 / 39	Ground floor only	37
2	G+1	41	Ground floor only	37.5
3	G+4	58	G+3	49
4	G+5 / G+4	56 / 52	G+3 / G+2 / G+1	46 / 43 / 40
5	G+1	43	Ground floor only	37.1
6	G+2	41	Ground floor only	38
7	G+5 / G+4	54 / 50	G+2 / G+1	45 / 40
8	G+5 / G+4	54 / 50	G+2 / G+1	45 / 40
9	G+5 / G+4	54 / 50	G+2 / G+1	45 / 40
10	G+2	47	Ground floor only	37
11	G+5	59	G+2	43.5

## 4.5 Appearance and Materials

- 4.33 Appearance is a reserved matter as part of this hybrid application and therefore details of the appearance of the proposed development will be secured through future Reserved Matters applications. The below provides the design principles which will inform the appearance of future buildings in the application site.
- 4.34 A key design principle for the proposed development is for the use of high quality materials and a complementary palette which reads across the development plots and throughout the public realm.
- 4.35 A simple palette of materials is anticipated with the predominant building material expected to be brick to reflect the wider town centre character. Brick choice will have to be carefully chosen to complement the surrounding buildings such as the Gamble Institute, Town Hall, the Church of St Helen and Corporation Buildings.
- 4.36 In terms of Plot 6 specifically, as the market is at the heart of the town centre and is a unique typology, it can afford contrast with the predominantly brick character of the town centre. Therefore materials such as light weight steel, timber and glass would be appropriate and at the same time pick up on historic cues and materiality such as the brick and stone. All materials will have to be carefully chosen to complement the surrounding buildings.

## 4.6 Access

- 4.37 Access is a reserved matter as part of this hybrid application and therefore details of the exact access arrangements for the proposed development will be secured through future Reserved Matters applications. The submitted Access and Movement Parameters Plan establishes key routes through the proposed development, including via foot, bicycle and vehicle.
- 4.38 The proposed development will be designed with a hierarchy of streets, with managed vehicle, cycleways and pedestrian routes. The key objective is to ensure that these are positioned appropriately to provide safe and sustainable permeability through the town centre, linking up with the existing network.
- 4.39 Streets will be designed to ensure people feel comfortable to walk, cycle, stop and socialise. Cycle infrastructure will be built into the plan to help facilitate low levels of car movement and to promote low-carbon lifestyles.
- 4.40 Within the Access and Movement Parameters Plan a preferred elevation has been indicated for service and vehicular access to each of the development plots.

### 4.6.1 Parking

- 4.41 An aim of the proposed development is to consolidate car parking supply to make car parks more efficient, reduce circulating vehicles in the town centre and promote sustainable travel.
- 4.42 Limited car parking has been proposed within some of the development plots, which is well within the Council's maximum parking standards.

**Table 4.4** Proposed parking

DEVELOPMENT PLOT	MAX. NO. OF PARKING SPACES
Plot 4	40
Plot 7	34
Plot 8	30
Plot 9	26
Plot 11	45
<b>TOTAL</b>	<b>175</b>

- 4.43 Cycle parking will be accommodated both within the public realm and within development plots – either as on plot external facilities or within buildings. Details of the amount and location of cycle parking will be provided at Reserved Matters stage.

## 4.7 Landscaping

- 4.44 Landscaping is a reserved matter as part of this hybrid application and therefore details of the landscaping for the proposed development will be secured through future Reserved Matters applications. A series of new public spaces will knit the site back into the surrounding streets, defining key entrances and creating places to dwell.
- 4.45 As detailed in the submitted Design & Access Statement, the proposed development will provide new squares and public spaces, referred to as Bickerstaffe Square (enclosed by the Gamble Institute, buildings to the north of Corporation Street, the bus station and proposed Plot 3), the Train Station Plaza (located at the entrance to St Helens Central Railway Station) and the World of Glass Square (located at the entrance to the World of Glass

Museum). The new squares form part of a bigger strategy, creating a hierarchy of spaces for people across the masterplan.

- 4.46 In addition, the proposed development proposes expansion and improvements to Church Square, resulting in an enhanced setting to the listed Church of St Helen.
- 4.47 The proposed development also includes the de-engineering and removal of Chalon Way East, in order to create a new public park in the town centre, referred to in this application as 'Discovery Park'.
- 4.48 In addition to the above public spaces, the landscaping proposals include landscaped streets and landscaping throughout public and private areas of the site. A consistent materials palette will be used throughout the public realm, ensuring that the application site is accessible and legible as a whole. Details of the proposed hard and soft landscaping treatments will be provided at Reserved Matters stage.

# 5.0 Planning Policy Context

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town & Country Planning Act 1990 require planning applications to be determined in accordance with the statutory development plan, unless material considerations indicate otherwise.
- 5.2 The statutory development plan for St Helens currently comprises:
- St Helens Borough Local Plan up to 2037 (adopted July 2022);
  - Joint Merseyside and Halton Waste Local Plan (adopted July 2013); and
  - Bold Forest Park Area Action Plan (adopted July 2017) (*not applicable to the application site or proposed development*).
- 5.3 A summary of the relevant policies and guidance from the above documents is provided in Appendix 2.

## 5.1 Site Allocation

- 5.4 The site is covered by the following allocations in the adopted development plan:
- Policy LPB01 *St Helens Town Centre and Central Spatial Area*
  - Policy LPC04 *Retail and Town Centres*
  - Policy LPC11 *Historic Environment*

### 5.1.1 Development Plan Policies

- 5.5 Policy LPB01 *St. Helens Town Centre and Central Spatial Area* states that the Council will promote the Central Spatial Area as an accessible and high-quality built environment. Development will be supported that would support the delivery and implementation of the Council-led strategy for the future regeneration and development of the centre.
- 5.6 The English Cities Fund Regeneration Partnership will help deliver a comprehensive redevelopment of the Town Centre and Central Spatial Area, including new commercial activity, upgraded infrastructure, the provision of quality housing, and the overall improvement of the social and economic viability of the area.
- 5.7 Proposals for retail and leisure development will be directed to suitable locations such as the ‘area of opportunity’ identified on the proposals map within the Town Centre (located between Church Square and Foundry Street). Development that would result in significant harm to the Town Centre’s vitality and viability or prejudice planned investment within it will be resisted.
- 5.8 New development proposals, where appropriate, will be required to facilitate linked trips between the Primary Shopping Area and other existing and proposed developments within the St. Helens Central Spatial Area.
- 5.9 Proposals for housing or a mix of housing within or on the edge of the Town Centre will be supported where they would avoid prejudicing the retail and service role of the Town Centre.
- 5.10 New development in the vicinity of St. Helens Canal will be required to improve the public realm by retaining and enhancing the existing waterway, integrating with the canal and securing improvements to Green Infrastructure.
- 5.11 Pedestrian and vehicular accessibility within the Town Centre will be managed in line with the Liverpool City Region Transport Plan for Growth to:
- a) maintain pedestrian priority within the Town Centre and extend pedestrian links;



- b) make suitable provision for cyclists;
  - c) support the Town Centre as the hub of the public transport network; and
  - d) make appropriate provision for cars and service vehicles.
- 5.12 Policy LPC04: *Retail and Town Centres* sets out that proposals for retail, leisure and other main town centre uses of the appropriate scale and nature will be directed towards the Borough's defined centres with St. Helens being the priority.

## 5.2 Other Statutory Development Plan Policies

- 5.13 The following are other relevant policies of the statutory development plan. A summary of the policies listed below is provided in Appendix 2:

### St Helens Local Plan (2022)

- **Policy LPA01** - *Spatial Strategy*
- **Policy LPA02** - *Development Principles*
- **Policy LPA03** - *A Strong and Sustainable Economy*
- **Policy LPA04** - *Meeting St Helens Borough's Housing Needs*
- **Policy LPA06** - *Transport and Travel*
- **Policy LPA07** - *Infrastructure Delivery and Funding*
- **Policy LPA08** - *Green Infrastructure*
- **Policy LPA12** - *Health and Wellbeing*
- **Policy LPB01** - *St. Helens Town Centre and Central Spatial Area*
- **Policy LPC01** - *Housing Mix*
- **Policy LPC02** - *Affordable Housing*
- **Policy LPC04** - *Retail and Town Centres*
- **Policy LPC05** - *Open Space*
- **Policy LPC06** - *Biodiversity and Geological Conservation*
- **Policy LPC09** - *Landscape Protection and Enhancement*
- **Policy LPC10** - *Trees and Woodland*
- **Policy LPC11** - *Historic Environment*
- **Policy LPC12** - *Flood Risk and Water Management*
- **Policy LPC13** - *Renewable and Low Carbon Energy Development*
- **Policy LPD01** - *Ensuring Quality Development*
- **Policy LPD02** - *Design and Layout of New Housing*
- **Policy LPD03** - *Open Space and Residential Development*
- **Policy LPD06** - *Prominent Gateway Corridors*
- **Policy LPD09** - *Air Quality*

## 5.3 Other Material Planning Considerations

- 5.14 The following are other relevant material considerations in decision making in St Helens:
- National Planning Policy Framework (NPPF) (2021);

- Planning Practice Guidance (PPG) (2014 and as amended);
- Supplementary Planning Documents (SPD) / Supplementary Planning Guidance (SPG):
  - Affordable Housing (2010);
  - Design and Crime (2011);
  - Design Guidance (2007);
  - Hot Food Takeaways (2011);
  - List of Locally Important Buildings (2011);
  - New Residential Development (2011);
  - Shopfronts (2010); and
- St Helens Masterplan Development Framework (2022).

### **5.3.1 St Helens Masterplan Development Framework (2022)**

- 5.15 The Masterplan Development Framework (MDF) for St Helens town centre was endorsed by SHMBC in February 2022, following an extensive public consultation. The MDF provides an aspirational vision with a focus on deliverable transformation, built on feedback from the community. The MDF sets out a vision for the future of St Helens town centre, identifying the opportunities and challenges which exist, and illustrating first thoughts and ideas around significant commercial and leisure investment that will completely transform the centre.
- 5.16 The investment will include new retail spaces, new homes, high quality offices, hotel accommodation, a new bus station, improved public realm and new green spaces.
- 5.17 The MDF sets out that the transformation of St Helens town centre will focus on its heritage, sporting and cultural assets, building on its uniqueness to do things differently and innovatively, including the global opportunity of Glass Futures and Foundation Industries. This focus will in turn help create vibrancy within the town centre for all to use, value and enjoy, making St Helens an attractive place in which to live, work, visit, and invest.
- 5.18 St Helens town centre is the principal town for St Helens Borough and provides a range of key services for the borough including retail, community uses and amenities. St Helens town centre is complemented by Earlestown town centre and a range of smaller district, village and local centres across the borough.
- 5.19 The MDF was prepared to respond to the issues and challenges that the town centre currently faces, whilst also identifying the key assets and opportunities that are important to preserve, enhance and build upon.
- 5.20 The MDF sets out that a town centre health check was undertaken, which noted various considerations:
- The local retail property market is dominated by large scale monolithic indoor shopping precincts hidden from view and invisible to potential customers;
  - Some properties are in a poor condition and fail to offer the modern retail premises to new exciting independent traders;
  - The town centre has a unique architectural heritage and cultural offer that is underutilised. These assets should play a greater role in attracting visitors to the town centre;

- The town centre environment has an important role in making St Helens a distinctive and attractive place to visit. It offers an opportunity for us to green our high street helping to tackle both the climate and health challenges faced by the borough;
- Good transport connections exist to the strategic road network, rail links and key bus routes however there remain challenges including a poor sense of arrival in the town centre, difficult wayfinding and in general the town centre feels like it is turning its back on you as a visitor rather than welcoming you in;
- The financial and service industry are well represented in the town centre, but their impact is lessened as they are located across a wide geographic area. There is an opportunity to build on this foundation and create new and modern places to work in a flexible way; and
- It is clear that the town centre has real potential. Whilst radical change is required in some areas others present the opportunity for more incremental and organic change to happen over time.

5.21 As a result, the key issues for the MDF to address are:

- Supporting existing retailers and traders, by consolidating and enhancing the retail offer and responding to existing challenges and future trends to ensure a vibrant town centre for the existing community and future generations to enjoy;
- Reducing the oversupply of shopping centres that overdominate the built form and creating smaller modern retail properties attractive to the independent sector and new entrepreneurs. This will build on the already strong and growing independent sector within the town.
- Introducing a mix of new uses and diversifying the traditional retail offer through a mix of complementary alternative uses including food and drink, commercial, residential, as well as range of amenities and services.
- In doing so, improving and enhancing the night-time economy and broadening the overall leisure, food & beverage opportunities within the town with a focus on families.
- Delivering a quality town centre living offer to diversify the housing stock and to provide an alternative for those wanting to experience the new amenities in the town centre. This will appeal to a new sociodemographic and create a critical mass of new population who will provide footfall to support the nighttime economy and invest in their local high street.
- The need to respond and be cognisant of the changing demographic of the borough, including the ageing population.
- The opportunity to utilise available development sites within the town centre and the potential of brownfield land to contribute towards growth targets including the delivery of new homes.
- Improving place-making and sense of place. Providing better amenity and experience will encourage people of all ages to visit and spend their leisure time in St Helens town centre. This includes making more of the student footfall from St Helens College.
- Ensuring that the town centre is accessible by all modes of transport. This must include sustainable modes of transport such as walking and cycling, and that appropriate infrastructure is in place to accommodate this. Similarly, improved access by bus and rail should also be incorporated into the Framework. Car parking should be considered across the town centre and future provision and demand assessed in the context of climate change and sustainability targets.

- Positively changing the perceptions of the town centre, through high quality events and activities in the centre including temporary pop ups or ‘meanwhile’ uses to demonstrate change is happening.
- The opportunity to redevelop Council-owned assets to best effect. This includes making the most of the significant and extensive heritage and cultural assets that exist in the town centre.

5.22 The MDF sets out the following vision:

*“By 2030 St Helens will be culturally centred, will nurture and celebrate its cultural and industrial heritage, will build upon its creative and innovative gene in glass making and foundation-industries to innovate and do things differently, and create new opportunities, including those from the City Region. Vibrancy will be created for the town centre; the town will be a more accessible and enjoyable place to come together and will be a place where the community will learn from one another, improve their physical and mental well-being and where people want to live, work and visit. Businesses and residents will be attracted to the new opportunities available, will have quality spaces to dwell and will benefit from improved transport and digital connections borough-wide”.*

5.23 The following strategic objectives will help to achieve the delivery of a culturally centred and vibrant town centre, which is at the heart of the vision for St Helens:

1. Delivering a diverse, vibrant and animated town centre;
2. Establishing a foundation for future growth;
3. Promoting high-quality town centre;
4. Creating a sustainable, accessible and connected town centre;
5. Positively changing perceptions of the town; and
6. To provide a health and community-focused town centre.

5.24 The following key design principles are set out in the MDF:

- Create positive active frontages throughout the town centre, such as leisure, retail and residential at ground level.
- Open up the desire lines improving natural wayfinding and maximising existing landmarks and focal points.
- Create opportunities to provide experiences through a range of placemaking activities and events which animate the spaces and create interest.
- Improving and linking public space, historic, cultural buildings, the canal and existing positive streets.
- Increasing the footfall throughout the town centre.
- Creating new and improved dwell spaces.
- Creating a density that is appropriate to a town centre location.
- Draw upon the heritage analysis of the site and street patterns, seeking opportunities to restore the historic street grain pattern with a network of interconnecting shared surface streetscapes.
- Consolidate car parking supply to make car parks more efficient, reduce circulating vehicles in the town centre and promote sustainable travel.

- Adherence to latest guidance on ‘Building Better, Building Beautiful’.

5.25 The town centre area has been divided into four broad character zones, which have been delineated based upon key characteristics. Each zone has an important role to play in the wider transformation of St Helens town centre, and collectively, they will support the delivery of the overarching vision. Character Zones 1-3 include the application site:

- **Character Zone 1 – Central Retail:**

Encompassing the heart of the town, occupied by traditional high street uses and centred around the Grade II listed St Helens Parish Church, which is a key asset for St Helens and the focus of Church Square. There are opportunities to improve the built environment, landscaping and reduce the dominance of the insular shopping centres which reduce the permeability within the town centre.

The Central Retail zone is bounded by the existing bus station and Claughton Street to the north, St George’s Quarter/Conservation Area to the east, Foundry Street/Chalon Way West to the south, and Bridge Street to the west.

- **Character Zone 2 – Civic and Heritage:**

Comprising the area between St Helens Central (rail station), existing bus station around Bickerstaffe Street, George Street Quarter Conservation Area, Victoria Square Conservation Area, and the parcel of land between College Street and Birchley Street. This zone includes many of the town centre’s heritage assets.

Development coming forward in this location needs to be sensitive to the unique character of the Conservation Areas – to preserve and/or enhance the heritage assets through bringing forward appropriate and sensitively-considered development in terms of scale, massing and use of materials. There is a real opportunity in this zone to enhance the quality of the Conservation Areas.

- **Character Zone 3 – Discovery**

Presents an arc of opportunity for change and future transformation for the town centre. It includes the area in and around the Sankey (St Helens) Canal, important listed structures including the highly significant Tank House, which is both Grade II\* listed and a Scheduled Ancient Monument (SAM), being the best surviving example of a late 19th century glassmaking tank furnace building. These important buildings and structures represent the cultural heritage and glass legacy of the borough. The zone is bounded by the Linkway (A58) to the south and east.

5.26 In regards to transport, the MDF proposes the following changes which will have implications for transport:

- Bus Station reconfiguration and enhancement of the link between bus station and rail station;
- Removal of some car parks, notably St Mary’s and Hardshaw Centre car parking provision;
- Re-provision of parking facilities at suitable locations that are to be informed by a new parking strategy;
- Access only provision to new residential development in the south east of the draft Masterplan Framework area;
- Creation of a pedestrian link through what is currently the Hardshaw Centre; and
- Development and enhancement of a pedestrian route and green park towards the Stadium.

5.27 The public realm strategy focuses on the following elements:

- Establish a strong hierarchy of streets and spaces that prioritise pedestrians and cyclists;
- Improve strategic connections between the key assets and destinations within the town centre and beyond;
- Provide a mix of public space opportunities that encourages people to engage with their environment and community;
- Create a unique and distinctive town centre including introducing public art within streets and spaces to create local landmarks and aid with legibility; and
- Support the development of key sites and encourage investment in the town centre.

5.28 A key cross-cutting theme and objective for the Masterplan Development Framework is sustainability and ensuring that key sustainability principles are adhered to. This approach is in line with the pledge that St Helens Council has made; to meet zero carbon status by 2040 and address the impact that climate change is having on the borough. It will be vital to deliver a town centre that is future-proofed to be able to respond to the climate emergency, deliver low carbon buildings, increase biodiversity across the town centre and reduce waste through construction and operational activities.

# 6.0 Planning Assessment

- 6.1 The following section summarises the relevant planning considerations that should be taken into account when determining this planning application:
1. Principle of development
    - a. Alignment with the Masterplan Development Framework
    - b. Site Allocation & Proposed Uses
    - c. Socio-Economic impacts
  2. Design, Townscape & Heritage
    - a. Townscape & Visual Impacts
    - b. Heritage
    - c. Sustainability / Energy efficiency
  3. Other Environmental Effects
    - a. Transport
    - b. Air Quality
    - c. Noise
    - d. Ground Conditions
    - e. Flood Risk & Drainage
    - f. Ecology
    - g. Arboriculture
    - h. Utilities
    - i. Wind Microclimate

## 6.1 Principle of Development

### 6.1.1 Alignment with the Masterplan Development Framework

- 6.2 The Masterplan Development Framework (MDF) for St Helens town centre was endorsed by the Council on 2<sup>nd</sup> February 2022.
- 6.3 The Masterplan Development Framework for St Helens town centre sets out the key considerations for the existing town centre, such as the poor condition of the properties, lack of modern retail offer, lack of green spaces, lack of a sense of arrival and limited modern offices. The proposed development is seeking to redevelop a significant part of the town centre and specifically address the issues raised.
- 6.4 To address these issues, the proposed development comprises a change in floorspace and uses within the town centre, which is responding to the different needs identified through modern habits such as changes to shopping patterns and leisure uses, with the proposals introducing additional residential development into the town centre.



- 6.5 The MDF identified the need for the consolidation of car parking supply in the town centre, in order to make car parks more efficient, reduce the amount of circulating vehicles in the town centre and instead promote sustainable transport. The proposed development seeks detailed permission for the demolition of the Hardshaw Centre MSCP and the St Marys MSCP. The proposed development includes up to 175 car parking spaces, to be provided across the application site and associated with the proposed uses. This is below the Council's maximum parking standards and reflects the aims of the MDF to reduce the dominance of car parking in this part of the town centre and encourage access by sustainable modes of transport.
- 6.6 As set out in the MDF, the first phase of the St Helens town centre development will include:
- An enhanced sense of arrival with a new bus station;
  - A new market hall in the centre of the town;
  - New high quality office space;
  - High quality homes for town centre living;
  - An international hotel brand; and
  - Extensive public realm improvements.
- 6.7 The proposed development relates to the first phase as set out in the MDF, and therefore mirrors the requirements of this document.
- 6.8 As well as aligning with the MDF, the proposed development closely reflects the proposals under the St Helens Town Investment Plan (2021). This plan identified 'Project B: Town Centre Regeneration and Living' as a key project of the Investment Plan. The project overview seeks the:
- Repurposing of St Helens town centre high-street to create a mixed-use scheme including delivery of high-quality residential dwellings within the heart of the town centre and across brownfield infill parcels across the town.*
- 6.9 As demonstrated in this section, the proposed development aligns with this project, which was identified in the Town Investment Plan as being delivered by the applicant, ECF, amongst other partners.
- 6.10 This is recognised in the Local Plan, which acknowledges that the comprehensive regeneration of the wider borough will be delivered by the English Cities Fund Regeneration Partnership (Policy LPA01 *Spatial Strategy*). This is reiterated in Local Plan Policy LPB01 *St Helens Town Centre and Central Spatial Area*, which identifies that the English Cities Fund Regeneration Partnership will help deliver a comprehensive redevelopment of the town centre and Central Spatial Area, through the provision of quality housing, new commercial activity, upgraded infrastructure and improvements to the social and economic viability of the area.
- 6.11 The Local Plan recognises the importance of the English Cities Fund Regeneration Partnership, combined with the Council's successful Town Deal funding bid (up to £25m), in assisting the post COVID-19 economic recovery (supporting text to Policy LPA03 *A Strong and Sustainable Economy*).
- 6.12 This application by the English Cities Fund represents the next step in delivering this transformational town centre redevelopment.
- 6.13 The proposed development is also in accordance with the NPPF. Section 7 of the NPPF *Ensuring the Vitality of Town Centres* highlights the role town centres play and establishes that a positive approach to their growth should be adopted, allowing a suitable mix of uses and reflecting their distinctive character. This application is seeking to redevelop the town centre, introducing a range of uses, including residential, which also supports the aims of Section 5 *Delivering a Sufficient Supply of Homes* and Section 6 *Building a Strong, Competitive*

*Economy* through the introduction of new office spaces. The proposed development will support these aims, and also retain key uses of the town centre, such as the market. The redevelopment of the bus station adheres to Section 9 *Promoting Sustainable Transport* and the proximity of the site to the rail station also supports this.

- 6.14 The proposed redevelopment of the town centre is therefore in accordance with national and local policies as it seeks outline permission, as part of the hybrid application, for a mix of uses considered appropriate to the location within the town centre. The proposals are also in accordance with the Masterplan Development Framework for St Helens which sets out the overall vision and objectives for the town centre.
- 6.15 The remainder of this section explores the following proposed uses in more detail: bus station, residential, office, hotel, retail & leisure and open space & landscaping.

### **6.1.2 Site Allocation & Proposed Uses**

- 6.16 As noted in Section 5.0 of this Planning Statement, the site is allocated in the Local Plan as a number of allocations, these are town centre policies LPB01 and LPC04.
- 6.17 The site is within the urban area of St Helens and is located within St Helens Town Centre. This section considers the proposed uses and how these align with the statutory development plan and other material considerations.

#### ***Bus Station***

- 6.18 As detailed in the Transport Assessment which accompanies this planning application, the redevelopment of St Helens bus station provides a significant opportunity to provide a new public transport hub for the town as the centrepiece of a new multi-modal interchange, and a key northern gateway to the redeveloped town centre.
- 6.19 The current bus station has a number of limitations, including that it is dated, lacks a pleasant and comfortable waiting environment for passengers, and is difficult to access. One of the key barriers is that the current bus station is surrounded on all four sides by circulating traffic, including large numbers of buses. Proposals to close the section of Bickerstaffe Street to general traffic will make the bus station much more accessible from the town centre, and vice-versa, and consolidate and reduce traffic movements.
- 6.20 Currently, the bus station is too small to accommodate Merseytravel's existing and planned operational requirements, within the footprint of the bus station itself. This means that there are bus stands located on the southern side of Bickerstaffe Street, and buses are required to layover on the northern side of Corporation Street. This results in a large number of buses parked up outside the Theatre Royal and the Holy Cross Church, obscuring the views and affecting the setting of these buildings, particularly in relation to the Church, which is Grade II listed.
- 6.21 Expanding the bus station allows the opportunity to provide all stands, and space for buses to layover, within the footprint of the bus station. In tandem, the circulation of bus movements will be less of a feature than with the current arrangement, in itself providing a more welcoming environment for bus passengers and people walking around the town centre. There is also an opportunity to provide some public realm enhancements and landscape features in the increased space created through the revised layout, improving the overall setting within which the bus station, existing buildings (such as the Gamble, Church and Theatre), and the proposed new buildings in the town centre will sit.
- 6.22 The redevelopment of the bus station aligns with Local Plan policy LPB01 which seeks to promote the Central Spatial Area as an accessible destination. The policy also seeks to support the Town Centre as the hub of public transport in St Helens.

### ***Residential development***

- 6.23 The NPPF encourages residential development in town centres, recognising the role that such a use can play in ensuring the vitality of centres (para. 86). The NPPF also promotes social interaction through the creation of mixed use developments and the establishment of strong centres (para. 92).
- 6.24 The need for town centre living was recognised in the MDF, which seeks to deliver a diverse, vibrant and animated town centre, as well as increasing the footfall throughout the town centre. The MDF identified that a key challenge to be addressed is the need for a quality town centre living offer to diversify the housing stock and provide an alternative for people who wish to experience the new amenities that a redeveloped town centre has to offer.
- 6.25 These objectives are also identified in the St Helens Town Investment Plan (2021), which lists ‘Town Centre Regeneration & Living’ as one of the key projects. This project has an indicative value of £40.35m and seeks to repurpose St Helens town centre high street as a mixed use scheme, including the delivery of high quality residential dwellings within the heart of the town centre. This hybrid planning application is a crucial step in the delivery of this project.
- 6.26 The Local Plan also supports residential development in the town centre, encouraging a mix of housing within or on the edge of the centre, where it would not prejudice the retail and service role of the town centre (Local Plan Policy LPB01 *St Helens Town Centre and Central Spatial Area*).
- 6.27 The proposed development seeks permission for up to 423 residential units, which will benefit the town centre by introducing footfall throughout the day and into the evening, enlivening the town centre beyond the typical retail trading hours. The additional residents will support the evening economy of the centre, as well as ensuring that the town centre is sustainable by creating mixed use development.
- 6.28 The proposed residential units support the Government’s objective of significantly boosting the supply of homes (NPPF, para. 60), as well as contributing towards the SHMBC Local Plan target to deliver a minimum of 10,206 net additional dwellings between 2016 and 2037 (486 dwellings p.a.) (Local Plan Policy LPA04 *Meeting St Helens Borough’s Housing Needs*).
- 6.29 Furthermore, the proposed development supports Policy LPA01 *Spatial Strategy* which encourages the re-use of suitable previously developed land in Key Settlements and the comprehensive regeneration of the wider Borough by the ECF Partnership through the provision of quality housing. The MDF also identifies the town centre opportunity, in terms of the potential to utilise available development sites and brownfield land to contribute towards growth targets, including the delivery of new homes.
- 6.30 The introduction of 423 residential units to the town centre is therefore supported by national and local planning policies to boost the supply of housing, prioritise the redevelopment of brownfield land and create a sustainable, mixed-use town centre.

### ***Office development***

- 6.31 Sustainable development is at the core of the NPPF. Paragraph 8 identifies that sustainable development has an economic objective, which includes building a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places, and at the right time, to support growth. The NPPF places significant weight on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development (para. 81).
- 6.32 The NPPF identifies offices as a main town centre use, which should therefore be located in town centres as a priority, in accordance with the sequential approach (para. 87).

- 6.33 At a local level, Local Plan Policy LPA03 *A Strong and Sustainable Economy*, states that proposals for office development will be supported, subject to the satisfaction of other plan policies.
- 6.34 The MDF for St Helens town centre recognises the opportunity that the town centre provides in building on the borough's economic strengths to create new and modern places to work in a flexible way.
- 6.35 The proposed development seeks permission for up to 24,678 sq m (GIA) of office floorspace, split across several plots throughout the application site. This office floorspace will provide modern accommodation to suit a range of occupiers and reinforce the perception of the town centre as a prime office location. The office element of the proposed development is supported by policy, both nationally and at a local level.

***Hotel development***

- 6.36 The application includes proposals for a hotel (up to 155 bed), to be delivered under Option A of the masterplan at Plot 4.
- 6.37 The principle of a proposed hotel in this location is supported by national policy, which encourages main town centre uses (the definition of which includes hotels) being located within town centre boundaries (para. 87).
- 6.38 Local Plan Policy LPC04 *Retail and Town Centres*, supports proposals for main town centre uses of an appropriate scale and nature to be directed towards the borough's defined centres, with St Helens town centre being a priority. The Council will favourably consider proposals that increase the range and quality of the visitor accommodation offer and enable the economic or physical regeneration of a site.
- 6.39 The principle of a hotel use within the town centre is therefore supported by national and local planning policy.

***Retail & leisure development***

- 6.40 The NPPF and local planning policies recognise the important role that town centres play as the focal point for retail and leisure provision. This is recognised in Local Plan Policy LPB01 *St Helens town centre and Central Spatial Area* which promotes the Central Spatial Area as an accessible and high-quality built environment. The policy sets out that the English Cities Fund Regeneration Partnership will help deliver a comprehensive redevelopment of the Town Centre which includes new commercial activity, upgraded infrastructure, high quality housing and overall social and economic improvements.
- 6.41 However, there are several issues with the existing retail provision within the town centre, which this planning application seeks to address. The MDF identified that the local retail property market is dominated by large-scale, monolithic indoor shopping precincts, which are hidden from view and make it difficult for visitors to navigate the town centre. The MDF was developed to support existing retailers and traders by looking to consolidate and enhance the retail offer, to respond to existing challenges and future trends and ensure a vibrant town centre. This includes reducing the oversupply of shopping centres that dominate the built form and instead create smaller, modern retail properties which would attract the independent sector and new entrepreneurs.
- 6.42 The proposed development has been derived from the MDF and responds to the issues identified. The proposed development responds by proposing the demolition of the Hardshaw Shopping Centre and St Marys Shopping Arcade, Market & MSCP, thus opening up the site and improving connectivity as well as transforming the retail offer in St Helens. Retail provision will be reduced and will be provided as ground floor uses in the majority of the proposed development plots. This recreates the sense of a 'high street' within the town centre and ensures that buildings retain active frontages, drawing footfall from the transport hubs in the north of the site down towards the World of Glass, the proposed Discovery Park and the St Helens canal to the south.
- 6.43 The NPPF seeks to retain and enhance existing markets, and where appropriate, re-introduce or create new ones (para. 86). The proposed development complies with this policy through the proposals to demolish the St

Marys Market and replace this with a new market hall (Plot 6), which will benefit from an improved position within the heart of the town centre. The use of the market will be diversified to provide more of an emphasis on dining, thus also supporting the leisure and evening economy of the town centre. This supports the MDF's objective to diversify the traditional retail offer through a mix of complementary alternative uses including food and drink.

- 6.44 Therefore, although a reduced amount of retail provision is proposed as part of this development, the proposals remain compliant with national and local planning policies through the proposed modernisation and diversification of the retail offer, to ensure the town centre remains vibrant, including the development of an enhanced market offer in a central location within the site.

### ***Open Space & Landscaping***

- 6.45 The NPPF identifies the importance of planning decisions in achieving healthy, inclusive and safe spaces. The NPPF identifies that this can be achieved through enabling healthy lifestyles via the provision of safe and accessible green infrastructure (para. 92). In order to achieve well-designed places, the NPPF stipulates that developments should optimise the potential of a site to accommodate an appropriate amount of development, which includes green and other public spaces (para. 30). The requirement for green infrastructure, including public spaces, has been considered throughout the development of the masterplan, in compliance with national and local planning policy.
- 6.46 The principle of a public park was also identified in the St Helens MDF, which was endorsed by the Council in February 2022. The MDF identified that through the calming/de-engineering of Chalon Way there is the opportunity to replace existing hard infrastructure with a pleasant green space, improving amenity space within the town centre.
- 6.47 The creation of the park also complies with Policy LPA08 *Green Infrastructure* which states that development which would contribute to or enhance the function of existing green infrastructure and its connectivity from residential areas and town centres will be encouraged. Local Plan Policy LPA02 *Development Principles*, seeks to minimise the need to travel by improving access to formal and informal recreation.
- 6.48 As demonstrated on the submitted Access & Movement Parameters Plan, the proposed development includes a series of pedestrianised streets, enhanced public realm and designated cycle lanes and cycle routes through pedestrianised areas, including a cycle route through Discovery Park.
- 6.49 Within Local Plan Policy LPB01 *St Helens Town Centre and Central Spatial Area*, new development in the vicinity of the St Helens Canal will be required to improve the public realm by retaining and enhancing the existing waterway, integrating with the canal and securing improvements to Green Infrastructure. Plot 11 demonstrates a suitable offset of built form from the canal, thus retaining the waterway and space around it.

### **6.1.3 Socio-Economic Impacts**

- 6.50 The NPPF sets out a number of policies to deliver sustainable development. Those key to socio-economic are set out in Sections 5 *Delivering a sufficient supply of homes*, 6 *Building a strong, competitive economy*, 8 *Promoting healthy and safe communities* and 12 *Achieving well-designed places*.
- 6.51 PPG addresses the following which is relevant to the proposed development:
- Ensuring the vitality of town centres;
  - Health and wellbeing;
  - Housing and economic land availability assessment; and

- Open space, sports and recreation facilities, public rights of way and local green space.
- 6.52 Local Plan Policy LPA02 *Development Principles* relates to socio-economic considerations and sets out that new development will be required to create sustainable communities with a strong sense of place, contribute to inclusive communities and improve the economic well-being of the borough's residents by reducing inequality and contributing to the regeneration of the borough.
- 6.53 The socio-economic impact assessment for the proposed development has focused on population, housing, employment (including the economy and deprivation), community facilities (including education, healthcare, open space and play space) and crime and community safety.
- 6.54 The ward in which the application site is located has been identified as falling within the 20% most deprived neighbourhoods nationally on average, according to the recently released 2019 Index of Multiple Deprivation data. The neighbourhood crime rate is also comparatively higher than the national average.
- 6.55 The rate of economic activity within the borough is slightly higher than the regional level and slightly lower than the national level, although rates of unemployment are slightly lower than both the regional and national levels. The majority of jobs within the neighbourhood are within the 'Retail Trade and Motor Repairs' industry. In addition, a higher proportion of residents are in lower skilled occupations compared to higher skilled occupations.
- 6.56 In terms of local infrastructure, there are seven primary schools within one mile of the application site and five secondary schools within two miles of the application site. Forecasts identify that by 2025, there will still be a slight surplus at primary level and a substantial surplus at secondary level in the relevant primary and secondary planning areas for those schools in close proximity to the application site.
- 6.57 There are 10 GP surgeries within one mile of the application site, with a surplus in patient places.
- 6.58 The application site is considered to be located within an area which has slightly insufficient access to open space and playspace facilities currently.
- 6.59 The proposed development aims to deliver a scheme that appropriately responds to the immediate neighbourhood context and borough needs. The proposed development includes a number of mitigation measures inherent in the design including the provision of new residential homes; retail/commercial/leisure/arts/community space; on-site communal open space; and new public realm.
- 6.60 The construction phase of the development is anticipated to act as a catalyst for the regeneration of the local site area and immediate surrounds. The construction phase would generate 52 gross construction jobs over the construction duration (equivalent to 20 net construction jobs), which is anticipated to have a minor beneficial impact.
- 6.61 Within the operational phase, the proposed development would deliver up to 374 or 423 new residential homes which equates to 5.1% - 5.8% of the total target for the current plan period.
- 6.62 The non-residential floorspace proposed would create approximately 1,077 – 1,938 gross direct operational jobs which, when taking into account leakage, displacement, deadweight and induced/indirect jobs, would be equivalent to 169 - 551 net operational jobs. This is anticipated to have a major to moderate beneficial effect.
- 6.63 In terms of impact on local infrastructure, the submitted socio-economic impact assessment notes that the addition of between 830 and 939 new residents could add pressure to existing GP services for which a financial contribution may be necessary. Alternatively, a health centre could be developed on site as part of the proposed development. In relation to schools, the impact on existing primary and secondary school provision is anticipated to be negligible.
- 6.64 The proposed development would deliver 0.9ha of publicly accessible open space which meets the open space target requirements from SHMBC, even considering the urban constrained nature of the site, which is

anticipated to result in a permanent moderate beneficial effect. It is anticipated that as part of the proposed park playspace would be delivered which meets or exceeds the SHMBC standards, which would result in a minor beneficial residual effect.

- 6.65 In terms of approach to crime levels, the proposals are anticipated to deliver a safe and secure development which considers appropriate Secured by Design principles, which will result in a moderate beneficial effect.
- 6.66 As such, it is considered that the proposed development will deliver on the regeneration aspirations of the borough, in terms of directing development towards the town of St Helens and prioritising the reuse of previously developed land, including the development of residential uses and retail, commercial, leisure, arts and community use in and around the town centre.
- 6.67 It is therefore considered that the proposed development conforms with the sustainable development principles of the NPPF and the relevant policies in the Local Plan.

## 6.2 Design, Townscape & Heritage

- 6.68 The proposed development has been designed with regard to the design based policies of the statutory development plan, notably Policy LPA02 *Development Principles* and LPD01 *Ensuring Quality Development of the Local Plan*.
- 6.69 The design has also been developed in response to the NPPF's requirement to achieve well designed places (Section 12).
- 6.70 The submitted Design & Access Statement provides further detail regarding the design evolution and explains the design rationale for the proposed development.
- 6.71 The remainder of this section assesses the townscape & visual impacts, heritage impacts and sustainability and energy efficiency of the proposed design, against the planning policy requirements for these topics.

### 6.2.1 Townscape & Visual impacts

- 6.72 A Townscape and Visual Impact Assessment (TVIA) has been prepared in support of this planning application (Environmental Statement (ES) Volume III, Appendix 9.1, ES Addendum Appendix M). The townscape and visual impacts of the proposed development are also reported in ES Volume II, Chapter 9 (ES Addendum Appendix N).
- 6.73 The Townscape & Visual Impact Assessment considers the current baseline conditions, assesses the sensitivity of visual receptors and establishes the nature of the changes anticipated as a result of the proposed development, including the effects this will have upon receptors.
- 6.74 Paragraph 130 of the NPPF requires new developments to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. New developments should be sympathetic to local character, including the surrounding built environment and landscape setting.
- 6.75 A number of policies in the Local Plan are relevant to townscape and visual impacts, including Policies LPA01, LPA02, LPA04, LPB01, LPC04, LPD01 and LPD02.
- 6.76 The submitted TVIA notes there are no international, national or local landscape designations within the 0.5km study area. The application site is in the south-western part of National Character Area (NCA) 56: Lancashire Coal Measures.

- 6.77 The assessment states that temporary construction activity associated with the proposed development would result in a high magnitude of change on the townscape character of the application site and in its immediate surroundings and within part of the St Helens Historic Core published character area, as a result of the demolition of buildings and proposed construction activities.
- 6.78 The significance of effect on the townscape of the application site, its immediate surroundings and on the St Helens Historic Core would be Moderate Adverse during construction. Construction works would have an adverse effect on parts of the George Street and Victoria Square Conservation Areas and their settings. Effects on the individual conservation areas in their entirety are expected to be Moderate Adverse in both cases. Effects on the St Helens Retail Ring published character area and on the wider Settled Low lying Valley published character type are expected to be Minor Adverse. There would be a Negligible effect on the St Helens Terraces published character area and on the Lancashire Coal Measures National Character Area overall.
- 6.79 Effects on views experienced by residents in and around the site are expected to range from Negligible to Moderate Adverse during the construction phase. Implementation of measures within a Construction Environmental Management Plan (CEMP), including installation of temporary solid hoarding with screening, to provide low level screening of construction activity, would assist in minimising the effect of ground level construction activities on local townscape character and views.
- 6.80 During its operation, the proposed development would result in beneficial impacts on townscape and a complete alteration of townscape character within the application site. The proposed development would have the greatest influence on townscape character at the application site and within the area immediately surrounding it.
- 6.81 The proposed development, including the comprehensive public realm strategy, would create a high-quality sustainable townscape with a strong sense of place that responds to the historic character of its immediate context and its close association with the George Street Conservation Area and Victoria Square Conservation Area, in particular the Gamble Institute, and Listed Buildings including St Helens Parish Church and the Holy Cross and St Helen Church.
- 6.82 The significance of the effect on townscape character within the application site and its immediate surroundings would be moderate beneficial. The proposed development would have a beneficial effect on parts of the George Street and Victoria Square Conservation Areas and their settings. Effects on the individual conservation areas in their entirety are expected to be Moderate Beneficial in both cases.
- 6.83 Once complete and operational, the proposed development would result in effects on views experienced by residents and local people in and around the site. These effects are expected to range from Negligible to Moderate Beneficial.
- 6.84 The proposed development would create new sightlines and improve the quality of views towards key landmark buildings including the St Helens Parish Church, the Gamble Institute and the World of Glass Museum.
- 6.85 Given the nature of the proposed development it is not possible to further minimise impacts on townscape character and on views arising from the scale and massing of proposed development, beyond what has been incorporated into the design of the proposed development; however, the ongoing establishment, monitoring and maintenance of proposed planting with specific regard to monitoring the growth of tree planting would assist with softening the appearance of the proposed built form and would assist in integrating the proposed development into the surrounding townscape.
- 6.86 Overall, the assessment concludes that the proposed development is consistent with paragraph 130 of NPPF because the design ensures that the development will function well and add to the overall quality of the area. There is innovation but the proposals are sympathetic to local character and history, particularly in the way



massing and heights of the proposals respond to the existing grain, fabric and retained locally important buildings. The proposals will establish a strong sense of place.

### 6.2.2 Heritage

- 6.87 The Environmental Statement which accompanies this planning application includes consideration of heritage impacts. ES Volume III, Appendix 8.1 contains a Historic Environment Desk Based Assessment (ES Addendum Appendix K), which includes consideration of above and below ground heritage. ES Volume II, Chapter 8, (ES Addendum Appendix J) considers the impact of the development upon built heritage, as impacts upon archaeological resources were scoped out of the ES following consultation with MEAS.
- 6.88 The Planning (Listed Buildings and Conservation Areas) Act 1990 is the main legislation governing listed buildings and conservation areas.
- 6.89 Section 66(1) of the Act requires decision makers to ‘have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses’ when determining applications which affect a listed building or its setting.
- 6.90 The Act also states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area (section 72).
- 6.91 Section 16 of the NPPF describes provisions specifically relating to conserving and enhancing the historic environment.
- 6.92 Paragraph 194 advises local planning authorities to require an applicant to describe the significance of any heritage assets affected by their proposal, including any contribution made by their setting. It states that *“the level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance”*.
- 6.93 The glossary to the NPPF defines significance in relation to heritage policy as: *“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting”*.
- 6.94 The setting of a heritage asset is defined as *“the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral”*.
- 6.95 Local Plan Policy LPC11 *Historic Environment* states that the Council will promote the conservation and enhancement of the Borough’s heritage assets and their settings in a manner that is appropriate to the significance of each asset.
- 6.96 There are 33 designated heritage assets within the 2km area of search surrounding the site, which comprise three Scheduled Monuments, two Grade II\* Listed Buildings, 23 Grade II Listed Buildings, two Conservation Areas, and three Registered Parks and Gardens. These heritage assets relate to the post medieval to modern development of the town of St Helens and the surrounding historic townships. No designated standing building or archaeological remains date prior to the 17th century, which in part reflects the late development of the area, and also the likely loss of earlier heritage assets as result of post medieval to modern development.
- 6.97 There are 250 non-designated heritage assets within the 1km area of search which date to the prehistoric, medieval, post medieval and modern periods.

### *Archaeology*

- 6.98 Direct effects of the proposed development may arise from the demolition, remediation works and construction of the development. Construction works have the potential to result in direct adverse impacts on archaeology where required below ground works interact with potential archaeological deposits, anticipated to be of low to medium heritage significance, if present.
- 6.99 Recommendations for a staged programme of evaluation and mitigation have been provided in accordance with paragraph 205 of the NPPF. This includes historic building recording, an archaeological watching brief and trial trench evaluation. Following implementation of the programme of mitigation, the residual significance of effect on heritage assets with archaeological interest, is predicted to be low adverse to negligible.
- 6.100 The identified effects are equivalent to 'less than substantial harm', as defined by the NPPF (para. 202).

### *Built Heritage*

- 6.101 The assessment of impacts upon built heritage considers that although direct physical impacts are not anticipated on any listed buildings, the proposed development will impact the setting of various assets in and around the application site.
- 6.102 The proposed new built form is in general higher than the existing townscape; however, the active frontages and activity at street level has been assessed as a positive change to the setting of the George Street Conservation Area, the non-listed buildings within, as well as the listed Friends Meeting House. It should be noted that the Conservation Area is currently on the Heritage At Risk Register.
- 6.103 Furthermore, the maximum height of Plot 3 was reduced during the design development in response to an initial heritage assessment, in order to reduce the potential for adverse impacts upon the nearby Conservation Areas and key buildings, including the Gamble Institute.
- 6.104 The proposed development provides an opportunity to highlight the importance of the George Street Conservation Area and provide indirect value to these assets. This includes improvements in safety and a reduction of crime in the area, enhancing a sense of community involvement, and reversing occupation decline in the area. An improvement in the local economy created by a sustainable town centre may assist in supporting regeneration of the Conservation Area beyond the site boundary.
- 6.105 The improvement to the setting of a number of heritage assets, including the George Street Conservation Area and the designated Church of St Helen, is proposed through public realm improvements, and the creation of a new park ('Discovery Park') and the potential for a heritage trail to be introduced through the park.
- 6.106 The proposed creation of new streets will provide new views of the designated Church of St Helen and place it back within the heart of the town centre, increasing public access and framing views, with the church tower becoming a feature in long distance views. The new Church Square will push back built form, improving the setting of this asset and the space will link with the proposed new market building.
- 6.107 At Bickerstaffe Street and Corporation Street, the new bus station will introduce enhanced views and public realm and remove sitting traffic from the immediate setting of the George Street Conservation Area; however, the proposed development includes demolition of 19<sup>th</sup> century buildings which are located within the Conservation Area, as well as a group of 19<sup>th</sup> century buildings near the Gamble Institute, in the setting of the Victoria Square Conservation Area.
- 6.108 As stated earlier in this section, in order to expand the bus station it is necessary to demolish some existing buildings within and adjacent to the bus station plot. The design development over the past two years has looked at a number of options, including those that retained these buildings. If the buildings remain in situ, it is not possible to meet all of the operational requirements for the bus station, with the space for layover buses

reduced, the amount of additional public realm negatively impacted and the ability of pedestrians and passengers to access the stands safely on the northern side of the bus station compromised.

- 6.109 These public benefits should be considered against the heritage harm anticipated as a result of the demolition of these buildings.
- 6.110 To mitigate the harm caused by demolition, a programme of historic building recording is recommended prior to the demolition of the buildings. A programme of historic building recording is also proposed for the eastern elevation of the Gamble Institute, prior to the construction of Plot 1. Plot 1, along with the creation of Bickerstaffe Square, is considered to better integrate the Victoria Square Conservation Area with the town centre, whilst improving the wider backdrop in which the Conservation Area is experienced. A structural survey of the Gamble Institute is recommended prior to any changes to the building fabric on the east side, to help inform plans to ensure key features are retained in the new extension.
- 6.111 Temporary construction phase impacts on the setting of heritage assets arising from hoardings, scaffolding, dust, noise and traffic movement are proposed to be adequately mitigated through heritage specific measure in the CEMP. With the inclusion of these mitigation measures, the residual effects of the demolition and construction works on heritage assets are expected to range from Negligible Adverse to Moderate Beneficial.
- 6.112 In terms of the NPPF, any adverse effects are considered equivalent to less than substantial harm.
- 6.113 Once the proposed development is complete and operational, the effects on heritage assets are expected to range from Minor Beneficial to Moderate Beneficial.

### **Summary**

- 6.114 In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard has been had to the heritage impacts of the proposed development and the desirability of preserving assets (listed buildings and conservation areas), their setting and any features of special architectural or historic interest.
- 6.115 A planning judgement has been made which considers the less than substantial harm anticipated to archaeological resources and built heritage during construction. Paragraph 202 of the NPPF states that when a development proposal is anticipated to lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including where appropriate, securing the optimum viable use of the asset.
- 6.116 In consideration of the numerous and wide-ranging socio-economic, environmental and built heritage benefits (associated with the completed development) as presented in this Planning Statement, it is concluded that the identified less than substantial harm is significantly outweighed by the public benefits associated with the proposed development.
- 6.117 Harm to heritage assets has been considered and minimised where possible and in accordance with paragraph 202 of the NPPF, the weighing exercise demonstrates that the application should not be refused on heritage grounds.

### **6.2.3 Sustainability / Energy Efficiency**

- 6.118 The NPPF in Section 14 focuses on *Meeting the challenge of climate change, flooding and coastal change* and *Conserving and Enhancing the Natural Environment* is considered in Section 15.
- 6.119 Local Plan Policy LPD01 *Ensuring Quality Development* sets out that all proposals for development will be expected to meet the following standards as a minimum:

*...Resource Management*

*a) Ensure that development involving demolition and / or construction works minimises the generation of waste and promotes the use of recycled and / or locally sourced building materials in accordance with policy WM8 of the Merseyside and Halton Joint Waste Local Plan 2013 (or any equivalent policy in a successor document);*

*b) Avoid prejudicing the delivery/improvement of utility infrastructure;*

*c) Promote energy efficiency and the generation and use of low carbon and renewable energy in accordance with Policy LPC13; and*

*d) Avoid loss of or damage to high quality agricultural land and / or soils (except where clearly justified by wider public benefits) and minimise such loss or damage where this is shown to be unavoidable.*

- 6.120 An Energy and Sustainability Report has been produced in support of this planning application, to explain how the proposed development meets the requirements of Local Plan policy LPD01.
- 6.121 The Energy and Sustainability Report outlines that an initial energy strategy optioneering exercise has been undertaken in order to establish what passive design, clean systems and renewable technology interventions are available to achieve energy and sustainability Key Performance Indicators (KPIs), in light of the energy policy context.
- 6.122 As the detailed design of the scheme is progressed, further investigation will be carried out to finalise the strategy.
- 6.123 The energy strategy of the site has been assessed to be heat dominant, with the cooling loads assessed to be lower than 50% of the overall energy demand, which suggests that if a heat network is considered an ambient loop may be less efficient than a traditional low temperature heat network. If a heat network is considered to be technically possible and efficient, it may be possible to utilise the Sankey/St Helens Canal to generate heat by a water-to-water heat pump technology which would deliver efficient and reliable heat to the development.
- 6.124 There are opportunities to maximise passive design efficiency within the development to reduce energy demand, and also opportunities to incorporate renewable technologies that minimise reliance of import energy from the grid to provide clean power.
- 6.125 The Energy and Sustainability Report concludes that there is significant opportunity for the development to become an energy efficient and sustainable development as the design develops. It is therefore considered that the proposed development is in accordance with Policy LPD01 of the Local Plan and the wider aims in the NPPF.

## **6.3 Other Environmental Effects**

### **6.3.1 Transport**

- 6.126 To demonstrate accordance with paragraph 110 of the NPPF, this planning application is accompanied by a Transport Assessment (TA) and a Framework Travel Plan (TP), supplemented by a Transport Assessment Addendum (July 2022).
- 6.127 The Travel Plans, Transport Assessments and Statements guidance section of PPG states the primary purpose of a Travel Plan is to identify opportunities for the effective promotion and delivery of sustainable transport initiatives, such as walking, cycling and public transport, in connection with both proposed and existing developments and through this to thereby reduce the demand for travel by less sustainable modes.

- 6.128 Within the Local Plan, strategic aim 3 aims to improve access for all by facilitating sustainable transport choices, development in accessible locations, an integrated public transport network and targeted improvements to the transport network.
- 6.129 Local Plan Policy LPA06 *Transport and Travel* seeks to ensure that new development is sufficiently accessible by road transport, walking, cycling and public transport.
- 6.130 The Transport Assessment and Addendum have considered the potential traffic and transport impact of the proposed development and concludes that the proposals are in accordance with the statutory development plan and other material considerations.
- 6.131 The development proposals include improvements to the walking and cycling environment in St Helens town centre in the form of new routes, improved public realm and improved wayfinding. The parameters plans establish a strong hierarchy of streets and spaces that prioritise pedestrians and cyclists and provide links between the new development plots, the retail centre, the bus and rail stations, and the wider town centre.
- 6.132 Vehicle access and servicing arrangements for each development plot will be provided at Reserved Matters stage.
- 6.133 The submitted TA calculates the worst-case vehicle trip generation associated with the proposed development and compares this to the trip generation for the existing use. This assessment demonstrates that the vehicle trips associated with the proposed development are well within the existing trip envelope for the site, and therefore will not result in an uplift in vehicles in the town centre. Therefore the new trips associated with the new land uses will be offset by a reduction in existing trips that could potentially be generated by the Hardshaw and St Marys shopping centres.
- 6.134 The development proposals comply with the Local Plan by exceeding the minimum level of accessibility by sustainable modes of walking, cycling and public transport. Furthermore, the proposed development has been designed using a “decide and provide” approach when it comes to private car use rather than the traditional “predict and provide” approach, with the aim of achieving lower dependency on the private car through improving sustainable travel options and providing parking well below the Council’s maximum standards.
- 6.135 The submitted Framework Travel Plan provides an overarching framework for managing multi-modal access to the site and promoting sustainable and active modes through a series of measures. Initial targets have been set to encourage a 15% reduction in use of private vehicles for visitors, residents and employees within two years of occupation. This target is considered to be aspirational but achievable given the town centre location and high level of accessibility by sustainable modes; however, targets should be reviewed and informed by more detailed survey data during the development of the site-specific Travel Plans.
- 6.136 Therefore it is considered that the proposed development meets the requirements of national and local planning policy and in accordance with para. 111 of the NPPF there are no grounds for refusal of the application on highways grounds.

### **6.3.2 Air Quality**

- 6.137 Policy LPD01 *Ensuring Quality Development* of the Local Plan states that the effects of development on air quality should be minimised and mitigated. Within the Local Plan, Policy LPD09 *Air Quality* sets out that development proposals must demonstrate that they will not impede the objectives of any Air Quality Management Area (AQMA) or lead to increased air pollution, with all major developments promoting a shift to the use of sustainable modes of transport to minimise emissions.
- 6.138 The submitted Air Quality Assessment, ES Volume II Chapter 6 and ES Volume III, Appendices 6.1-6.10, (ES Addendum Appendices F and G) addresses the air quality impacts anticipated during the construction and operational phases of the development.

- 6.139 A qualitative assessment of construction phases impacts has been undertaken, with a high risk for dust soiling during demolition and a medium risk during earthworks, construction and trackout identified.
- 6.140 A Construction Environmental Management Plan (CEMP) will be implemented during demolition and construction works, which will ensure that measures to minimise emissions from construction traffic (as well as best practice mitigation measures for construction dust) are implemented.
- 6.141 The impact of construction traffic on local air quality has been predicted at sensitive receptor locations at the site and in the immediate surrounding area. By adopting appropriate mitigation measures as part of a CEMP, it is anticipated that all demolition and construction activities can be undertaken whilst minimising the emissions to air. All traffic logistics in relation to construction traffic management would be agreed with SHMBC through the use of a Construction Logistics Plan.
- 6.142 With the CEMP in place, all residual air quality effects during the demolition and construction works are expected to be Negligible. The residual effect of the construction phase on air quality is therefore not considered to be significant.
- 6.143 Residential properties brought to the site as part of the proposed development could potentially be exposed to elevated air pollution where facades overlook the main roads running through and around the site. However, the assessment has confirmed that, with the incorporation of the proposed design interventions and the provision of best practice measures, conditions suitable for residential amenity can be achieved at the site.
- 6.144 A Travel Plan will be implemented once the proposed development is operational to encourage sustainable travel options and reduce the need for car travel. By adopting the different mitigation measures within the Travel Plan, it is anticipated that road traffic emissions associated with vehicles generated from the proposed development once complete and operational will be minimised, reducing air pollution at existing and future sensitive receptors.
- 6.145 All residual effects on existing and future sensitive receptors as a result of air pollution from operational road traffic are expected to be Negligible, without the need for further mitigation. As a result, it is considered that with the mitigation measures implemented, the proposed development would be in accordance with the relevant legislation and planning policy.

### 6.3.3 Noise

- 6.146 Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location, taking into account likely effects of pollution on health and living conditions. This includes mitigating and reducing to a minimum potential adverse impacts resulting from noise from new development.
- 6.147 At a local level, the St Helens Local Plan Policy LPD01 *Ensuring Quality Development* states that development proposals should minimise and mitigate to acceptable levels any effects the development may have on levels of noise caused by the development.
- 6.148 A Noise and Vibration Assessment has been carried out and is reported in the Environmental Statement (ES Volume II, Chapter 7, ES Volume III Appendices 7.1 – 7.6, ES Addendum Appendices H & I).
- 6.149 The assessment has considered noise and vibration effects from both the construction and operational phases. This has included assessing the phased nature of the development, including considering the impact upon potential future residents occupying earlier phases of the scheme as later stages of the scheme are under construction.
- 6.150 The construction period has the potential to cause temporary disturbance to sensitive receptors, particularly during the breaking up of concrete slabs, piling and external landscaping works.

- 6.151 In order to mitigate construction noise, a CEMP will be implemented during construction, which will include best practice mitigation measures to minimise noise and vibration caused by demolition and construction works. Although some noise disturbance during construction is inevitable, the noise and vibration effects are anticipated to reduce with a CEMP in place to range from negligible to minor adverse significance.
- 6.152 Once the proposed development is complete and operational, noise associated with new building services plant and changes in road traffic due to the development also have the potential to impact on existing and future sensitive receptors.
- 6.153 Residential properties developed on the site will be required to incorporate a suitable glazing and ventilation strategy, to ensure suitable conditions for residential amenity inside properties. Further acoustic assessment is required at detailed design stage in order to design the appropriate glazing and ventilation requirements.
- 6.154 Noise associated with building plant will be controlled via an appropriately worded planning condition, to ensure that plant noise limits are not exceeded.
- 6.155 Following the implementation of the above mitigation measures, the residual effects on existing and future sensitive receptors are anticipated to be negligible during the operational phase.
- 6.156 The proposed development is therefore compliant with national and local planning policy regarding noise impacts.

#### **6.3.4 Ground Conditions**

- 6.157 Within the Local Plan, Policy LPD01 *Ensuring Quality Development* sets out that development proposals should ensure that any ground stability issues would be remediated to an appropriate standard.
- 6.158 The NPPF establishes that planning decisions should ensure that a site is suitable for its proposed use, taking account of ground conditions and any risks arising from land instability and contamination, ensuring that following remediation land is not capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990 (para. 183). In accordance with the NPPF, where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner (para. 184).
- 6.159 The application is accompanied by a Phase I Contaminated Land Assessment. The Phase I Contaminated Land Assessment comprises a desk-based study, a walkover survey, development of an initial conceptual model of potential pollutant linkages and a preliminary risk assessment.
- 6.160 The desk study concludes that there is potential for soils and groundwater below the site to be contaminated, predominantly due to the historic uses of the site area. There is also potential for the presence of shallow mine workings below the site and the risk from mine gas is considered to be moderate to high. There is also potential for made ground across the site and infilled features surrounding the site, which could contain contaminated material or provide a source of ground gas.
- 6.161 The initial conceptual model indicates moderate, moderate to low and low risks for the proposed development.
- 6.162 The biggest risk is the lack of site-specific data on ground conditions below the site, and therefore Phase II intrusive ground investigations are recommended prior to any construction works.
- 6.163 As required by local policy and the NPPF (para. 183), adequate site investigation, prepared by a competent person, has been undertaken to date, to allow a decision to be made on the planning application, with further ground investigation works and mitigation measures to be secured via an appropriately worded planning condition.

### 6.3.5 Flood Risk & Drainage

- 6.164 In accordance with national policy and guidance (footnote 55 of the NPPF), a Flood Risk Assessment (FRA) has been produced in relation to the proposed development.
- 6.165 The NPPF requires local planning authorities to ensure that flood risk is not increased elsewhere as a result of determining a planning application. The NPPF reinforces the importance that the Government attaches to the management and reduction of flood risk in the land-use planning process, whilst also adopting a precautionary approach and fully accounting for the effects of climate change. The NPPF states how flood risk should be considered at all stages of planning and development, in an attempt to reduce future loss of life and damage to property. Paragraph 159 indicates that inappropriate development in areas at risk of flooding should be avoided by directing development away from high risk areas.
- 6.166 The Local Plan provides guidance in relation to water resources and flood risk in Policy LPC12 *Flood Risk and Water Management*. Policy LPC12 covers flood risk, water quality, Sustainable Drainage Systems (SuDS) and the protection of water and wastewater assets.
- 6.167 Policy LPC12 states that any development that may be at risk of flooding or that may cause a material increase in flood risk elsewhere will only be permitted if the flooding issues have been fully assessed and any identified risks would be appropriately mitigated, having regard to the St Helens Strategic Flood Risk Assessment, advice and guidance from relevant bodies, with all development proposals over 1ha required to be accompanied by a flood risk assessment. The policy also states that major developments should incorporate sustainable drainage systems unless there is clear evidence this would be inappropriate.
- 6.168 The SHMBC Strategic Flood Risk Assessment (SFRA) and Environment Agency (EA) Flood Map indicate that the proposed development is located wholly within Flood Zone 1 (low risk) other than a small section of Flood Risk Zones 2 and 3 within the immediate vicinity of the Hardshaw Brook. Flood level Information provided by the EA indicates that all of the site's ground levels are located safely above the 1 in 100-year + Climate Change flood event level. Consequently, the residual risk of fluvial/coastal flooding is deemed to be of negligible/neutral significance. The proposed development will not increase flood risk to the site or surrounding area from fluvial/tidal sources.
- 6.169 No main surface water flow routes are present throughout the Site, other than that associated with the route of the Hardshaw Brook, which flows approximately along Foundry Street and Chalon Way East. This flow route will be maintained as part of the proposed scheme. Within the proposed development site, blue/green roofs, throttled water butts, permeable pavements, swales and detention basins will be incorporated into the design where appropriate, to sustainably manage runoff from rainfall events up to and including the 1 in 100 year event (+45 % climate change allowance). As a consequence of the proposal, the rate of runoff generated from the site will, at the least be maintained at the current rate, with an aspiration to discharge as close to the greenfield rate as possible, ensuring that downstream flows are alleviated during extreme storm events. The residual effect of the proposed development on the rate, volume and quality of surface runoff generated is, therefore, deemed to be positive/low significance.
- 6.170 SHMBC and United Utilities demonstrate that there have been a number of sewer flooding incidents in close proximity to the Site, although there are no records of surface water sewer problems or flooding incidents from highway drainage on the Site itself. The developer will augment the existing sewer infrastructure where necessary, whilst the construction of SuDS and the implementation of water use minimisation measures throughout the scheme will ensure that the residual risk of sewer flooding will be of negligible/neutral significance.
- 6.171 The development of the site will, therefore, be used as an opportunity for environmental enhancement and the sustainable management of surface water runoff at source.



6.172 The FRA concludes that the proposed development is sustainable in terms of flood risk and complies with the requirements set out in policies within the NPPF and local planning policy. In summary, the FRA considers that there are no grounds from a flood risk and drainage perspective which preclude positive determination of the planning application.

### 6.3.6 Ecology

- 6.173 Under Local Plan Policy LPC06 *Biodiversity and Geological Conservation*, development which would be likely to cause any harm to ecological or geological interests will only be permitted where the benefits outweigh the harm. Where necessary to avoid harm, appropriate mitigation, replacement or other compensatory provision will be required.
- 6.174 A Preliminary Ecological Appraisal has been prepared and submitted as part of this planning application. This is accompanied by a Biodiversity Metric 3.0 calculation. These documents are submitted to address the requirements of the NPPF and Local Plan.
- 6.175 The submitted assessments align with the hierarchy for the avoidance of harm to ecological resources, followed by mitigation or compensation as a last resort, as set out in the NPPF (para. 180).
- 6.176 There are no internationally designated wildlife sites within 10km of the site, however there is one statutory designated site of national importance within 5km of the site. This is the Stanley Bank Meadow SSSI which is 2.3km to the north east of the site and contains a rare habitat of damp unimproved grassland and species rich meadow. The site falls within the SSSI impact risk zone for the Stanley Bank Meadows SSSI. Proposals relating to air pollution, including industrial/commercial processes, are listed as a category of concern.
- 6.177 The Thatto Heath Meadows Local Nature Reserve (LNR) is 1.2km to the south of the site, designated for its river valley habitats, and Parr Hall Millennium Green is located 1.3km north east of the site, which is an exceptionally rich and varied marsh and grassland.
- 6.178 There are 23 non-statutory Designated Wildlife Sites within 2km including 22 Local Wildlife Sites (LWS) and one Nature Improvement Area (NIA).
- 6.179 No ponds were identified within the survey boundary. No ponds or other waterbodies were identified within 500m of the site which were suitable to support Great Crested Newts or which did not have significant barriers to amphibian migration. No evidence of badger, including setts, mammal paths, hairs or latrines were recorded within the site, or within accessible land within 30m of the site, during the survey.
- 6.180 Two groups of trees associated with St Helens Central train station have low potential to support roosting bats. Should these require removal or pruning works, this must be done under supervision of a suitably licensed bat consultant. No buildings on site were found to support roosting bats. Buildings to be demolished should be done so under a precautionary working method statement including supervised removal of any potential roost features.
- 6.181 A CEMP will be required to identify measures to ensure indirect impacts on retained habitats, including watercourses, woodland and hedgerows, within and adjacent to the site are reduced to a minimum.
- 6.182 Given the distance between Stanley Bank Meadow SSSI, Thatto Heath Meadows LNR and Ravenhead Ponds, impacts from development upon these designations are considered unlikely.
- 6.183 Management and creation of habitat within the site will be specified within a Landscape Ecology Management Plan (LEMP), to be secured via an appropriately worded planning condition.
- 6.184 The NPPF requires developments to minimise impacts on and provide net gains for biodiversity (paragraphs 174 & 180). Based on the details available at the time of this hybrid planning application, the results indicate a

net gain of 23.58% for habitats and a net gain of 11.58% for hedgerows is possible. It is likely that when further detail is available at detailed design and reserved matters application stage, an increase in net gain for habitats compared with the current baseline will be achieved.

- 6.185 The significant net gain for habitats and hedgerows, which has been calculated based on 100% loss (as a worst case scenario), provides confidence that 10% net gain will be achieved at reserved matters stage, when further detail will be available.
- 6.186 Overall, loss of vegetation within the site is anticipated, however this will not be significant. With the implementation of mitigation measures and the enhancement strategy proposed, the development will be in conformity with relevant planning policy and legislation.

### 6.3.7 Arboriculture

- 6.187 The Local Plan contains policies of relevance to trees and this site. Policy LPC10 *Trees and Woodland* states that new development will be required to include the planting of new trees, woodlands and hedgerows. The policy continues to state that proposals for new development will only be permitted if they would conserve, enhance and / or manage existing trees, woodland and hedgerow as appropriate.
- 6.188 An Arboricultural Impact Assessment (AIA) has been prepared as part of this planning application, in accordance with local policy requirements. The tree population across the site predominantly comprises individual street trees, scattered individuals within small areas of greenspace and occasional larger screening groups. Trees are predominantly middle aged with occasional mature and young specimens, and are in fair or good condition generally.
- 6.189 There were 147 individual trees (T1-T147); 23 groups of trees (G1-G23); and five hedges (H1-H5) recorded within influencing distance of the application site.
- 6.190 Tree protection measures will be used throughout construction, including the use of tree protection fences around trees to be retained.
- 6.191 The submitted AIA recommends that a scheme of tree planting should be produced and implemented in response to the effects on existing trees and opportunities to augment tree and hedgerow cover as part of any future Reserved Matters application. This should include replacement planting for all trees removed as part of the 'known effects' reported in the AIA, in accordance with SHMBC's required replacement ratio of 2:1.
- 6.192 The AIA considers that should the development be constructed in broad accordance with the Illustrative Masterplan: Roof Plan, the combined 'known' and 'anticipated' tree losses would equate to 48 individual trees; six tree groups in full or part equating to approximately 110 trees; and 2 hedges in full or part equating to approximately 36m. Based on a minimum 2:1 ratio, these losses would therefore require 316 trees and 72m of hedgerow to be planted in replacement. Individual specimen tree planting should be a dominant feature of any planting scheme, although group planting of trees may be appropriate in some areas in lieu of individual planting.

### 6.3.8 Utilities

- 6.193 A Utilities Statement has been prepared to support the application and identify the existing and future utility infrastructure associated with the development. The utilities include:
- Potable water
  - Gas
  - Electricity

- Telecoms
- District Heating

- 6.194 United Utilities own and operate the local water network, and it is anticipated that some minor local upgrades may be required but these would be dealt with through consultation with United Utilities at the detailed design stage.
- 6.195 It is not expected that the proposed development will utilise gas and therefore no changes are required.
- 6.196 SPEN operate the local electricity network and it has been identified that there is some residual capacity in the network. A new primary substation will be required for the development and the location and specification of this will be identified at detailed design stage.
- 6.197 Openreach will undertake to provide Fibre to the Premises (FTTP) services to all new residential developments over a given size - this development is suitable for this service. Other providers can also utilise this network to deliver an alternative service.
- 6.198 All existing utilities have been assessed and any potential constraints are understood and have been considered in the Utilities Statement.
- 6.199 Initial consultations (where relevant) have taken place within the statutory utility undertakers and the approximate level of works needed to deliver the required capacities is understood and catered for in the proposed development, with additional details to be provided at detailed design stage.

### **6.3.9 Wind Microclimate**

- 6.200 National planning policies do not impose specific limits on the microclimate wind environment around a new development, but there is a requirement to inform the planning process, so that specific site conditions and functions can be assessed, and to show that other users around the development will not be unreasonably affected by the wind microclimate. The NPPF does not specifically reference wind or microclimate; however, the NPPF emphasises the benefits of a high quality built environment.
- 6.201 Planning Practice Guidance identifies the potential for a development's size and shape to affect the wind microclimate. Paragraphs 25 and 26 state:
- “Design: How should buildings and the spaces between them be considered?*
- Consider Form: Some forms pose specific design challenges, for example how taller buildings meet the ground and how they affect local wind ... patterns should be carefully considered.*
- Consider Scale: Account should be taken of local climatic conditions, including ... wind”.*
- 6.202 The Design Guidance Supplementary Planning Document states that aspect, orientation and microclimate will influence the location of development, which should consider the need to provide shelter.
- 6.203 The New Residential Development Supplementary Planning Document states that the local microclimate can help to shelter buildings from inclement weather. Shelter from cold and prevailing winds can be provided by vegetation. Buildings can also be arranged in an irregular pattern to avoid channelling the wind.
- 6.204 A quantitative wind microclimate assessment has been undertaken for the proposed development using the widely applied Lawson Comfort Criteria.

- 6.205 In terms of comfort, under the minimum height parameters scenario, much of the area is acceptable for all activities. Under the maximum height parameters scenario, conditions are generally windier, but still largely remain acceptable, depending on the intended activity.
- 6.206 Under the maximum parameters scenario, two regions of pedestrian distress are created in the south-west region of the site, caused by the prevailing south-west winds accelerating around the sharp north-west corner of plot 11.
- 6.207 The wind microclimate assessment considers both minimum and maximum parameters but in reality the final building designs are likely to lie between these two scenarios. For example, some plots – such as the Bus Station at Plot 2, Plot 4 and the residential / office development at Plot 11 – are intended to have significantly smaller or divided massing, compared with the plots modelled in the wind assessment. As a result, the assessment concludes that there is plenty of opportunity to improve the pedestrian microclimate during detailed design, while sensitively respecting both the architecture and the massing.
- 6.208 It is therefore recommended that care is taken during the detailed design to improve the aerodynamics of the buildings and consider the provision of local shelter e.g. trees, accounting for the intended activities in these regions.
- 6.209 The assessment has shown that the impact of the proposed minimum parameters on the pedestrian wind microclimate is likely to produce conditions that are acceptable. The current proposed maximum parameters are shown to produce conditions that are unacceptable in some regions, but these are not widespread. Given the results of the two simulated scenarios, it is likely that acceptable conditions will be achievable during detailed design of the buildings through careful consideration of building aerodynamics and the provision of local shelter (trees, etc.).

# 7.0 Summary Conclusions

7.1 This hybrid application seeks full planning permission for the demolition works and outline planning permission for the proposed built form. Overall, the application seeks permission for a proposed mixed use redevelopment of a significant part of the town centre.

7.2 The description of development is as follows:

*Hybrid planning application seeking:*

*- Full planning permission and permission for relevant demolition in a conservation area for proposed demolition and site preparation works; and*

*- Outline planning permission for development of a mix of uses, comprising hotel use (Use Class C1); residential units (Use Class C3); commercial, business and service uses (Use Class E(a-g)); local community & learning uses (Use Class F1(b-e) and F2(b)); and Sui Generis uses, with associated access, servicing, parking, public realm and landscaping, with all matters (Access, Appearance, Landscaping, Layout and Scale) reserved for future determination.*

7.3 Section 38(6) of the Planning and Compulsory Purchase Act (2004) and Section 70(2) of the Town & Country Planning Act (1990) require applications to be determined in accordance with the statutory development plan, unless material considerations indicate otherwise.

7.4 The proposed development has been assessed against the policies of the adopted Local Plan and relevant material considerations, including the NPPF and relevant SPDs/SPGs.

7.5 A key material consideration in this case is the National Planning Policy Framework (NPPF). The NPPF, at paragraph 11, sets out the presumption in favour of sustainable development, which for decision taking means approving development proposals that accord with an up-to-date development plan without delay (para. 11d). In this case, the Local Plan is considered up-to-date, especially considering its recent adoption (July 2022).

7.6 Another key material consideration is the Masterplan Development Framework which has been endorsed by the Council. This application is seeking permission for the delivery of the first phase of the Masterplan Development Framework and fully aligns with the vision, objectives and design principles of the MDF.

7.7 The proposals include:

- Site clearance and preparation works, including removal of hardstanding areas and vegetation, where necessary;
- Demolition of the majority of existing buildings. The former M&S building in the west of the application site and a substation in the east of the site will not be demolished. The buildings proposed for demolition are as follows:
  - The Hardshaw Centre;
  - St Mary's Shopping Arcade, Market & Multi Storey Car Park (MSCP);
  - Swan Hotel and Fish and Chip shop to the immediate east of the bus station; and
  - All buildings in the block of retail units bounded by the bus station to the east, Bickerstaffe Street to the south and west, and Corporation Street to the north;
- Construction of a series of new buildings, up to 6 storeys (Ground plus 5 storeys) in height, which are for a range of uses as detailed in the development schedule and are presented as two options (options only affect Plots 4 and 11):
  - Up to 7,854 sqm Gross Internal Area (GIA) of retail/leisure/food & drink floorspace, including a

- market, kiosks, and other retail units (Option A) (Option B: up to 8,134 sqm);
- Up to 24,678 sqm GIA of office floorspace (Option B) (Option A: up to 10,950 sq m GIA);
- Up to 340 sqm GIA of arts/leisure/community/retail floorspace;
- Up to 423 residential units (Option A) (Option B: up to 374 units);
- A hotel of up to 155 beds (Option A only); and
- Redeveloped bus station and ancillary bus station facilities (Plot 1 / 2 / 4)
- Pedestrian and vehicle access improvement works, including access reconfiguration around the redeveloped bus station;
- Provision of up to 175 car parking spaces and cycle parking in line with local authority requirements; and
- Landscaping and public realm improvement works.

#### 7.8 The benefits of the scheme include:

- The creation of construction jobs during the demolition and construction phase;
- The development of modern employment space (up to 24,678 sq m) to attract new occupiers to St Helens Town Centre;
- The introduction of residential development of up to 423 new dwellings to diversify the housing offer and create new communities within St Helens Town Centre;
- The development of a hotel to strengthen the town's visitor offer;
- The re-development of the market as a key focal point of the town centre;
- The development of the town's leisure and evening economy potential;
- The modernisation of the retail offer within the town centre, increasing footfall throughout the centre and creating positive active frontages;
- Significantly improving wayfinding and legibility of the centre through the creation of desire lines to maximise existing landmarks and focal points;
- Creation of a substantial public open space within the town centre, replacing road infrastructure and prioritising pedestrian and cyclist access;
- Positive impacts upon townscape, viewpoints and heritage assets within and adjacent to the site;
- Biodiversity Net Gain and the development of green infrastructure within the town centre;
- The development of sustainable built form which has been designed to reduce carbon emissions;
- The development of a site which is highly accessible via non-car modes and the comprehensive redevelopment of the bus station in order to meet operational needs and address existing problems;
- The creation of 169 - 551 net operational Full Time Equivalent (FTE) jobs;
- Business Rates and Council Tax receipts; and

- The redevelopment of the town centre and repositioning of the centre as a place for people to live, work and visit.

7.9 This application is accompanied by a suite of technical assessments, including an EIA, which have considered the potential impacts of the proposed development and have recommended mitigation measures where necessary.

7.10 The adverse impacts have been considered and are reported in the technical documents. As detailed in the Environmental Statement this includes the potential for adverse impacts during construction, including minor adverse noise impacts, moderate adverse townscape and visual impacts and less than substantial heritage harm.

7.11 This Planning Statement has considered the harm against the numerous and far-reaching benefits of the scheme and demonstrates that there are no clear reasons for refusing the application. There are no adverse impacts of the scheme which would significantly or demonstrably outweigh the benefits.

7.12 The proposed development is considered to accord with an up-to-date development plan and therefore, in line with the NPPF's presumption in favour of sustainable development, the applicant invites the Council's positive determination of the application.



# APPENDIX 1

## Planning History

The following details the relevant planning application history for the site, dating back to 2015. The information has been sourced using SHMBC's online planning application search.

APPLICATION REF. NO.	ADDRESS	DESCRIPTION OF DEVELOPMENT	DECISION
P/2022/0379/FUL	Land Fronting Chalon Way Car Park Foundry Street St Helens	Installation of containers & outdoor cinema screens for up to seven years to create a mixed-use leisure hub with stage & outside seating areas to provide business start-up, retail, & leisure units. (Use Classes E(a), E(b), F1(b) and sui generis drinking establishments)	Awaiting decision
EIA/2021/0003/SCREEN	Land Bound By Corporation Street To The North, St Helens Central And Rail Lines To The East, St Helens Canal To The South And The Town Centre, Broadly Defined By Bickerstaffe Street And Market Street To The West	Screening opinion regarding the redevelopment of land at the site, including site clearance and preparation works, demolition and construction of buildings, pedestrian and vehicle access improvement works, provision of car and cycle parking as well as landscaping and public realm improvement works.	EIA required 13/01/2022
P/2021/0790/FUL	World Of Glass Chalon Way East St Helens WA10 1BX	Erection of children's play area with extension to existing fencing	Approved 21/10/2021
P/2021/0188/FUL	Former St Helens Post Office 39 Bridge Street St Helens	Proposed two storey rear extension with balconies above existing single storey flat roof, proposed additional two storeys to main roof area and vinyl cladding to existing south (side) stairwell to facilitate the formation of 8no. apartments	Approved 22/06/2021
P/2021/0377/FUL	9-11 Haydock Street St Helens Merseyside WA10 1DD	Conversion of 2no units into 1no unit, replacement of existing window with new access door and replacement of 2no existing doors in a conservation area	Approved 08/06/2021
P/2021/0297/FUL	The Gamble Institute Victoria Square St Helens WA10 1DY	Proposed external repairs to the building to include replacement windows with timber double glazing, new granite cill to ground floor openings, reduction of chimney heights next to the lightwell, lead dressing to protect terracotta details on the gable coping and cornices, re-pointing and repair roof tiles with like for like replacements.	Approved 18/05/2021

P/2020/0913/FUL	59 - 69 Church Street St Helens	Partial change in use of existing building from Class E (commercial uses) to Class C3 (dwelling houses) to create 9 flats with associated partial demolition and material alterations to the external appearance of the building, together with a new shop frontage to Church Street.	Approved 12/03/2021
P/2021/0034/FUL	Costa Coffee 36 - 38 Church Street St Helens WA10 1AD	Retention of change of use from part of public highway to pavement cafe.	Approved 09/03/2021
P/2020/0763/FUL	Chalon Way Multi Storey Car Park Chalon Way West St Helens WA10 1BF	Demolition of multi-storey car park, new street lighting and external works to the retained site	Approved 16/12/2020
P/2020/0156/FUL	Unit 2 The Hardshaw Centre St Helens Merseyside WA10 1EB	Change of use from Class A1 Retail to a mixed-use comprising Offices (Class B1), Coffee Shop (Class A1/A3), Launderette (Sui Generis), Centre Management Office (Class B1), enlargement of disabled WC and baby changing facilities and new shopfront on Hall Street	Approved 22/04/2020
P/2020/0021/FUL	64 - 66 Bickerstaffe Street St Helens Merseyside WA10 1DS	New shop front along with replacement window and doors.	Approved 25/02/2020
P/2018/0737/FUL	36 - 38 Church Street St Helens Merseyside WA10 1AD	Retention of change of use from part of public highway to pavement cafe.	Approved 10/12/2018
P/2018/0504/FUL	Unit 6 The Hardshaw Centre St Helens Merseyside	Division of unit into two separate units, changing use from A1 (retail) to A3/A5 use, and installation of shopfront on street elevation.	Approved 24/08/2018
P/2018/0135/FUL	Land Fronting Chalon Way Multi Storey Car Park Chalon Way West St Helens Merseyside	Change of use of public space fronting Chalon Way multi storey car park to create a skate park area, along with public seating and landscaped areas.	Approved 20/04/2018
P/2017/0836/FUL	Millennium Pharmacy The Millennium Centre Corporation Street St Helens Merseyside WA10 1HJ	Creation of new pharmacy entrance from Corporation Street.	Approved 18/12/2017
P/2016/0793/CLP	Unit 6 Hardshaw Centre Bickerstaffe Street St Helens Merseyside WA10 1DS	Certificate of lawfulness to change use from A1 retail unit to class A3 with ancillary A5 for restaurant/hot food takeaway.	Approved 23/01/2017

P/2016/0399/FUL	Costa Coffee 36-38 Church Street St Helens Merseyside WA10 1AD	Retention of change of use from part of public highway to pavement cafe.	Approved 13/07/2016
P/2015/0637/FUL	The Millennium Centre Corporation Street St Helens Merseyside WA10 1HJ	Change of use of part of rear grassed courtyard to car park.	Approved 07/10/2015
P/2015/0430	36- 38 Church Street St Helens WA10 1AD	Retention of change of use from part of public highway to pavement cafe (Amended Description)	Approved 20/07/2015

# APPENDIX 2

## Planning Policy

## Statutory Development Plan

### St Helens Local Plan 2021 – 2037

The St Helens Local Plan up to 2037 was adopted in July 2022.

The Spatial Vision sets out that by 2035, St Helens Borough, through the balanced regeneration and sustainable growth of its built-up areas - will provide a range of attractive, healthy, safe, inclusive and accessible places to live, work, visit and invest. This will be achieved by:

- Providing a range of high-quality new employment accommodation to provide affordable accommodation to a wide range of employers.
- St Helens Town Centre adapting to changing economic conditions and providing a wide range of vibrant shopping, leisure, and other uses.
- Making effective use of brownfield land to provide a broader housing stock, with good quality new market and affordable housing, which meets local needs, provides safe and sustainable communities, and makes the Borough a residential destination of choice.
- Ensuring the Borough's housing is sustainably located in relation to employment areas, local facilities, attractions and green spaces in a way that will encourage walking, cycling and the use of public transport.
- Retaining and strengthening the Borough's unique heritage, linking to its historic role in the glass, rail, coal mining and other industries, and its wide range of important natural environmental assets.

### Core Policies

#### Policy LPA01: Spatial Strategy

The sustainable regeneration of the Borough through to 2035 and beyond will be delivered by focusing development on key sustainable settlements such as St. Helens Core Area that will enable movements to be made by sustainable non-car modes of transport.

The re-use of previously developed land in Key Settlements will remain a key priority. A substantial proportion of new housing throughout the Plan period will be on such sites and this will be encouraged by setting lower thresholds for developer contributions on these sites.

Comprehensive regeneration of the wider Borough will be delivered by the English Cities Fund Regeneration Partnership, through the provision of quality housing, new commercial activity, upgraded infrastructure and the overall improvement of the social and economic viability of the Borough on a phased basis.

The quality of life, health and wellbeing of St Helens Borough's population and the natural environment will be supported by:

- a) taking steps to maintain, enhance, improve, connect and / or expand the Borough's network of ecological, open space and recreational sites and greenways;
- b) requiring new development proposals to mitigate their contribution to climate change; and
- c) requiring development to support healthy lifestyles in accordance with Policy LPA12.

New development that would deliver regeneration within the key settlements will be supported. Regeneration will also be promoted by focussing available resources on its effective delivery, ensuring new town centre uses will be located within St Helens Town Centre and preventing development that would adversely impact upon or jeopardise regeneration proposals.

### **Policy LPA02: Development Principles**

New development in St Helens Borough will be required to support the following development principles where relevant:

- Create sustainable communities with a strong sense of place.
- Providing a mix of types and tenures of quality homes and a good range of services and facilities to meet the challenges of population retention and growth.
- Improving the economic well-being of the Borough's residents by reducing inequality and contributing to the regeneration of the borough.
- Contribute to inclusive communities by addressing the requirements of an ageing population; children, young people, and families; people with special needs; and the specific identified needs of minority groups in the Borough.
- Contribute to a high quality built and natural environment by:
  - a) Securing high quality design in all development and a high standard of amenity;
  - b) Taking account of the Borough's landscape character and townscape, and the distinctive roles and settings of different areas;
  - c) Protecting and enhancing the Borough's natural, built, and historic environments;
  - d) Protecting and enhancing the Borough's water, air, land, and biodiversity; and
  - e) Making effective use of land, buildings and existing infrastructure.
- Minimise the need to travel and maximise the use of sustainable transport by:
  - a) Guiding development to sustainable locations or locations that can be made sustainable;
  - b) Encouraging a shift towards more sustainable modes of transport and lower carbon transport;
  - c) Encouraging safe and sustainable access for all between homes and employment;
  - d) Improving the access to formal and informal recreation; and
  - e) Supporting the provision and retention of community facilities and other local services.
- Lower St Helens Borough's carbon footprint and adapt to the effects of climate change by making best use of existing building materials to reduce waste and lower energy consumption.

### **Policy LPA03: A Strong and Sustainable Economy**

Sites and buildings that are currently or were last used for employment use will be protected from changes to other uses, unless justified. Changes of use will be permitted where it is demonstrated that:

- a) the land or building is no longer suitable and economically viable for employment use in accordance with the Local Economy Supplementary Planning Document (SPD); or

- b) the land use planning benefits of the proposed development would outweigh the benefits of retaining the site or building in its existing use.

Proposals for the re-use, re-configuration or re-development for B1, B2 or B8 uses of land or buildings used for B1, B2 or B8 uses (including more intensive uses) will be supported, subject to other policies in the Plan.

The Council will prevent the unjustified loss of and will support the protection, creation, enhancement and expansion of existing tourism, cultural and visitor resources and assets by favourably considering proposals that:

- i) Are appropriate to the local character and appearance of the area;
- ii) Increase the range and quality of the accommodation offer in the Borough;
- iii) Attract investment to the Borough, create or safeguard jobs;
- iv) enable the economic or physical regeneration of a site or area;
- v) improve the quality and diversity of the Borough's visitor offer; or
- vi) help to maintain existing natural, historical or cultural assets.

#### **Policy LPA04: Meeting St Helens Borough's Housing Needs**

Policy LPA04 identifies that St Helens Borough has a housing need of a minimum of 10,206 net additional dwellings between the period 1 April 2016 to 31 March 2037 (an average of at least 486 dwellings per annum). New development should optimise the amount of housing developed on a site, aiming to achieve at least 40 dwellings per hectare (d.p.h) on sites that are within or adjacent to St. Helens Town Centre.

#### **Policy LPA06: Transport and Travel**

The Council's strategic priorities for the transport network are to facilitate economic growth, enable good levels of accessibility between homes, jobs and services, improve air quality and minimise carbon emissions. To achieve these priorities, it will seek to:

- a) Secure the delivery of new or improved road, walking, cycling, and / or bus infrastructure;
- b) Ensure that new development is sufficiently accessible by all modes of transport to jobs, homes and services;
- c) Secure the delivery of any necessary improvements to local stations and rail lines; and
- d) Protect former railway lines and corridors from development that could hinder their future re-use for sustainable modes of transport.

All proposals for new development that would generate significant amounts of transport movement must be supported by a Transport Assessment or Transport Statement, the scope of which must be agreed by the Council.

New development will only be permitted if it would:

- a) enable a suitable level of access to existing and / or proposed public transport services;
- b) provide appropriate provision of charging points for electric vehicles;
- c) enable good levels of safe and convenient walking and cycling accessibility between homes, jobs and services;
- d) include access arrangements for emergency, service and refuse collection vehicles; and



- e) provide sufficient on-site parking for persons of limited mobility, service vehicles, and cycles that must at least meet the Council's minimum standards.

New development should not prevent or jeopardise the implementation of planned transport schemes unless there is a feasible and viable alternative.

#### **Policy LPA07: Infrastructure Delivery and Funding**

Development proposals will be expected to include or contribute to the provision, improvement or replacement of infrastructure that is required to meet needs arising from the development proposal and / or to serve the needs of the wider area. This may include direct provision of on-site or off-site infrastructure and / or financial contributions that will be secured by:

- a) Section 106 planning obligations (or other legally binding agreements); and / or
- b) A tariff-based system such as the Community Infrastructure Levy.

Where the suitability of development depends upon the provision of additional / improved infrastructure or service capacity, development should be phased to coincide with such infrastructure or capacity.

In applying this Policy, regard will be had to relevant evidence including the latest version of the St Helens Infrastructure Delivery Plan.

#### **Policy LPA08: Green Infrastructure**

Development that would contribute to or provide opportunities to enhance the function of existing green infrastructure and its connectivity from residential areas, town, district and local centres, employment areas and other open spaces, will be encouraged.

#### **Policy LPA12: Health and Wellbeing**

The Council will work with its health and wellbeing partners to promote public health principles, maximise opportunities for people to lead healthy and active lifestyles, and reduce health inequalities for residents. Planning decisions will be used to:

- a) Encourage access to an improved choice of homes;
- b) Ensure there is a provision of easy-to-maintain, safe and attractive public and green spaces to serve new development; and
- c) encourage people to be physically active by providing opportunities for walking, cycling, outdoor recreation, and sport.

#### **Area Policies**

##### **Policy LPB01: St. Helens Town Centre and Central Spatial Area**

The Council will promote the Central Spatial Area as an accessible and high-quality built environment. Development will be supported that would support the delivery and implementation of the Council-led strategy for the future regeneration and development of the centre.

The English Cities Fund Regeneration Partnership will help deliver a comprehensive redevelopment of the Town Centre and Central Spatial Area, including new commercial activity, upgraded infrastructure, the provision of quality housing, and the overall improvement of the social and economic viability of the area.

Proposals for retail and leisure development will be directed to suitable locations such as the 'area of opportunity' identified on the proposals map within the Town Centre. Development that would result in significant harm to the Town Centre's vitality and viability or prejudice planned investment within it will be resisted.

Proposals for the change of use of units in the Primary Shopping Area in St. Helens Town Centre will be refused unless they would be to a main town centre use or uses that would contribute positively to the overall vitality and viability of the centre.

New development proposals where appropriate, will be required to facilitate linked trips between the Primary Shopping Area and other existing and proposed developments within the St. Helens Central Spatial Area.

Proposals for housing or a mix of housing within or on the edge of the Town Centre will be supported where they would avoid prejudicing the retail and service role of the Town Centre.

New development in the vicinity of St. Helens Canal will be required to improve the public realm by retaining and enhancing the existing waterway, integrating with the canal and securing improvements to Green Infrastructure.

Pedestrian and vehicular accessibility within the Town Centre will be managed in line with the Liverpool City Region Transport Plan for Growth to:

- a) maintain pedestrian priority within the Town Centre and extend pedestrian links;
- b) make suitable provision for cyclists;
- c) support the Town Centre as the hub of the public transport network; and
- d) make appropriate provision for cars and service vehicles.

## **Homes and Communities**

### **Policy LPC01: Housing Mix**

New market and affordable housing must be well designed and include a range of types, tenures and sizes of homes as informed by relevant evidence in the latest Strategic Housing Market Assessment (SHMA). Exceptions may be made where the applicant has submitted an independent viability assessment, which clearly demonstrates that meeting the requirements would render the scheme unviable.

### **Policy LPC02: Affordable Housing**

Developments within zone 1, which includes the town centre and Parr wads, require no affordable housing due to viability constraints.

### **Policy LPC04: Retail and Town Centres**

Proposals for retail, leisure and other main town centre uses of the appropriate scale and nature will be directed towards the Borough's defined centres with St. Helens being the priority.

### **Policy LPC05: Open Space**

New residential development will be required to contribute towards the provision, expansion and / or enhancement of open space to meet needs in accordance with Policies LPA08 and LPD03.

### **Policy LPC06: Biodiversity and Geological Conservation**

Development that would cause significant harm to a Site of Special Scientific Interest (SSSI), Local Wildlife Site, Local Nature Reserve, Local Geological Site, Priority Habitat(s), legally Protected Species and / or Priority Species, without adequate mitigation will be refused. Development that would be likely to cause any harm to ecological or geological interests will only be permitted where the benefits outweigh the harm.

Where necessary to avoid harm, appropriate mitigation, replacement or other compensatory provision will be required.

### **Policy LPC09: Landscape Protection and Enhancement**

For proposed development which would lead to harm to the landscape or visual character of the area, mitigation measures will be sought. If significant harm cannot be avoided, suitably mitigated or compensated, planning permission will be refused unless the development would bring exceptional benefits that would outweigh the harm.

### **Policy LPC10: Trees and Woodland**

New development, as appropriate having regard to its scale and nature, will be required to:

- include the planting of new trees, woodlands, hedgerows, and / or financial contributions towards off-site provision; and
- conserve, enhance, and / or manage existing trees, woodlands, and hedgerows as appropriate.

Any development proposal that would affect a site containing tree(s) or woodland must be accompanied by a tree survey and an arboricultural constraints/implications report, produced to the current British Standard. Any approved tree protection measures must then be maintained throughout the period of any demolition and / or construction works.

### **Policy LPC11: Historic Environment**

The Council will promote the conservation and enhancement of the Borough's heritage assets and their settings in a manner that is appropriate to the significance of each asset.

All proposals for development that may affect a heritage asset, or its setting should be accompanied by an Assessment of Significance within the Design and Access Statement and / or a Heritage Impact Assessment, setting out clearly the significance of the heritage asset including any contribution made by its setting and how the proposals respond to the asset. Merseyside Historic Environment Record (HER) should be consulted as a minimum.

Development proposals will be determined in line with the following:

- Substantial harm to (or total loss of significance of) a designated heritage asset will be refused permission unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or total loss.
- Less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against any public benefits of the proposal including, where appropriate, securing its optimum viable use.
- Loss of any non-designated heritage asset will be refused unless any public benefit from the development would outweigh such harm or loss.
- Complete or partial loss of any heritage asset should be justified, the asset's significance must be recorded to a standard agreed by the Council and made publicly available.

Development and other works will be required to preserve or enhance the appearance, character and setting of all heritage assets by using good design, appropriate materials, detailing, scale, massing, siting, layout and landscaping.

The impact of development proposals on the significance of heritage assets and their settings will be considered in accordance with case law, legislation and the National Planning Policy Framework.

### **Policy LPC12: Flood Risk and Water Management**

- 1) The impact of development proposals on flood risk and water management assets will be considered in accordance with case law, legislation and the National Planning Policy Framework.

- 2) Measures to manage or mitigation flood risk associated with or caused by new development must be designed to contribute to the biodiversity of the Borough unless demonstrated this is not technically feasible, protect heritage assets, be fully described in the development proposal and be funded by the developer, including long term maintenance

### **Policy LPC13: Renewable and Low Carbon Energy Development**

New developments for housing, employment or other uses will be required to meet high standards of sustainable design and construction and minimise carbon emissions equivalent to CSH level 4, i.e. 19% carbon reduction against Part L 2013 unless proven unviable. To this end they should use energy efficiently and where feasible incorporate decentralised energy systems that would use or generate renewable or other forms of low carbon energy. Large scale schemes that would generate a significant source or demand for heat should also be supported by evidence considering the feasibility of serving the development by means of a district heating scheme.

## **Development Management Policies**

### **Policy LPD01: Ensuring Quality Development**

All proposals for development will be expected to meet or exceed the following requirements:

- 1) Quality of the built environment:
  - a) Maintain or enhance the character and appearance of the local environment, with a focus on the importance of local distinctiveness, as well as using good design to improve the quality of areas that may have become run down and be in need of regeneration, for example with regard to the siting, layout, massing, scale, design and materials used in any building work, the building-to-plot ratio and landscaping;
  - b) Avoid causing unacceptable harm to the amenities of the local area;
  - c) Ensure that the occupiers of new developments will enjoy a high standard of amenity and will not be unacceptably affected by neighbouring uses and vice versa;
  - d) Link in with surrounding movement patterns and not be prejudicial to the development of neighbouring land for example by creating landlocked sites;
  - e) Be located and designed so as to minimise opportunities for crime, for example by maximising natural surveillance;
  - f) Respect any existing natural features of the site by conserving, restoring or enhancing biodiversity and minimising any adverse impact on important natural features;
  - g) Provide landscaping, including tree-lined streets, as an integral part of the development, protecting existing landscape features such as trees, hedges and watercourses and enhancing the public realm;
  - h) Encourage the inclusion of, or make a contribution to, public art within appropriate schemes (for example where the development would be of a substantial size and / or in a prominent gateway or town centre location);
  - i) Provide for the needs of special groups in the community such as the elderly and those with disabilities as identified in Policy LPC01; and
  - j) Protect the setting, integrity and character of heritage assets in accordance with Policy LPC11.
- 2) Environmental Quality:
  - a) Ensure protection of watercourses and other water bodies; and
  - b) Minimise and mitigate to acceptable levels any effects that the development may have on: air quality; light, land and / or water pollution.

### **Policy LPD02: Design and Layout of New Housing**

New residential developments will be required to:

1. be of a high-quality design that respects and enhances the character of the surrounding area;
2. enhance local distinctiveness by reflecting good aspects of the local area, improving any poorer aspects and adding new features that benefit the local environment;
3. provide appropriate landscaping using native tree and shrub species and where appropriate other boundary treatments;
4. provide a safe, secure, attractive, permeable, legible and useable environment for all users;
5. promote safe living environments that encourage natural surveillance and reduce the levels and fear of crime, disorder and anti-social behaviour;
6. avoid causing unjustified harm to the character or setting of any heritage assets or conservation area(s);
7. avoid causing harm to any important natural habitat, historic or other important landscape;
8. provide a satisfactory level of privacy, outlook and natural lighting for its future residents and neighbouring properties; and
9. be laid out and designed to ensure that the development is inclusive and accessible for all.

### **Policy LPD03: Open Space and Residential Development**

Proposals for new residential development of 40 dwellings or more will be required to make provision for new open space (with suitable long-term management arrangements), or the expansion or enhancement of existing open space provision, where:

- a) there are deficiencies in open space(s) in the area; or
- b) the development would generate a need for open space that cannot be met in the area, or
- c) it is appropriate to provide certain typologies of open space as part of the design to create a visually attractive development.

The appropriate balance between provision of new open space and the expansion / enhancement of existing open space will be determined having regard to:

- a) the amount, proximity and quality of existing open space in the area;
- b) the type and density of the proposed housing development;
- c) the numbers of new dwellings to be created; and
- d) any other practical site-specific factors.

### **Policy LPD06: Prominent Gateway Corridors**

The prominent gateway corridors include the lengths of motorways, 'A' roads, waterways, and railway lines that cross the Borough. Priority will be given to measures that will improve their visual appearance and improve access to railway stations.

All proposals for new development that would be within or visible from one or more prominent gateway corridor(s) must, as appropriate, having regard to its scale and nature:

- a) be of high architectural quality, ensuring that the density, design, height and layout of any building(s) respond positively to the site and its setting; and

- b) provide appropriate landscaping as an integral part of their design and layout.

### **Policy LPD09: Air Quality**

Development proposals must demonstrate that they will not; impede the achievement of any objective set out in an AQMA action plan, introduce significant new sources of air pollutant, lead to a significant deterioration in local air quality resulting in unacceptable impacts on human health or lead to an unacceptable decline in air quality in any area. All major development schemes should demonstrably promote a shift to the use of sustainable modes of transport to minimise the impact of vehicle emissions on air quality.

## Material Considerations

Material considerations in the determination of the proposed development include:

- National Planning Policy Framework (July 2021)
- Planning Practice Guidance (2014 and as amended)
- Supplementary Planning Documents/Guidance
  - Affordable Housing;
  - Design and Crime;
  - Design Guidance;
  - Hot Food Takeaways;
  - List of Locally Important Buildings;
  - New Residential Development; and
  - Shopfronts.
- St Helens Masterplan Development Framework (2022)

### **National Planning Policy Framework (July 2021)**

A revised version of the National Planning Policy Framework (NPPF) was published in July 2021. It sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for development can be produced. The NPPF is a material consideration in the determination of planning applications.

#### **Section 2: Achieving sustainable development**

Sustainable development is at the core of the Framework. Paragraph 8 of the NPPF establishes that there are three overarching objectives to sustainable development:

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places at the right time, to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

These objectives are interdependent and need to be pursued in a manner which is mutually supportive. Decision-making should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area (para. 9).

The NPPF carries with it a presumption in favour of sustainable development. Development proposals which accord with an up-to-date development plan should be considered sustainable and approved without delay (para.11).

Where there are no relevant development plan policies, or where they are out of date, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets provide a clear reason for refusing the proposal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole (para.11).

Paragraph 12 of the NPPF establishes that the presumption in favour of sustainable development does not change the statutory status of the development plan, which is the starting point for making decisions on planning applications.

Planning law requires that applications for planning permission be determined in accordance with development plan, unless material considerations indicate otherwise (para. 47).

#### **Section 4: Decision-making**

Local planning authorities should approach decisions on proposed development in a positive and creative way. Decision-makers at every level should seek to approve applications for sustainable development where possible (para. 38).

Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community (para. 39).

Paragraph 65 identifies that for major developments involving housing, decisions should expect at least 10% of the homes to be made available for affordable home ownership unless this would exceed the level of affordable housing in the area or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions of this rule include if the development is for solely for Build to Rent homes or provides specialist accommodation for a group of people.

In accordance with paragraph 75, LPAs are required to identify and update annually a supply of specific deliverable sites sufficient to provide a five-year supply of housing against the annual requirement. This supply should include the relevant buffer.

#### **Section 5. Delivering a sufficient supply of homes**

To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where needed (para. 60).

Under paragraph 74, Local planning authorities are required to identify and update annually a supply of specific deliverable sites, sufficient to provide a minimum of five years' worth of housing against their housing requirement as set out in their adopted strategic policies.

## Section 6. Building a strong, competitive economy

Paragraph 81 identifies that planning policies and decisions should help create conditions in which businesses can invest, expand and adapt as “significant weight” is placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development.

When seeking sustainable economic growth, paragraph 82 identifies the need to “seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment”.

## Section 7. Ensuring the vitality of town centres

The NPPF supports the role that town centres play at the heart of local communities. Paragraph 86 recognises the importance of:

- promoting the long-term vitality and viability of town centre – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries;
- defining the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations;
- recognising the role residential development often plays in ensuring the vitality of centres and encouraging residential development on appropriate sites.

Paragraph 87 establishes the sequential test to planning applications. Main town centre uses should be located in town centres, then in edge of centre locations. Only if suitable sites are not available should out of centre sites be considered.

## Section 8: Promoting healthy and safe communities

Paragraph 92 identifies the importance of planning policies and decisions achieving healthy, inclusive and safe places. The NPPF identifies that this can be achieved through:

- a) promoting social interaction via mixed-use development, strong centres, street layouts which support pedestrians and cycle connections, and active street frontages;
- b) creating safe and accessible areas with clear and legible pedestrian routes and high-quality public use; and
- c) enabling healthy lifestyles through the provision of safe and accessible green infrastructure, sports facilities and local facilities.

## Section 9: Promoting sustainable transport

Transport issues should be considered from the earliest stages of development proposals (para. 104). Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes (para. 105).

Paragraph 110 stipulates that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (para. 111). All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application



should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed (para. 113).

### **Section 11: Making effective use of land**

The NPPF requires decisions to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring healthy living conditions (para. 119).

Planning policies and decisions should encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside (para. 120). The NPPF supports the promotion and development of under-utilised land and buildings (para. 120). Planning decisions are therefore required to give substantial weight to the value of using suitable brownfield sites within settlements for homes and other identified needs and to support appropriate opportunities to remediate derelict, contaminated or unstable land (para. 120).

### **Section 12: Achieving well-designed places**

Paragraph 130 stipulates that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 132 states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

### **Section 14: Meeting the challenge of climate change, flooding and coastal change**

Paragraph 153 details that local plans should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply / demand considerations. Paragraph 154 specifies that new development should be planned to reduce greenhouse gas emissions (e.g. through location, orientation and design).

### **Section 15: Conserving and enhancing the natural environment**

Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity and preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability (para. 174).

Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin and management plans and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate (para. 174).

Planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation) (para. 183.)

Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development (para. 185).

### **Section 16. Conserving and enhancing the historic environment**

Regarding heritage assets, the NPPF states: ‘These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations’ (para. 189).

The significance of heritage assets, including any contribution made by their setting should be clearly set out by the applicant (para. 194). Developers should submit an appropriate desk-based assessment and, where necessary, a field evaluation where sites have the potential to be of archaeological interest.

Under paragraph 195, when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be placed on the asset’s conservation. The more important the asset, the greater the weight should be.

Paragraph 200 states that: ‘Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.’

Under paragraph 201, ‘Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss’, or alternatively a set of criteria will be applicable and need to be met.

In accordance with paragraph 202: ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use’.

The effect of an application on the significance of non-designated heritage assets should be taken into account when determining the application. A balanced judgement is required, having regard to the scale of harm or loss to the significance of the heritage asset (para. 203).

### **Planning Practice Guidance (2014 and as amended)**

PPG ‘*Planning for town Centre vitality and viability*’ states that town centres are defined, for planning purposes, as comprising a range of locations where main town centre uses are proposed. Local planning authorities can take a leading role in promoting a positive vision for these areas, and bring together stakeholders as well as supporting sustainable economic and employment growth. Consideration should also be given to structural changes in the economy, particularly leisure and shopping patterns and formats, and the impacts there are likely to have on individual town centres and how the planning tools available to them can support necessary adaptation and change.

The guidance states that a wide range of complementary uses can help to support the vitality of town centres, including residential, employment, office, commercial, leisure/entertainment, healthcare and educational development.

The PPG also sets out that evening and night time activities have the potential to increase economic activity within town centres and provide additional employment opportunities. These activities can allow town centres to diversify and help develop their unique brand and offer services beyond retail.

PPG also provides guidance for a range of technical matters, which are summarized in the relevant technical assessments which accompany this planning application.

## Supplementary Planning Documents/Guidance

### Affordable Housing Supplementary Planning Document (2010)

The objectives of the SPD are to:

- Provide clear guidance to assist in the determination of planning applications for developments;
- Increase the provision of affordable housing in the borough in order to meet local needs;
- Provide a range of affordable homes in relation to tenure, size and location; and
- Ensure that local residents have the opportunity to buy or rent a home that is affordable for their income.

#### Overall Expectations

The delivery of affordable housing will be achieved by supporting new provision by the RSL sector and requiring private sector development to contribute as follows:

1. A target of at least 30% of the total capacity of all new residential development on sites of 5 or more units. This target includes both housing for social rent (15%) and intermediate housing (15%).
2. On sites of 15 or more dwellings the presumption will be for on-site provision unless no local need exists, in which case a commuted sum in lieu of on-site provision will be required.
3. Any relaxation of the above requirement will only be considered if fully justified by an independent site-specific economic viability study.

Where on-site provision of affordable housing is not considered appropriate or feasible the Council will expect the developer to enter into a Section 106 agreement to provide a financial contribution for provision off-site.

#### Commuted Sum Calculation Method

Where a commuted sum in lieu of on-site provision is required, the following method will be used to calculate the off-site contribution required:

1. The cost to a developer in providing shared ownership and social rented housing is assumed to be 25% (i.e. units would be transferred to a Registered Social Landlord at 75% of open market value);
2. The level of financial contribution required in lieu of on-site provision is 30% (assuming 30% provision) of the 25% cost, in line with the 30% affordable housing requirement;
3. 7.5% (i.e. 25% of 30%) of total open market value will therefore be required;
4. The open market value of each type of property will be based on the most up-to-date Land Registry average ward house price data; and
5. These will be totalled to calculate the total open market value, of which 7.5% will be sought.

## Design and Crime Supplementary Planning Document (2011)

### Purpose of the Document

The purpose of this Supplementary Planning Document (SPD) is to set out the design principles the Council wish to see demonstrated in developments for the prevention of crime.

### Aims and Objectives

The objectives of the SPD are:

1. To provide clear guidance in the determination of planning applications for development.
2. To enable crime prevention issues to be considered from the earliest stages of project planning through discussions between the Council and developers.
3. To encourage a high standard of design in new developments.
4. To promote creative and innovative solutions in the design and layout of the physical environment.
5. To improve the quality of life of residents in the Borough through reducing the incidence of crime and fear of crime.

### Design Principles

#### *Access and Movement*

The layout and permeability of development, the streets, buildings and spaces have an important effect on the levels of crime in an area. Layouts can provide clear, direct routes that are well overlooked, spaces that are interconnected, and places and buildings that link in with adjacent areas. It can also promote social interaction and a greater sense of place.

#### *Activity and Natural Surveillance*

Ensuring a high level of activity in communal and public areas is essential in creating a sense of safety and providing natural surveillance. Natural surveillance is ensuring that people are able to view all external areas so that the potential for criminal activity is discouraged.

New development proposals should, where appropriate, have a mix of uses that create levels of activity to help reduce the opportunity for crime and improve natural surveillance. A limited use or single user can lead to places feeling deserted and can result in crimes being unable to be detected.

#### *Town Centres*

Town centres which lack any activity in the evening after the shops have closed are often vulnerable to criminal and anti-social activity. The evening and late-night economy should try to provide for a mix of uses including restaurants, bars, leisure facilities, shops and galleries. Any external areas for gardens, terraces or smoking should be appropriately positioned, designed and segregated from the street.

#### *Public realm and private spaces*

All public spaces (whether parks, play areas or sports pitches) should be designed with clear, legible layouts that benefit from high levels of natural surveillance and incorporate boundary treatments, which do not obscure views in and out of the site. All routes (including footpaths, bridleways and cycleways) and designated areas of activity, should be well secured with controlled access and appropriately laid out.

### *Car parking and servicing*

New development should provide safe and convenient parking and servicing that is secure whilst also not having a negative impact on the street scene. Public car-parking operators are encouraged to aim to achieve the Park Mark Safer Parking Award status.

## **Design Guidance Supplementary Planning Document (2007)**

### **The purpose and scope of the SPD**

The SPD provides an overview of the design principles that the local authority will employ when considering applications for planning permission. The SPD is not a detailed Design Guide, rather it is a concise document which provides advice on how to approach the design of all new development in St Helens.

### **Design Principles**

The SPD sets out a series of principles for good design, a process through which this can be achieved, and then looks at ways in which general objectives can be applied to specific issues, these include:

1. A healthy, safe, attractive and rich environment, with a choice of good transport facilities for all.
2. Reduced crime and fear of crime.
3. Sustainable and stronger communities, narrowing inequalities with better opportunities for disadvantaged groups.
4. To secure urban regeneration.
5. To balance the needs of new development and protection of the environment.
6. To improve the quality of the environment to make St. Helens a more attractive and safer place to live, work, play, invest and to visit.
7. To take account of the need of all sectors of the community in the provision of housing, employment, transport, recreation facilities and infrastructure.
8. To conserve resources and work towards the principles of sustainable development.

In addition to these plan-based objectives and following the Sustainability Appraisal, four further Design Guidance objectives have been identified:

- I. To encourage a shift from car usage towards more sustainable modes of transport in accordance with the Merseyside Local Transport Plan.
- II. To secure the sustainable regeneration of vacant or underused previously developed land and to assist in the regeneration of socially deprived and disadvantaged communities in accordance with the St. Helens City Growth Strategy.
- III. To help protect and enhance the biodiversity of the Borough through helping to deliver objectives set out in the North Merseyside Biodiversity Action Plan.
- IV. To contribute towards reducing global warming and climate change by helping to reduce greenhouse gas emissions.

Section 15 focuses on the public realm and notes the importance of the need for a variety of spaces and the role of spaces as casual meeting places. In terms of landscaping the following key principles are noted to create a distinctive sense of place, landscaping should be:

- integral to the whole scheme design
- appropriate to its context, the site and use of space
- appropriate to the scale of the development and the specific location
- practical, long lasting, resilient to wear and vandalism and cost-effective to maintain;
- vegetation should enhance wildlife value and contribute to the Community Forest Strategy and North Merseyside Biodiversity Action Plan where appropriate.

## Hot Food Takeaways Supplementary Planning Document (2011)

The SPD explains SHMBC's approach to hot food takeaway development sets out key considerations relating to:

- Proximity to Schools and Health Impact
- Over-concentration and clustering
- Highway Safety
- Protection of Residential Amenity
- Hours of Operation
- Odours and Cooking Smells
- Disposal of Waste Products
- Litter
- Crime and Anti-Social Behaviour
- Visual Impact of Extraction Equipment
- New Shop Front SPD/ Design Issues

SDP Implementation Point 1 *Schools, Health and Town Centres*, states that planning permission for a hot food takeaway will only be granted if it is location in certain areas. One of the specified areas is within the defined town centres of St Helens or Earlestown. Where a hot food takeaway is location within a town centre, it should not result in:

- I. More than 5% of the units within the centre or frontage being hot food takeaways
- II. More than two A5 units being located adjacent to each other
- III. Any less than two non-A5 units between individual or groups of hot food takeaways
- IV. iv) The proportion of A1 uses in a primary retail frontage falling below 75%

SDP Implementation Point 2 Highway Safety states that the impact of the proposal on the safety of pedestrians will be considered with regard to the existing use of the site and existing traffic conditions, the availability of public parking provision in close proximity, the availability of safe and legal loading areas in close proximity and the implications for the amenity of the surrounding area.

SDP Implementation Point 4 Hours of Operation states that when considering the appropriate hours of operation, regard will be had to the existing of a established evening economy in the area, the character and function of the immediate area, potential benefits and impacts on residential amenity.

SPD Implementation Point 5 *Odours and Cooking Smells* sets out the appropriate extraction systems to be implemented and SPD Implementation Point 6 *Disposal of Waste* sets out the appropriate location of bins and waste storage, with SPD Implementation Point 6 *Litter* highlighting a planning condition will require the installation of bins to deal with public litter.

SPD Implementation Point 8 *Crime and Anti-Social Behaviour* outlines that the Council will consider issues around community safety, crime and disorder when determining applications for hot food takeaways.

## List of Locally Important Buildings Supplementary Planning Document (2011)

The document provides guidance on buildings and structures which do not meet the criteria for national statutory listing or are not within designated areas but nonetheless are of local historical and/or architectural merit. These buildings/structures reinforce local distinctiveness and a sense of place but do not enjoy any (statutory) protection, especially against demolition.

### Aims and Objectives

The key objectives of this SPD are:

- To raise the profile of buildings and structures that contribute to the special local character and distinctiveness of an area.
- To encourage the preservation and repair of buildings and structures of local historical and architectural importance.
- To enhance the appearance of St Helens' built environment.
- To provide clear guidance to the Council's Development Control Team and developers on alterations to such buildings where planning permission is required.
- To ensure that developments are sympathetic and appropriate to the character of the Borough's locally important historical buildings.

### Guidance on works to buildings/structures

When considering applications for alterations, extension or demolition of a building or structure, the special interest of the building and its level of local importance will be taken into consideration. Any building considered locally important will be a material consideration when determining any planning applications affecting it. Any proposal affecting a local listing will be assessed using the following guidance:

- **Character:** Proposals should preserve or enhance or restore its historic or architectural character.
- **Setting:** new development in close proximity to buildings included in the local list should ensure that its setting is safeguarded/enhanced and not compromised through:
  - a. The historical layout/position of buildings;
  - b. Levels of enclosure or openness of the site;
  - c. Views through, from and into the site;
  - d. The use of traditional boundary treatments and landscape materials; and
  - e. Landscape features and their position and purpose.
- **Visual Amenity:** not have a detrimental effect on the visual amenity and interest of the local area and consideration of the impact on the street scene should be made.

- **Special Features:** It is important that the special features of a building, which contribute to its importance and character, are retained and a “retention and repair” approach should be adopted.
- **Demolition:** will only be permitted where the replacement is of such a high quality that the loss of the locally important building will be adequately mitigated by a development that enhances the character of the local area. Where a loss is proven to be acceptable the Council will require a full record of the building to be carried out and any features of local historical interest to be donated to an interested party.
- **Landscaping:** Historic boundary treatments and landscaping materials which contribute to the setting of the local area should be retained wherever possible. The loss of trees and open greenness can have a negative effect on the local landscape and new development should incorporate new or replacement landscaping to mitigate any of these changes.

## New Residential Development Supplementary Planning Document (2011)

The aim of the SPD is to set out the expectations of the Council in relation to new residential development.

The key objectives of this SPD are to:

- Provide clear and consistent guidance on new housing developments.
- Assist in the determination of planning applications for new housing developments.
- Provide guidance on good design principles to allow high quality housing that is well designed and built to a high standard.
- Ensure developments are sympathetic and appropriate to their context.
- Improve the quality of the built environment in the borough.
- Ensure developments create an environment that it is safe for all users and in which people are encouraged to walk, cycle, use public transport and feel safe doing so.

### Key Residential Development Design Objectives

#### *Building for Life*

This SPD complements Building for Life and the intention is that the quality of design will meet the BfL design standards. Building for Life (BfL) is a method for measuring the design quality of residential developments. It involves assessing the quality of schemes by asking 20 questions, which cover four subject areas:

- Environment & Community.
- Character.
- Streets, Parking & Pedestrianisation.
- Design & Construction.

## Shopfronts Supplementary Planning Document (2010)

The aim of the SPD is to set out the expectations of the Council in relation to shopfronts. The key objectives are:

- To provide clear and consistent guidance on the design of shopfronts.
- To assist in the determination of planning applications for development.



- To encourage good practice in shopfront design and redesign to ensure that it makes a positive contribution to the street scene.
- To ensure that shop fronts contribute positively to the daytime and evening economy.
- To ensure shopfronts are sympathetic and appropriate to the character of the Borough's conservation areas and listed buildings.
- To enable shop fronts to be accessible to all through inclusive design.
- To improve the quality of the built environment in the Borough.

The SPD states that all development proposals should have regard to the principles set out in this SPD. The Council will expect that all design and access statements (for both minor and major planning applications) should demonstrate how the design and layout of the proposal has regard to the guidelines and key principles outlined in this document.

The key design principles set out in the SPD are:

- Respecting the building
- Street Rhythm
- Interest
- Scale
- Materials
- Colour
- Fascias
- Advertisements and Signs
- Illumination
- Lettering

The SPD also sets out that any proposed awnings, canopies and blinds should be carefully incorporated into the shopfront and any advertisements, words and logos on the canvas should be kept to a minimum.

## **St Helens Masterplan Development Framework (2022)**

The Masterplan Development Framework (MDF) for St Helens town centre provides an aspirational vision with a focus on deliverable transformation, built on feedback from the community. The MDF sets out an aspirational but realistic vision for the future of St Helens town centre, identifying the opportunities and challenges which exist, and illustrating first thoughts and ideas around significant commercial and leisure investment that will completely transform the centre.

The investment will include new retail spaces, new homes, high quality offices, hotel accommodation, a new bus station, improved public realm and new green spaces.

St Helens town centre is the principal town for St Helens Borough and provides a range of key services for the borough including retail, community uses and amenities. St Helens town centre is complemented by Earlestown town centre and a range of smaller district, village and local centres across the borough.

The MDF sets out that the transformation of St Helens town centre will focus on its heritage, sporting and cultural assets, building on its uniqueness to do things differently and innovatively, including the global opportunity of Glass Futures and Foundation Industries. This focus will in turn help create vibrancy within the town centre for all to use, value and enjoy, making St Helens an attractive place in which to live, work, visit, and invest.

The MDF was prepared to respond to the issues and challenges that the town centre currently faces, whilst also identifying the key assets and opportunities that are important to preserve, enhance and build upon.

The MDF sets out that a town centre health check was undertaken, which noted various considerations:

- The local retail property market is dominated by large scale monolithic indoor shopping precincts hidden from view and invisible to potential customers;
- Some properties are in a poor condition and fail to offer the modern retail offer to new exciting independent traders;
- The town centre has a unique architectural heritage and cultural offer that is underutilised. These assets should play a greater role in attracting visitors to the town centre;
- The town centre environment has an important role in making St Helens a distinctive and attractive place to visit. It offers an opportunity for us to green our high street helping to tackle both the climate and health challenges faced by the borough
- Good transport connections exist to the strategic road network, rail links and key bus routes however there remain challenges including a poor sense of arrival in the town centre, difficult wayfinding and in general the town centre feels like it is turning its back on you as a visitor rather than welcoming you in;
- The financial and service industry are well represented in the town centre, but their impact is lessened as they are located across a wide geographic area. There is an opportunity to build on this foundation and create new and modern places to work in a flexible way; and
- It is clear that the town centre has real potential. Whilst radical change is required in some areas others present the opportunity for more incremental and organic change to happen over time.

As a result, the key issues for the MDF to address are:

- Supporting existing retailers and traders, by consolidating and enhancing the retail offer and responding to existing challenges and future trends to ensure a vibrant town centre for the existing community and future generations to enjoy;
- Reducing the oversupply of shopping centres that overdominate the built form and creating smaller modern retail properties attractive to the independent sector and new entrepreneurs. This will build on the already strong and growing independent sector within the town.
- Introducing a mix of new uses and diversifying the traditional retail offer through a mix of complementary alternative uses including food and drink, commercial, residential, as well as range of amenities and services.
- In doing so, improving and enhancing the night-time economy and broadening the overall leisure, food & beverage opportunities within the town with a focus on families.
- Delivering a quality town centre living offer to diversify the housing stock and to provide an alternative for those wanting to experience the new amenities in the town centre. This will appeal to a new sociodemographic and create a critical mass of new population who will provide footfall to support the nighttime economy and invest in their local high street.

- The need to respond and be cognisant of the changing demographic of the borough, including the ageing population.
- The opportunity to utilise available development sites within the town centre and the potential of brownfield land to contribute towards growth targets including the delivery of new homes.
- Improving place-making and sense of place. Providing better amenity and experience will encourage people of all ages to visit and spend their leisure time in St Helens town centre. This includes making more of the student footfall from St Helens College.
- Ensuring that the town centre is accessible by all modes of transport. This must include sustainable modes of transport such as walking and cycling, and that appropriate infrastructure is in place to accommodate this. Similarly, improved access by bus and rail should also be incorporated into the Framework. Car parking should be considered across the town centre and future provision and demand assessed in the context of climate change and sustainability targets.
- Positively changing the perceptions of the town centre, through high quality events and activities in the centre including temporary pop ups or ‘meanwhile’ uses to demonstrate change is happening.
- The opportunity to redevelop Council-owned assets to best effect. This includes making the most of the significant and extensive heritage and cultural assets that exist in the town centre.

The MDF sets out the following vision:

“By 2030 St Helens will be culturally centred, will nurture and celebrate its cultural and industrial heritage, will build upon its creative and innovative gene in glass making and foundation-industries to innovate and do things differently, and create new opportunities, including those from the City Region. Vibrancy will be created for the town centre; the town will be a more accessible and enjoyable place to come together and will be a place where the community will learn from one another, improve their physical and mental well-being and where people want to live, work and visit. Businesses and residents will be attracted to the new opportunities available, will have quality spaces to dwell and will benefit from improved transport and digital connections borough-wide”.

The following strategic objectives will help to achieve the delivery of a culturally centred and vibrant town centre, which is at the heart of the vision for St Helens::

7. Delivering a diverse, vibrant and animated town centre
8. Establishing a foundation for future growth
9. Promoting high-quality town centre
10. Creating a sustainable, accessible and connected town centre
11. Positively changing perceptions of the town
12. To provide a health and community-focused town centre

The following key design principles are set out in the MDF:

- Create positive active frontages throughout the town centre, such as leisure, retail and residential at ground level.
- Open up the desire lines improving natural wayfinding and maximising existing landmarks and focal points.

- Create opportunities to provide experiences through a range of placemaking activities and events which animate the spaces and create interest.
- Improving and linking public space, historic, cultural buildings, the canal and existing positive streets.
- Increasing the footfall throughout the town centre.
- Creating new and improved dwell spaces.
- Creating a density that is appropriate to a town centre location.
- Draw upon the heritage analysis of the site and street patterns, seeking opportunities to restore the historic street grain pattern with a network of interconnecting shared surface streetscapes.
- Consolidate car parking supply to make car parks more efficient, reduce circulating vehicles in the town centre and promote sustainable travel.
- Adherence to latest guidance on 'Building Better, Building Beautiful'.

The town centre area has been divided into four broad character zones, which have been delineated based upon key characteristics. Each zone has an important role to play in the wider transformation of St Helens town centre, and collectively, they will support the delivery of the overarching vision.

#### **Character Zone 1 – Central Retail:**

Encompassing the heart of the town, occupied by traditional high street uses and centred around the Grade II listed St Helens Parish Church, which is a key asset for St Helens and the focus of Church Square. There are opportunities to improve the built environment, landscaping and reduce the dominance of the insular shopping centres which reduce the permeability within the town centre.

The Central Retail zone is bounded by the existing bus station and Claughton Street to the north, St George's Quarter/Conservation Area to the east, Foundry Street/Chalon Way West to the south, and Bridge Street to the west.

#### **Character Zone 2 – Civic and Heritage:**

Comprising the area between St Helens Central (rail station), existing bus station around Bickerstaffe Street, George Street Quarter Conservation Area, Victoria Square Conservation Area, and the parcel of land between College Street and Birchley Street. This zone includes many of the town centre's heritage assets.

Development coming forward in this location needs to be sensitive to the unique character of the Conservation Areas – to preserve and/or enhance the heritage assets through bringing forward appropriate and sensitively-considered development in terms of scale, massing and use of materials. There is a real opportunity in this zone to enhance the quality of the Conservation Areas.

#### **Character Zone 3 – Discovery**

Presents an arc of opportunity for change and future transformation for the town centre. It includes the area in and around the Sankey (St Helens) Canal, important listed structures including the highly significant Tank House, which is both Grade II\* listed and a Scheduled Ancient Monument (SAM), being the best surviving example of a late 19th century glassmaking tank furnace building. These important buildings and structures represent the cultural heritage and glass legacy of the borough. The zone is bounded by the Linkway (A58) to the south and east.

#### **Character Zone 4 – Education and Entertainment**

As its name suggests, this part of the town centre includes the St Helens College Campus and is bounded by Linkway West. This area is characterised by education uses, surface car parking, large, big box retailers, leisure uses and provides the focus for the evening economy from Bridge Street and Barrow Street to Westfield Street and extending to Duke Street.

In regards to transport, the MDF proposes the following changes which will have implications for transport:

- Bus Station reconfiguration and enhancement of the link between bus station and rail station;
- Removal of some car parks, notably St Mary’s and Hardshaw Centre car parking provision;
- Re-provision of parking facilities at suitable locations that are to be informed by a new parking strategy;
- Access only provision to new residential development in the south east of the draft Masterplan Framework area;
- Creation of a pedestrian link through what is currently the Hardshaw Centre; and
- Development and enhancement of a pedestrian route and green park towards the Stadium.

The public realm strategy focuses on the following elements:

- Establish a strong hierarchy of streets and spaces that prioritise pedestrians and cyclists;
- Improve strategic connections between the key assets and destinations within the town centre and beyond;
- Provide a mix of public space opportunities that encourages people to engage with their environment and community;
- Create a unique and distinctive town centre including introducing public art within streets and spaces to create local landmarks and aid with legibility; and
- Support the development of key sites and encourage investment in the town centre.

A key cross-cutting theme and objective for the Draft Masterplan Development Framework is sustainability and ensuring that key sustainability principles are adhered to. This approach is in line with the pledge that St Helens Council has made; to meet zero carbon status by 2040 and address the impact that climate change is having on the borough. It will be vital to deliver a town centre that is future-proofed to be able to respond to the climate emergency, deliver low carbon buildings, increase biodiversity across the town centre and reduced waste through construction and operational activities.

## Appendix IJ19

Forge Field Society & Ors, R (on the application of) v Sevenoaks District Council [2014]  
EWHC 1895

Neutral Citation Number: [2014] EWHC 1895 (Admin)

Case Nos: CO/735/2013  
CO/16932/2013

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**ADMINISTRATIVE COURT**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 12 June 2014

**Before :**

**Mr Justice Lindblom**

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**Between :**

**The Queen (on the application of**  
**(1) The Forge Field Society**  
**(2) Martin Barraud**  
**(3) Robert Rees)**

**Claimants**

**- and -**

**Sevenoaks District Council**

**Defendant**

**- and -**

**(1) West Kent Housing Association**  
**(2) The Right Honourable Philip John Algernon**  
**Viscount De L'Isle**

**Interested Parties**

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**Mr James Strachan Q.C.** (instructed by **Winckworth Sherwood**) for the **Claimants**  
**Mr Alexander Booth** (instructed by **the Council Solicitor of Sevenoaks District Council**) for  
the **Defendant**  
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Hearing dates: 24 and 25 March 2014

## **Judgment**

**Mr Justice Lindblom:**

*Introduction*

1. In the village of Penshurst in Kent there is a field called Forge Field, on which planning permission has twice been granted for a development of affordable housing. Those two planning permissions are the subject of these proceedings.
2. There are two claims for judicial review. The claimants in both are the Forge Field Society (“the Society”), an unincorporated association which opposes the development of Forge Field, its chairman, Mr Robert Rees, and its secretary, Mr Martin Barraud. In both claims the claimants seek an order to quash a decision of the defendant, Sevenoaks District Council (“the Council”), to grant planning permission for the proposal. In the first claim the claimants attacked the planning permission granted by the Council in October 2012. The second claim challenged the permission for the same development granted a year later in October 2013. The applicant for planning permission was the first interested party, the West Kent Housing Association (“West Kent”). The second interested party, Viscount De L’Isle, owns Forge Field through the Penshurst Place Estate.
3. On the second day of the hearing the Council abandoned its defence of the first planning permission. But it still maintained that the second had been lawfully granted.

### *Background*

4. Penshurst is in the High Weald Area of Outstanding Natural Beauty (“the AONB”) and the Metropolitan Green Belt. Forge Field is about a third of a hectare of rough grassland, sloping down from the High Street. It is in the Penshurst Conservation Area, within the settings of Star House, a grade II\* listed building erected in 1610, and Forge Garage, a building in the Arts and Crafts style, now divided into the Old Smithy and Forge Garage Cottage, and listed at grade II.
5. In 2009 the Council accepted that the need for affordable housing in Penshurst should be met by building about five two-bedroom houses and making them available as affordable dwellings for local people.
6. West Kent submitted its first application to the Council in August 2011. It sought planning permission for six affordable dwellings, each with two bedrooms. In April 2012 the Becket Trust Housing Association (“the Becket Trust”) submitted an application for planning permission for affordable housing on another site in Penshurst, known as Becket’s Field. As originally submitted, the application was for the construction of 10 affordable dwellings on a site including land owned by West Kent. But this proposal was later amended. West Kent’s land was excluded from the site and the proposed development was reduced to a scheme for the construction of six new dwellings on land owned by the Becket Trust.
7. West Kent’s proposal was put before the Council’s Development Control Committee at its meeting on 4 July 2012. The committee received a report from the Council’s Chief Planning Officer, recommending approval. The committee accepted that recommendation and resolved to grant planning permission, subject to conditions and a section 106 agreement to secure the provision of housing to meet local need and the necessary highway improvements. The Becket Trust’s amended proposal was not considered by the committee at that meeting.
8. Both proposals were considered by the committee on 18 October 2012. The members were advised that the two schemes were alternatives to each other. Either of them would satisfy the identified need for affordable housing in the parish. The committee resolved to grant



planning permission for West Kent's proposal and to refuse permission for the Becket Trust's. The decision notices were issued on 25 October 2012.

9. The first claim for judicial review was lodged with the court on 22 January 2013. Permission for that claim to proceed was granted by Lewis J. on 29 July 2013.
10. In the meantime, on 23 May 2013, West Kent made its second application for planning permission, for a proposal identical to the first, but with a revised design and access statement. On 17 July 2013 the Society's solicitors, Winckworth Sherwood, objected to that application on its behalf. On 14 August 2013 the Council's Legal Services Manager sent Winckworth Sherwood a draft of the Chief Planning Officer's report on the second application, and invited their comments on it. Winckworth Sherwood responded on 5 September 2013. They said the Council could not determine the new application for planning permission at Forge Field without there being a real risk of bias. But they also made several comments on the draft report, one of which was that the Council had not investigated the possibility of an acceptable development of affordable housing at Becket's Field, jointly pursued by West Kent and the Becket Trust.
11. The committee considered the second proposal on 3 October 2013, and accepted the officer's recommendation to approve it. Planning permission was granted on 4 October 2013.
12. On 14 November 2013 the claimants issued their second claim for judicial review. On 9 December 2013 Patterson J. ordered a rolled-up hearing of that claim, to be fixed for the same day as the hearing of the first.

#### *The issues*

13. As I have said, the Council no longer opposes the first claim. On its behalf Mr Alexander Booth acknowledged, while making his submissions, that on one of the Society's grounds, which alleged that the Council had failed to comply with its statutory duties in making a decision with implications for the settings of listed buildings and for the conservation area, the claim could not properly be resisted. No other party in those proceedings had opposed the claim. In the circumstances Mr James Strachan Q.C., for the Society, invited me to order that the planning permission of 25 October 2012 be quashed. He recognized, of course, that the claimants' success in the first case would be of no use to them unless they also won in the second.
14. The second claim raises five issues:
  - (1) whether the second planning permission was tainted by the appearance or risk of bias because when it was granted the Council was still fighting the claim for judicial review against its previous decision on the same proposal (ground 1);
  - (2) whether the Council failed to discharge its duties under sections 66(1) and 72 of the Listed Buildings and Conservation Act 1990 ("the Listed Buildings Act") when considering the likely effects of the development on the setting of the listed buildings and on the conservation area (ground 1A);
  - (3) whether the Council misdirected itself on the principles of policy for the AONB in the National Planning Policy Framework ("the NPPF") (ground 2);

(4) whether the Council failed properly to consider alternative sites for the development of affordable housing to meet the identified need (ground 4); and

(5) whether the Council's decision was irrational (ground 5).

15. Ground 3 of the claim, which alleged that the Council had failed to screen the second proposal under the regime for environmental impact assessment, was not pursued after the Council had provided the claimants with a copy of its screening opinion.

*Issue (1) – the appearance or risk of bias*

16. On 2 July 2013 West Kent's planning consultants, Smiths Gore, wrote to the Council to explain why the second application for planning permission had been submitted. The claim for judicial review would delay the project and might jeopardize its funding. West Kent had therefore decided to submit the proposal to the Council again, with further explanatory information in the revised design and access statement.

17. When he wrote to Winckworth Sherwood on 14 August 2013 the Council's Legal Services Manager said the draft officer's report had taken into account "the criticisms raised by the legal challenge". But he said this was not an admission by the Council that the previous officer's report was deficient in any way, or that there was any error in the decision to approve the first proposal. The Council recognized that this was "an important but controversial development for Penshurst". It wanted the Society to be satisfied that its views had been considered and that "procedurally" the decision was correctly taken. The Society was therefore invited to consider the draft committee report and to tell the Council if it thought there was any omission or error in the draft report.

18. In their letter of 5 September 2013 Winckworth Sherwood said that if the Council believed the 2012 planning permission was not vulnerable to challenge it was "inevitable that neither the officers nor the Council will be approaching the reconsideration with the required degree of objectivity and lack of bias". Pointing to the decision of the Court of Appeal in *R. (on the application of Carlton-Conway) v Harrow London Borough Council* [2002] EWCA Civ 927, they said it was "obvious that there is a real risk that the Council, in taking its decision on this fresh application, will wish to support the decision that they have already taken on the 2012 permission in order to try and avoid the consequences of the forthcoming judicial review and any costs implications". But without prejudice to that point they made "some limited preliminary observations" on the draft report.

19. In his report for the meeting of the committee on 3 October 2013 the Chief Planning Officer gave the committee this advice on the approach it should take:

"The detail of the Court proceedings is not relevant to the consideration of this planning application. The officer's report on the application that follows is based on additional information and includes additional analysis to address concerns raised through the Court process." (paragraph 9)

and:

“As planning permission SE/11/02258/FUL is subject to a legal challenge members should approach the determination of the application as if this were the first time they have seen it. Members are specifically warned not to approach the task of determination with consistency with previous decisions at the forefront of their minds.” (paragraph 10).

20. The report dealt with the suggestion that the Council would not approach the application with an open mind. It said that the officers who had prepared and contributed to it were “professionally qualified and duty bound to provide an impartial objective assessment of the planning merits of this planning application”. They did not accept that the Council’s previous decision was “legally flawed”. But it was “simply common sense to consider points raised by the judicial review and ensure that the application is correctly assessed in respect of the grounds of challenge”. The Chief Planning Officer explained how the new proposal had been assessed:

“Officers have adopted the approach of starting with the assumption that each of the grounds of judicial challenge has merit. Officers have then tested the application as required for each particular ground. Had the [judicial] review been decided and planning permission SE/11/02258 quashed it would still be necessary for the Council to determine SE/11/02258. That would require the officers to prepare a report that took into account the procedural irregularity that resulted in the quashing of the decision. This planning application has allowed the Council to in effect do this in advance of any decision on the merits of the challenge.” (paragraph 91).

The members were told again that they should “consider the application afresh on the basis of this officer report which has been prepared with additional information over the reports on SE/11/02258” (paragraph 92).

21. The officer then set out his appraisal of the proposed development, issue by issue (paragraphs 93 to 181). At the end of that part of the report he came to the Society’s suggestion that “... this application is an admission that the previous application [was] not properly considered”. His advice on that point was that “[the] existing planning permission is subject to Judicial Review and the High Court will determine whether the decision was procedurally flawed or not” (paragraph 178).
22. In his first witness statement, dated 27 November 2103, the Council’s Principal Planning Officer, Mr Andrew Byrne says that at the committee meeting the Chairman asked the Legal Services Manager to explain why the members had been advised to deal with the proposal as if it was the first time they had seen it. The Legal Services Manager said the members should decide the application on its merits and should not let the decision taken in October 2012 influence their decision. When some of them asked questions about the claim for judicial review, the Legal Services Manager told them this was not relevant to the decision they were making on the application before them. Mr Byrne says he is “entirely confident that Councillors fully understood that their decision on this fresh application should be based on the planning merits of the application and nothing more” (paragraph 5). At the meeting Mr Rees was given the chance to speak on behalf of the Society and did so, opposing the application (paragraph 6).
23. Mr Strachan submitted that the Council’s consideration of West Kent’s second application for planning permission was inevitably tainted by the risk or appearance of bias, in the same way as the local planning authority’s redetermination of its officer’s decision in *Carlton-Conway*. When the Council considered the second application the first claim for judicial

review was live, and the Council was resisting it. Mr Strachan said that a fair-minded person would be bound to think that the members would want to support their previous decision, thus avoiding for the Council the inconvenience and cost of defending that decision before the court. An authority can lawfully make a decision whose effect is to render a claim currently before the court redundant. But, Mr Strachan submitted, this can only be done if the authority has first admitted that there was, or might be, some error of law in its previous decision. What the authority cannot do is make a second decision while denying any legal error in its first, for if it did that its second decision would be influenced, or at least would seem to be influenced, by the aim of justifying the previous one. This mischief was not to be avoided by officers producing a report advising members to ignore the earlier decision. The members could not be expected to do that. They would be conscious of their earlier decision and would naturally want to follow it. But anyway, Mr Strachan submitted, the advice given to the Council's committee in this case – that they should not have the principle of consistency in decision-making “at the forefront of their minds”, and that the officers did not regard the previous decision as legally flawed – was equivocal and apt to mislead.

24. I think that argument is misconceived. I do not accept that a planning permission granted on a second application seeking approval of the same development will automatically be infected by apparent bias unless the local planning authority admits to some error of law in making its previous decision. A finding of apparent bias will always depend on the facts of the case in hand. In this case, on the facts, I see no basis for holding that the Council's second decision was vitiated by bias, real or apparent, or by predetermination.
25. The relevant law is clear. The court will not readily find the appearance of bias in an administrative decision. The test is whether a fair-minded and informed observer, having considered the relevant facts, would think there was a real possibility of bias (see, for example, the speech of Lord Hope of Craighead in *Porter v Magill* [2002] 2 A.C. 357, at paragraph 103, and, in the context of a planning decision, the judgment of Richards L.J. in *R. (on the application of Condron) v National Assembly for Wales* [2006] EWCA Civ 1573, at paragraphs 11 and 38 to 40). The fair-minded observer is neither complacent nor unduly sensitive or suspicious. He views the relevant facts in an objective and dispassionate way.
26. The lodging of a claim for judicial review does not suspend the normal business of development control. Such a claim is not a means of defeating the proposal itself. It is a means of overturning an unlawful decision. The court's jurisdiction is confined to a review, on public law principles, of the process by which the decision was made. Success for the claimant does not come in the form of a different result on the planning merits, but in the undoing of a legally bad decision and a legally sound one being taken instead.
27. There is no reason in principle why a second application for planning permission should not be submitted and determined while a previous permission for an identical or closely similar development is under attack in the courts. This is often done. The same statutory requirements govern the process. The local planning authority has the same period in which to make its decision before the applicant can appeal for non-determination to the Secretary of State. The second application, like the first, must be determined on the merits of the proposal as they are at the time when the decision is made. If permission is granted it too may be challenged in a claim for judicial review.
28. In this case, as Mr Booth submitted, there was nothing to prevent West Kent from submitting its second application. That it did so was hardly surprising. It feared a lengthy and possibly fatal delay for its development until the Society's claim for judicial review had been decided

by the court. The application itself was valid. Further information on the proposed development was provided. The Council could have put off its decision on the second application until after the claim for judicial review had been heard. But it did not do that, and there was nothing to compel it to do so. West Kent was entitled to a timely decision on that application.

29. The Council did not have to concede any of the grounds in the claim for judicial review of the first planning permission if it was to avoid creating the appearance of bias in its decision on the second. What it had to do was to consider the proposal on its planning merits, acting throughout in accordance with the statutory regime for the making of development control decisions. In my view, subject to what I shall say on the other issues in the claim, that is what the Council did. I do not see how it can be suggested that a fair-minded observer, made aware of all the relevant facts, would have been in any doubt about that. The committee was advised that it must consider the proposal entirely afresh, and was cautioned against simply replicating the decision it had made before. The officers' advice to that effect was not ambiguous. It was perfectly clear. The fair-minded observer would not think that the members ignored it, or that they believed they could approach their task as if it were simply an exercise in validating their previous decision. There is no evidence to support such a conclusion.
30. I do not see the decision of the Court of Appeal in *Carlton-Conway* as authority for the broad proposition which Mr Strachan seeks to extract from it. That case turned on its own facts, which were very different from the facts here. A decision to grant planning permission which had been made by an officer under delegated powers was challenged on the basis that it ought to have been taken by a committee of members. After the decision had been challenged, and permission to apply for judicial review granted, a committee of the local planning authority purported to "ratify" the officer's decision. It was not suggested that this resolution represented a fresh grant of planning permission. But given the committee's decision it was argued on behalf of the authority that the court should exercise its discretion not to grant relief. That argument was rejected by the Court of Appeal. In a judgment with which Robert Walker L.J. and Sir Martin Nourse agreed, Pill L.J. said (at paragraph 27) that there was a "real risk" that when the members took their decision "there was a potential motivation, as would be perceived by a fair-minded member of the public, that a wish to support their Chief Planning Officer and to avoid the possibility of judicial review were factors which led to the relevant decisions". The appellant was therefore entitled to "a fresh consideration by the committee which was not burdened by the possibility of the extraneous factors" to which Pill L.J. had referred (paragraph 28).
31. As Mr Booth submitted, on the facts of this case, there was no attempt by the Council to confirm the decision it had already taken on the first proposal, nor any evidence that the committee was motivated to do that. On the contrary, in this case there was a wholly separate statutory process, begun by the making of a further application for planning permission and continued, in the normal way, with full consultation on that new application, representations for and against its approval, the opportunity for parties to comment on the draft committee report, the planning officer presenting the application to the committee as a fresh proposal, and the committee deciding whether or not planning permission for the proposed development ought to be granted. The legal integrity of that statutory process can be tested in a claim for judicial review, and it has been. But the process itself was a discrete and complete exercise in statutory decision-making. The members who took the decision were left in no doubt by the officers that this was so, and that it was their duty to approach their decision with an open mind. They considered the proposal in the light of the assessment presented in

the committee report, which was an entirely free-standing analysis of the planning merits. In my view it is unreal to suggest that a fair-minded observer would regard this process as liable to a risk of bias or predetermination. On the facts before the court, there was no bias, no appearance or risk of bias, and no predetermination.

32. This ground of the claim therefore fails.

*Issue (2) – sections 66 and 72 of the Listed Buildings Act*

33. Although this ground of the claim was introduced only after the Court of Appeal had given its decision in *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] EWCA Civ 137, Mr Booth did not press the Council’s resistance to its being argued, and I heard full submissions on it from either side.

34. Section 66(1) of the Listed Buildings Act provides:

“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

35. Section 72(1) provides:

“In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Among the provisions referred to in subsection (2) are “the planning Acts”.

36. Policy SP4 of the Sevenoaks Core Strategy, “Affordable housing in Rural Areas”, is the relevant policy of the development plan. The relevant parts of it state:

“Small scale developments for affordable housing only will be developed to meet local needs identified through rural housing needs surveys. The following criteria will be applied in identifying sites:

- a. the local needs identified through the rural housing needs survey cannot be met by any other means through the development of sites within the defined confines of a settlement within the parish or, where appropriate, in an adjacent parish;
- b. the proposal is of a size and type suitable to meet the identified local need ... ;
- c. the proposed site is considered suitable for such purposes by virtue of its scale and is sited within or adjoining an existing village, is close to available services and public transport, and there are no overriding countryside, conservation, environmental, or highway impacts[.] ...”.

37. Paragraph 132 of the NPPF, in the section dealing with the conservation and enhancement of the historic environment, states:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. ...”

38. Paragraph 134 of the NPPF says that “[where] a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.

39. In paragraph 40 of his report on the second application the Chief Planning Officer recorded the view of the Council’s Conservation Officer:

“In the light of my previous comments and of the additional comment set out above, I consider that the proposed development would not cause substantial harm or loss of significance to the Conservation Area or to the setting of any of the listed buildings in the vicinity of the application site. This is the ‘test’ set out in the NPPF and relevant legislation, policies and other guidance.”

40. In paragraphs 117 to 142 of his report the Chief Planning Officer discussed the likely impact of the proposed development on the character of the village, “including surrounding heritage assets”. He referred to the provisions of sections 66 and 72 of the Listed Buildings Act (paragraph 119), and to national policy. He quoted from paragraph 132 of the NPPF, including the reference there to “great weight” being given to the conservation of heritage assets (paragraph 120). He went on to consider the likely effect of the proposed development on the conservation area (paragraphs 122 to 129), and on the settings of four listed buildings: the Church of St John the Baptist, Forge Garage, Star House and The Birches (paragraphs 130 to 141).

41. In paragraph 142 the officer stated his conclusions on the likely effects of the development on the conservation area and the settings of listed buildings:

“In summary, I would conclude that some harm to the character and appearance of the conservation area would occur through the interruption of views across the river valley and the loss of some open land within the conservation area as a setting to built form. In addition, some harm to the setting of Forge Garage as a listed building would occur, due to the impact of the development on the view of this property from the west. In accordance with Sections 66 and 72 of [the Listed Buildings Act], special regard must be given to the desirability of preserving surrounding listed buildings and the character or appearance of the Penshurst Conservation Area. In my opinion, the harm as identified above would be limited. The majority of Forge [Field] would remain undeveloped and as such the built form of the village would continue to enjoy an open attractive setting on the approach from the south west, and the new houses would be set back from Forge Garage, thus retaining views of the flank wall to this property. I also consider that the impact on the setting of the conservation area would be limited as the development would represent a small extension to the village, it would be seen in the context of existing built

form within the conservation area, and has been well designed to respect this built form. The interruption of views would be limited and would not affect viewpoints as identified in the conservation area appraisal. Such limited harm would result in some conflict with policies EN23 of the local plan and SP1 of the Core Strategy. However, whilst having special regard to the desirability of preserving listed buildings and the character or appearance of the conservation area, I consider that the harm arising from the development would represent less than substantial harm to the significance of the heritage asset under paragraph 134 of the NPPF. This states that less than substantial harm should be weighed against the public benefits of the proposal. This balancing exercise is considered later in the report in addition to the test under SP4 as to whether such harm is overriding.”

42. In paragraphs 163 to 166 of the report the officer came to his conclusions on the impacts of the proposed development “using Policy SP4(c), applying the statutory test set out in Sections 66 and 72 of [the Listed Buildings Act] and advice in the NPPF”. In paragraph 166 he said:

“Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Whilst I acknowledge the legislative duty placed on a local planning authority to have special regard to the preservation of conservation areas and listed buildings, in this instance and following the advice in paragraph 134 of the NPPF, the proposal would bring substantial public benefits through the provision of affordable local housing to meet an identified need. I consider that this benefit is capable of carrying greater weight than the limited harm identified to heritage assets, and that the impact on heritage assets would not be overriding under Policy SP4(c).”

43. In paragraph 182, in his “Conclusion”, the officer said that he did not consider that the “limited harm” outweighed the benefits of providing local needs affordable housing, and that on this basis he concluded that the proposal “would accord with Policy SP4 of the Core Strategy and with the advice contained on heritage assets within the NPPF”.
44. At the meeting, according to the minutes, the members were told that the officer’s report had found “some limited harm” to the conservation area and to the setting of Forge Garage, that the “[the] statutory test required that special regard be had to the to the desirability of preserving or enhancing these”, but that the Chief Planning Officer did not consider that this “limited harm”, taken together with the “limited harm” to the AONB, “outweighed the benefits of providing local needs affordable housing”.
45. Mr Strachan submitted that in determining the second application the Council failed – as it had in determining the first – to comply with its duties under sections 66 and 72 of the Listed Buildings Act. Its error was similar to the one made by the inspector in *Barnwell*. Having “special regard” to the desirability of preserving the setting of a listed building under section 66, and paying “special attention” to the desirability of preserving or enhancing the character and appearance of a conservation area under section 72, involves more than merely giving weight to those matters in the planning balance. “Preserving” in both contexts means doing no harm (see the speech of Lord Bridge of Harwich in *South Lakeland District Council v Secretary of State for the Environment* [1992] 2 A.C. 141, at p.150 A-G). There is a statutory presumption, and a strong one, against granting planning permission for any development which would fail to preserve the setting of a listed building or the character or appearance of



a conservation area. The officer acknowledged in his report, and the members clearly accepted, that the proposed development would harm both the setting of Forge Garage as a listed building and the Penshurst Conservation Area. Even if this was only “limited” or “less than substantial harm” – harm of the kind referred to in paragraph 134 of the NPPF – the Council should have given it considerable importance and weight. It did not do that. It applied the presumption in favour of granting planning permission in Policy SP4(c) of the core strategy, balancing the harm to the heritage assets against the benefit of providing affordable housing and concluding that the harm was not “overriding”. This was a false approach. Its effect was to reverse the statutory presumption against approval.

46. Mr Booth submitted that the Court of Appeal’s decision in *Barnwell* did not change the law, but reflected the familiar jurisprudence applied in a number of previous cases – for example, in *The Bath Society v Secretary of State* [1991] 1 W.L.R. 1303. The Council complied fully with the requirements of sections 66 and 72. The officer’s conclusion that the harm to the setting of the listed building and to the character and appearance of the conservation area was only “limited” and thus “less than substantial” is not criticized as unreasonable, nor could it be. Following the policy in paragraph 134 of the NPPF, the officers weighed that less than substantial harm against the substantial public benefit of providing affordable housing to meet an identified need. There is no suggestion that they struck this balance unreasonably. They also found that the harm was not such as to be “overriding” under Policy SP4(c). This too was a reasonable planning judgment.
47. In my view Mr Strachan’s submissions on this issue are right.
48. As the Court of Appeal has made absolutely clear in its recent decision in *Barnwell*, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in *Barnwell* it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.
49. This does not mean that an authority’s assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in *Barnwell*, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.
50. In paragraph 22 of his judgment in *Barnwell* Sullivan L.J. said this:

“... I accept that ... the Inspector’s assessment of the degree of harm to the setting of the listed building was a matter for his planning judgment, but I do not accept that he was

then free to give that harm such weight as he chose when carrying out the balancing exercise. In my view, Glidewell L.J.'s judgment [in *The Bath Society*] is authority for the proposition that a finding of harm to the setting of a listed building is a consideration to which the decision-maker must give "considerable importance and weight".

51. That conclusion, in Sullivan L.J.'s view, was reinforced by the observation of Lord Bridge in *South Lakeland* (at p.146 E-G) that if a proposed development would conflict with the objective of preserving or enhancing the character or appearance of a conservation area "there will be a strong presumption against the grant of planning permission, though, no doubt, in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest". Sullivan L.J. said "[there] is a "strong presumption" against granting planning permission for development which would harm the character or appearance of a conservation area precisely because the desirability of preserving the character or appearance of the area is a consideration of "considerable importance and weight"" (paragraph 23). In enacting section 66(1) Parliament intended that the desirability of preserving the settings of listed buildings "should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carries out the balancing exercise" (paragraph 24). Even if the harm would be "less than substantial", the balancing exercise must not ignore "the overarching statutory duty imposed by section 66(1), which properly understood ... requires considerable weight to be given ... to the desirability of preserving the setting of all listed buildings, including Grade II listed buildings" (paragraph 28). The error made by the inspector in *Barnwell* was that he had not given "considerable importance and weight" to the desirability of preserving the setting of a listed building when carrying out the balancing exercise in his decision. He had treated the less than substantial harm to the setting of the listed building as a less than substantial objection to the grant of planning permission (paragraph 29).
52. I think there is force in Mr Strachan's submission that in this case the Council went wrong in a similar way to the inspector in *Barnwell*.
53. I bear in mind the cases – and there are many of them – in which the court has cautioned against reading committee reports in a more demanding way than is justified (see, for example, the judgment of Sullivan L.J. in *R. (on the application of Siraj) v Kirklees Metropolitan Council* [2010] EWCA Civ 1286, at paragraphs 18 to 21).
54. Mr Strachan did not submit that the officer ought to have reached a different view about the degree of harm that the development would cause to the setting of the listed building and to the conservation area. He recognized that such criticism would have been beyond the scope of proceedings such as these, unless it could be supported on public law grounds. He pointed out that the Council's Conservation Officer seems to have misunderstood the relevant statutory provisions and the relevant policy and guidance, apparently thinking that there is a "test" of "substantial harm or loss of significance" to heritage assets both in the legislation and in the NPPF. But the main thrust of his argument went to the Chief Planning Officer's treatment of the acknowledged harm to heritage assets in the balancing exercise which he undertook. This, as Mr Strachan submitted, was the crucial part of the advice given to the members on this matter.
55. It is true, as Mr Booth stressed, that the committee report referred to the statutory provisions and also recited the relevant policy in the NPPF, including the guidance in paragraph 132 which says that "great weight" is to be given to the conservation of a designated heritage

asset. But in the two passages of the report – in paragraphs 142 and 166 – which contain the substance of his consideration of the likely effects of the development on heritage assets, it seems to me that the officer equated “limited” or “less than substantial” harm with a limited or less than substantial objection. He appears to have carried out a simple balancing exercise between harm to heritage assets and countervailing planning benefits without heeding the strong presumption inherent in sections 66 and 72 of the Listed Buildings Act against planning permission being granted in a case such as this. The officer’s finding of harm to the setting of Forge Garage and to the character and appearance of the Penshurst Conservation Area was not merely significant in the light of policy in the NPPF. There was also a statutory significance to it, which had to be reflected in the weight given to it in the balancing exercise. The officer’s report does not show that this was done. Once he had found that there would be some harm to the setting of the listed building and some harm to the conservation area, the officer was obliged to give that harm considerable importance and weight in the planning balance. On a fair and not unduly severe reading of the report, as a whole, I do not believe that he did that. The members were told that there was a “legislative duty” on the Council “to have special regard to the preservation of conservation areas and listed buildings”. But this was not the same thing as demonstrably applying the strong presumption against approval in the planning balance on which the written and oral advice given to the committee – and the committee’s decision – was based.

56. There is a clear parallel here with the inspector’s decision in *Barnwell*. In that case the inspector had explicitly referred in his decision letter both to the statutory duty in section 66(1) and to the relevant guidance, which at that time was to be found in the policies of the “PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide” (see paragraphs 8 and 29 of Sullivan L.J.’s judgment). This, however, was not enough to demonstrate that in his assessment of the proposal before him he had applied the strong statutory presumption against approving development likely to harm a heritage asset. It was this basic error in the making of the decision which was fatal to the planning permission. I think the same defect can be seen in the approach which was taken in this case.
57. But that is not all. In my view the analysis provided to the committee by the officer was also flawed by his failure to reconcile the statutory presumption against development which would be harmful to heritage assets with the policy presumption in the development plan in favour of small-scale developments for affordable housing where there would be no “overriding” impacts.
58. In *Heatherington UK Ltd v Secretary of State for the Environment* (1995) 69 P. & C.R. 374 Mr David Keene Q.C., as he then was, sitting as a deputy judge of the High Court, emphasized that the duty under section 54A of the Town and Country Planning Act 1990 – now section 38(6) of the Planning and Compulsory Purchase Act 2004 – did not displace the duty in section 66 of the Listed Buildings Act. These are separate statutory duties. The strong presumption arising from section 66 still had to be applied even if it was in tension with a relevant policy in the development plan. The statutory obligation to have special regard to the desirability of preserving a listed building in its setting was still one to which considerable weight had to be given. This understanding of the relationship between the two statutory duties was endorsed by Sullivan L.J. in *Barnwell* (at paragraph 21).
59. As is clear from the final sentence of paragraph 166 of the committee report, not only did the officer weigh benefit against harm without considering whether the benefit was sufficient to outweigh the strong presumption against planning permission being granted. He also tested the impact on heritage assets by the test of “overriding” harm in Policy SP4(c). The reference

in that policy to “overriding ... conservation ... impacts” does not weaken the statutory presumption in sections 66 and 72 of the Listed Buildings Act when it applies. It would have been open to the Council to conclude that in spite of the statutory presumption in sections 66 and 72 the policy presumption in Policy SP4 should in this case prevail. But it had to make its decision in the knowledge that there were two presumptions at work here, not just one. In my view it did not do that.

60. For those reasons the claim must succeed on this ground.
61. There is one more thing I should say before leaving this issue. As the parties agree, this was a case in which possible alternative sites for the development had to be considered. The Council’s consideration of alternatives is the subject of another ground of the claim, and I shall deal with it separately. Clearly, however, these two parts of the claim bear on each other. If there is a need for development of the kind proposed, which in this case there was, but the development would cause harm to heritage assets, which in this case it would, the possibility of the development being undertaken on an alternative site on which that harm can be avoided altogether will add force to the statutory presumption in favour of preservation. Indeed, the presumption itself implies the need for a suitably rigorous assessment of potential alternatives.

*Issue (3) – national policy for the AONB*

62. Paragraph 115 of the NPPF says that “[great] weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty”. Paragraph 116 says that planning permission should be refused for “major developments” in these designated areas “except in exceptional circumstances and where it can be demonstrated they are in the public interest”.
63. In paragraph 143 to 150 of his report on the second application the officer discussed the likely impact of the development on the “wider landscape within an AONB”. In paragraph 143 he acknowledged that the NPPF “states that great weight should be given to conserving landscape and scenic beauty within AONBs, which have the highest status of protection in relation to landscape and scenic beauty”. He also referred to the representations made by the High Weald AONB Unit, with which he did not entirely agree (paragraphs 146 to 149). His conclusion on the likely effect of the development on the AONB, in paragraph 150, was that the development “would undoubtedly have a localised impact on the appearance of the village and landscape”, that this would be “of limited harm to the landscape”, but that there would therefore be “some conflict with Policy LO8 of the Core Strategy.” In paragraph 165 of the report the officer said this:

“With regard to the impact upon the AONB, I have concluded that any harm to the landscape would be localised and of limited harm. Whilst I acknowledge that AONBs are afforded the highest status of protection in relation to landscape and scenic beauty”, I do not consider the harm identified to be overriding under Policy SP4(c)”.

64. In his “Late Observation Sheet” the officer referred to the presumption against “major developments” in Areas of Outstanding Natural Beauty. He noted that the NPPF “does not define major development”, but that the Town and Country Planning (Development Management Procedure) Order 2010 (“the Development Management Procedure Order”)

“defines major residential development as 10 or more dwellinghouses”. On this definition he did not regard the scheme as major development of the kind to which paragraph 116 of the NPPF would apply.

65. Mr Strachan made two main submissions on this ground. First, the Council failed properly to apply national policy in paragraphs 115 and 116 of the NPPF. The officer tested the likely damage to the AONB by the criterion of “overriding” harm in Policy SP4(c). This was the wrong approach. It was necessary to give “great weight” to the harm the development would cause to the AONB. Mr Strachan’s second submission was that the officer also misdirected the committee on the question of whether the proposal was for “major development” in the AONB. As was held in *R. (on the application of Aston) v Secretary of State for Communities and Local Government* [2013] EWHC 1936 (Admin), this is not a question to be decided merely by using the definition of major development in article 2(1) of the Development Management Procedure Order.
66. I cannot accept either of those submissions.
67. The first submission cannot overcome the basic principle that matters of planning judgment are for the decision-maker, subject only to review by the court on *Wednesbury* grounds. The officer was patently aware of relevant national policy. With the benefit of the advice provided by the High Weald AONB Unit and in the light of his own detailed assessment, he judged the likely harm to the AONB to be acceptable. His conclusion that the harm would be “localised” and “limited”, which was evidently shared by the members, was the result of a classic exercise of planning judgment. It could only be impugned in proceedings such as these if it was manifestly unreasonable, which it was not.
68. Mr Strachan’s second submission, that the Council ought to have treated this development of six affordable dwellings as a “major development” in the AONB, is not an attractive argument either. Nor, in my view, is it supported by the decision of Wyn Williams J. in *Aston*.
69. The officer’s advice in the “Late Observation Sheet” that the proposed development was not “major development” within the scope of policy in paragraph 116 of the NPPF was consistent with common sense, and also with the view of the inspector in *Aston* that a scheme for 14 dwellings was not “major development”. In his judgment in that case (at paragraphs 91 to 95) Wyn Williams J. rejected the submission that the term “major development” when used in paragraph 116 of the NPPF had the same meaning as it does when used in the Development Management Procedure Order. As he said (at paragraph 91), the NPPF “does not define or seek to illustrate the meaning of the phrase “major developments””. In his view, with which I agree, that concept should be understood in the context of the document in which it appears, and in paragraphs 115 and 116 of the NPPF the context militates against importing the definition of “major development” in the Development Management Procedure Order. In this context I think “major developments” would normally be projects much larger than six dwellings on a site the size of Forge Field. But in any event it was clearly open to the Council to conclude that the proposed development in this case was not a major development to which the policy in paragraph 116 applied. This too was an entirely reasonable exercise of planning judgment, and the court should not interfere with it.
70. I therefore reject this ground of the claim.

*Issue (4) – alternative sites*

71. In their letter of 17 July 2013 Winckworth Sherwood identified as one of the three main themes of the Society’s objection the contention that alternative sites for the proposed development had not been thoroughly considered. The letter said that a “far more rigorous exercise” was necessary to show there were no alternative sites on which the need for affordable housing in Penshurst could be met. The Council’s reasons for rejecting the proposal for affordable housing on Becket’s Field in October 2012 could all be overcome. One of the reasons for refusal was that the Forge Field proposal had been approved, but that permission was now “liable to be quashed”. And there were no others “which could not be addressed through minor amendments to the Becket’s Field proposal”. The Becket Trust had decided not to appeal against the refusal of its application, relying on “commitments” given in a letter dated 15 November 2012 from West Kent’s Chief Executive, Mr Frank Czarnowski to Mr Jeremy Leathers, the then Chairman of the Becket Trust, written after the Council had refused the Becket Trust’s application and confirming that the Becket Trust would work with West Kent to develop an alternative scheme for Becket’s Field. A copy of that letter was provided. Winckworth Sherwood also mooted “a joint site scheme”, in which two dwellings would be constructed on Forge Field and three or four on Becket’s Field.

72. Mr Czarnowski’s letter of 15 November 2012 referred to meetings that had taken place between West Kent and the Becket Trust, and said:

“... There is a shortage of affordable housing, in particular in rural communities in Kent such as Penshurst and [West Kent] is happy to work with anyone to produce more affordable housing to meet that need. We have successfully worked in partnership with many land owners to provide additional affordable housing.

We would be happy to work with you to see what could be done at Becket’s Field, to benefit residents at Becket’s Field and the wider community of the village of Penshurst. We both acknowledged the lead time that would be involved in any development. We agreed that it is important that we start working together soon, so that a development could be realised in a reasonable timescale.

In our discussion I made it clear that this offer to work with you is not conditional on the final outcome and any possible judicial review of our planning application for the development at Forge Field.

There has been much strain placed on the residents of the village during the planning process for Forge Field and Becket’s Field. I would welcome the opportunity to help heal some of these wounds and would look to help set up a joint meeting with the Parish Council to help begin this process if this is the decision of you and your Trustees.

...”.

73. In their letter of 5 September 2013, in which they commented on the draft officer’s report, Winckworth Sherwood elaborated on the points made in their letter of 17 July 2013. The Council’s officers, they said, had not undertaken a “proper and meaningful consideration of alternative sites for affordable housing development in this settlement and finding solutions based on an alternative”. They went on to say this:

“... [The] Council continues to ignore or fail to explore the potential for a joint affordable housing development on the [Becket’s] Field site/Glebelands Garages site undertaken by the [Becket Trust] and [West Kent] as originally set out in [West Kent’s] letter dated 15 November 2012 [to the Becket Trust]”.

The officers also seemed to have dismissed the possibility of “a compromise option on ... Forge Field and the [Becket Trust] site”. And there were at least four sites owned by the Penshurst Place Estate which had been dismissed as alternatives but were likely to become available for development if the present scheme was rejected. Winckworth Sherwood added:

“... [The] report and approach is fundamentally flawed in circumstances where officers have not properly explored the merits, details and timescales for a joint development on an environmentally less sensitive site at [Becket’s] Field prior to determination of this application or the other alternative sites and purported reasons why a stated landowner may not be willing to develop. ...”.

The shortcomings in the Council’s assessment of alternative sites could not be overcome by redrafting the officer’s report but required “a basic[,] fair, objective and enquiring assessment of alternatives which has simply not been carried out to date”.

74. In his report for the committee meeting on 3 October 2013 the Chief Planning Officer said the Council had considered “numerous other sites in the parish”, but that no alternative site had been put forward which was “capable of accommodating the six houses of this application” (paragraph 91).
75. “Alternative sites” were considered as a separate matter in paragraphs 167 to 175 of the report. The officer referred to the “extensive consideration” which had been given to finding a suitable site for the affordable housing in Penshurst since 2009. A “steering group” had been set up for this purpose. It had considered possible locations for the development of affordable housing, “the key issue being that they should be available and potentially suitable for development”. A “large number of sites” that had been “discounted on the basis that they were not available (i.e. the landowner didn’t want to sell/develop) or that they were not suitable for development ...”. The officer referred to a number of sites individually and “the fundamental reasons why they were discounted”. One of these was the “Bank” site, which was said to be “not available for sale/development”. Another was the “Glebelands garage site”, the land at Becket’s Field owned by West Kent. This site was, said the officer, “... well located, but limited in size and potential for impact on neighbours. Too small to cater for identified need. 5 out of 9 garages occupied” (paragraph 169). The outcome of the whole exercise was that only Forge Field had emerged as “potentially available, capable of accommodating the development, and without fundamental locational constraints (i.e. not in an isolated location)” (paragraph 170).
76. The officer also referred to the Becket Trust’s previous scheme for six affordable dwellings on its land at Becket’s Field. This had been refused permission “on various grounds including scale, height, design, and impact upon neighbouring amenities”, and because it “failed to secure the development as local needs housing and, together with the Forge Field development (as approved by Members), would have [led] to an overprovision of local needs housing in the parish” (paragraph 171). In paragraph 172 of the report the officer said:

“In my opinion, the site at [Becket’s] Field is particularly limited by the small area of available and developable land, and the relationship between this land and the existing

bungalows at [Becket's Field]. Whilst some objectors have suggested that an alternative scheme for [Becket's Field] could be viable, I would be concerned that there is simply not sufficient space or scope to develop this land in isolation with a sufficient number of units to meet the level of local needs housing."

77. For several reasons the suggestion of splitting the development "to provide a smaller number of units on [Becket's] Field, and potentially two units to the rear of Forge Garage" was not, in the officer's view, "a viable alternative" to the development proposed (paragraph 173).

78. Concluding this part of the report, the officer reminded the committee that he had "identified some harm", which, he accepted, "does relate to national planning designations, being the AONB and designated Heritage Assets" (paragraph 174). He continued:

"Whilst these designations are of national importance, I consider that the identified harm would not be substantial, and would not be sufficient for the development to be in conflict with Policy SP4 of the Core Strategy, or advice in the NPPF ... Given my view that the development would not result in overriding impacts and would accord with Policy SP4 and government advice (relating to heritage assets), I would conclude that the potential existence of alternative sites would, in this instance, carry limited weight. In any event, no other site had been identified that is available and considered suitable by the Council to accommodate the identified need for local affordable housing. This is despite the fact that this process in Penshurst has now been ongoing since 2009."

79. The officer went on to say that he did "not consider the alternative site argument to be compelling in this instance", given his conclusion "that the development would not result in any significant harm, nor would it be in conflict with the Council's rural exceptions policy SP4" (paragraph 175).

80. In a joint witness statement dated 25 March 2014 – initially lodged with the court, undated and unsigned, on 3 March 2014 – Mr Barraud and Mr Rees amplified the Society's concerns about the Council's consideration of alternative sites. This drew a response from the Council in Mr Byrne's second witness statement and a witness statement of Mr Czarnowski, both dated 18 March 2014. In his witness statement Mr Czarnowski says that "[devising] a plan to resolve the parking issues associated with any redevelopment at Becket's Field would be complex, problematic and not quick", that this "might not be possible" (paragraph 8); that in his letter of 15 November 2012 to Mr Leathers he had referred to "more affordable housing" and "additional housing", rather than to an "alternative" proposal; and that "[to] assert that the site at Becket's Field is a viable alternative site to Forge Field and is available for development and deliverable is wrong" (paragraph 14). In his second witness statement Mr Byrne says "there are still no plans [for West Kent] to dispose of the garage site as part of a joint development" (paragraph 6). In 2012 the "combined site" had been "discarded" by the Becket Trust itself (paragraph 8). This, says Mr Byrne, "is not a viable alternative development to Forge Field and has not been presented to the Council as one" (paragraph 9). The "Bank" site had been considered as part of the site selection process before the Forge Field proposal was first submitted, and it was made clear by the Penshurst Place Estate that the site was not available for development (paragraphs 10 to 13). Mr Byrne sets out a lengthy rebuttal of the general criticism advanced by the claimants that the Council failed to consider alternative sites properly (paragraphs 14 to 26).

81. After the hearing several residents of Glebelands who are not parties in these proceedings sent letters to the court asserting that there were various obstacles to West Kent's land at



Becket's Field being developed. When given the opportunity to comment on this correspondence both the claimants and the Council pointed out that it had not been submitted to the court in accordance with the Civil Procedure Rules and said that if it was admitted as evidence the hearing of the claim would have to be re-opened, with consequent delay and increased cost for the parties. These seem to me to be good reasons for not admitting the correspondence as evidence or having regard to it, and I have not done so.

82. Mr Strachan submitted that the Council's assessment of alternatives in the committee report was unsound and incomplete. Some of the sites rejected as unavailable, such as the "Bank" site, were in the same ownership as Forge Field and would not necessarily be unavailable if the Forge Field proposal was rejected. But the most striking error was the Council's failure to consider the obvious potential alternative to Forge Field – a site at Becket's Field combining land owned by the Becket Trust with land owned by West Kent. This could be developed without harm to the conservation area, the setting of the listed building, or the AONB. The Council ignored the possibility of these two registered providers of affordable housing co-operating to promote a suitable scheme for a development of six affordable dwellings at Becket's Field. This was an alternative which it should have considered.
83. Mr Booth submitted that the Council's consideration of alternatives was realistic and thorough. There was no reason to think that if the proposal for Forge Field were rejected any of the other sites owned by Viscount De L'Isle would be made available for the development of affordable housing. It was not up to the Council to speculate about that. The officer's report did consider the possibility of development at Becket's Field. And, as Mr Byrne and Mr Czarnowski had explained in their evidence, the combined site now suggested by the claimants is not in fact available, because West Kent is unwilling to make its land at Becket's Field available for development.
84. The relevant law is familiar. A local planning authority does not normally need to take into account alternative sites for the development it is considering. Where, however, there are clear planning benefits associated with the development but also clear objections to it, the authority may have to consider whether there is a more appropriate site for it (see, for example, the judgment of Simon Brown J., as he then was, in *Trusthouse Forte Hotels Ltd. v Secretary of State for the Environment* (1986) P. & C.R. 239).
85. As I have said, it is common ground that in this case alternative sites had to be considered, for two main reasons: first, the acknowledged need for about six affordable dwellings to be provided in Penshurst, and secondly, the harm which it was acknowledged the proposed development would cause to the setting of a listed building – Forge Garage, the character and appearance of the Penshurst Conservation Area, and the AONB. It was in this context that the Council accepted it had to consider alternative sites. The issue for the court is whether it did so in a legally satisfactory way.
86. I do not accept that the Council erred in failing to consider whether any other sites owned by Viscount de L'Isle might become available if the proposal for Forge Field were to be rejected. The officer's report referred to several sites, including the "Bank" site, which were unavailable because of the landowner's unwillingness to develop his land or to release it for development. There is nothing to suggest that the information the officer gave the members on those sites was inaccurate or incomplete.
87. It is clear from the officer's report that a large number of possible alternative sites had been considered, among them West Kent's land at Becket's Field – the Glebelands garages site –

and, separately, the adjacent land owned by the Becket Trust. The report referred to the previous proposal for six affordable dwellings on the Becket Trust's land, which had been rejected for reasons including its unacceptable design and the likely effect of the development on the living conditions of local residents. The officer dismissed the possibility of a satisfactory scheme on the Becket Trust's land "in isolation" because that site might not be large enough to accommodate the required number of affordable dwellings in an acceptable scheme.

88. But Mr Strachan's main submission on this issue was based on a different concept, which was identified in Winckworth Sherwood's letters to the Council of 17 July 2013 and 5 September 2013, and supported – as Winckworth Sherwood contended – by the offer of co-operation in West Kent's letter to the Becket Trust of 15 November 2012. What was suggested was a new proposal for affordable housing at Becket's Field, on a site combining land owned by West Kent with land owned by the Becket Trust. The Society's complaint was, and is, that the Council had ignored, or failed to investigate, the potential for a development of affordable housing at Becket's Field, jointly promoted by the Becket Trust and West Kent. And this suggestion was made, one must remember, in correspondence stimulated by the Council in its request for comments on the draft officer's report.
89. The evidence now submitted to the court by the Council and by West Kent does not encourage one to think that a jointly promoted development at Becket's Field would come forward if the proposal for Forge Field were rejected. I acknowledge that. It is also true that the details of such a scheme were not described by Winckworth Sherwood in their correspondence with the Council, nor did the Council ask for those details. But the alternatives were not being considered as specific proposals. Each of them was being considered, in the circumstances as they were at the time, as a site for which a suitable scheme of affordable housing might be devised. This was the basis on which Winckworth Sherwood were pressing the Council to look at the potential for a joint development at Becket's Field which would overcome the objections to the previous scheme promoted by the Becket Trust on its own. That development would involve the collaboration of two registered providers of affordable housing, and would have, it was said, an obvious advantage over the proposed development at Forge Field because it would avoid harm to the settings of listed buildings, to the conservation area, and to the AONB.
90. It is not for the court to judge whether such development might be feasible and, if so, whether it would be preferable in planning terms to the project for Forge Field. These were questions for the Council to grapple with. And it had to be done when the Council was making its decision on the application for planning permission – not after the event in the light of the further correspondence and information which has emerged in the course of these proceedings.
91. The Council did not do that. The officer's report did not squarely address, or dismiss, Winckworth Sherwood's suggestion of a development involving the co-operation between West Kent and the Becket Trust indicated in West Kent's letter of 15 November 2012. This was not on the face of it a fanciful proposition. One would have expected to see the officer coming to grips with it in his report and reaching a distinct conclusion about it. The officer recognized that West Kent's land at Becket's Field – the Glebelands garages site – was "well located", though too small on its own for all of the affordable housing that was needed. He did not say that the impact on neighbours would necessarily be unacceptable if that land, or part of it, and adjoining land owned by the Becket Trust were developed with the required number of affordable dwellings. And he did not say that West Kent would be unable or

unwilling to make its land available for development. Similar points may be made about the Becket Trust's land. The officer's doubts about an "alternative scheme" on that land were due, it seems, to his concern that the site was not big enough and not to any objection in principle to its being developed. He did not say the reasons for refusal relating to the design and layout of the previous proposal would be insuperable on a site enlarged by the addition of land owned by West Kent. The other two reasons for the rejection of the previous scheme – the absence of a section 106 obligation to ensure the development would be affordable housing and the over-provision of affordable dwellings in Penshurst which would result from granting planning permission both at Forge Field and at Becket's Field – did not make Becket's Field an unsuitable location for such development. In short, the officer's advice does not rule out an acceptable scheme coming forward on a site put together by the Becket Trust and West Kent at Becket's Field.

92. It follows, in my view, that the Council's assessment of alternative sites in October 2013 was deficient. This was an error of law. It compounds the Council's failure to apply the strong statutory presumption against planning permission being granted for development which would harm either the setting of a listed building or a conservation area, or, as in this case, both. I accept that if the Council had considered the possibility of a joint scheme of affordable housing at Becket's Field it might not have seen this as a preferable alternative to the proposal for Forge Field. But even in the light of the evidence the Council has given to the court I cannot be certain of that.

93. On this ground too, therefore, the claim must succeed.

#### *Issue (5) – irrationality*

94. Mr Strachan submitted that, taken together, the errors committed by the Council in determining the second application amount to irrationality. These were not simply a series of planning judgments with which the claimants disagree. This is one of those cases in which the decision was one that no reasonable local planning authority could have made.

95. I reject that submission. As Mr Booth submitted, this ground is entirely parasitic on the others. To the extent that those other grounds have merit the claim will succeed. In two respects – its treatment of the likely impact of the development on the setting of Forge Garage and on the conservation area, and its consideration of alternative sites – the Council made errors of law. But those errors do not amount to irrationality, and this ground of the claim must therefore fail.

#### *Conclusion*

96. Both claims for judicial review succeed. Whether this success will lead to a different decision on the planning merits is in my view doubtful, to say the least. The claimants should not expect that it will. But they are entitled to a lawfully taken decision on West Kent's proposal for Forge Field. The planning permissions granted by the Council on 25 October 2012 and 4 October 2013 will therefore be quashed, and both applications will have to be determined again.

## Appendix IJ20

Equality, Diversity, and Inclusion Strategy, St Helens Borough Council 2022-2025



**EQUALITY, DIVERSITY, AND INCLUSION STRATEGY**  
**ST HELENS BOROUGH COUNCIL 2022 - 2025**



**ST HELENS**  
BOROUGH COUNCIL



# Executive Summary

The Specific Public Sector Equality Duty 2011 requires public bodies to set ‘measurable equality objectives’ and publish information about their equality performance annually.

In February 2021, St Helens Borough Council agreed a new Borough Strategy, setting out the vision and priorities for the council and our borough from 2021 to 2031.

In March 2021, St Helens Borough Council committed to establish an Equality, Diversity, and Inclusion (EDI) Strategy, with a new set of measurable equality objectives aligned to the Borough Strategy priority “be a responsible council”.

In May 2021, St Helens Borough Council published its Race Equality Declaration of Intent 2021-25 which set out our ambitions, actions, and targeted achievements for race equality across three areas of Council activity - as an employer, a lead organisation in the community, and as a partner in the Liverpool City Region.

## This EDI Strategy

- Sets out our approach to improving equality, diversity, and inclusion across the same areas of Council activity covered in the Race Equality Declaration - as an employer, and as a lead organisation in the community and partner in the Liverpool City Region - but extend these for all characteristics protected under the Equality Act 2010
- Will contribute to achieving the Borough Strategy “be a responsible council” objectives and measures of success.
- Will be delivered in 2 phases –

**Phase 1** – focusing on the Council as an employer (from April 2022)

**Phase 2** – focusing on the Council as a lead organisation in the community and partner in the Liverpool City Region (from September 2022)

- Will utilise the Local Government Association’s 2021 Equality Framework for Local Government (EFLG), as the organisational EDI Strategy Delivery Tool.

The following Measurable Equality Objectives will be used to demonstrate progress towards, and achievement of, the commitments within Phase 1 and Phase 2 of the EDI Strategy.

Phase 1 Measurable Employment Equality Objectives	Date
1. Set targets for BAME staff representation informed by 2021 Census and report against those targets annually	Annually
2. A council workforce profile with an improved representation of diversity across all protected characteristics	Annually
3. Staff survey evidence that staff who share different protected characteristics <ul style="list-style-type: none"> <li>• feel their health and well-being is well supported.</li> <li>• feel their level of motivation is high.</li> <li>• are experiencing a positive work culture based on our shared values and behaviours</li> </ul>	Annually
4. Level 3 DWP's Disability Confident Employer quality mark	Dec 2023
5. Navajo Merseyside & Cheshire LGBTIQ+ Charter Mark	Dec 2024

Phase 2 Measurable Organisational Equality Objectives	Date
1. LGA Equality Framework for Local Government Developing	May 2023
2. LGA Equality Framework for Local Government Achieving	May 2024
3. LGA Equality Framework for Local Government Excellent	May 2025





# Introduction

**Our EDI Strategy Purpose** - The Equality, Diversity, and Inclusion (EDI) Strategy is a council wide programme through which we will work together, with staff, partners, and community stakeholders in order to implement duties of equality legislation, disseminate good practice, and ensure the council's workforce and service providers are equipped to deliver accessible, safe, and inclusive services to our diverse community.

## The Legal Duties

St Helens Borough Council's Comprehensive Equality Policy sets out the Public Sector Duties of the Equality Act 2010, which require public bodies, in the exercise of their functions and decisions, to have due regard to the need to:

- Eliminate discrimination, harassment, and victimisation.
- Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it.
- Foster good relations between persons who share a protected characteristic and persons who do not share it.

This means that public bodies must use appropriate information and carry out sufficient analysis to assess the impact that their decisions, policies, service, and contract delivery arrangements will have on people with characteristics protected under the Act. Public bodies must ensure that appropriate steps are taken to address or justify any adverse impact identified.

The Equality Act 2010 identifies nine protected characteristics. They are as follows:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion
- Sex
- Sexual orientation

In addition, the Specific Public Sector Equality Duty requires public bodies to set measurable equality objectives and to publish information about their performance on equality annually.

# Our Equality Journey

In 2011, St Helens Borough Council published its first set of measurable equality objectives.

- To ensure Equality Impact Assessments inform 100% of Delegated Executive Decisions and Key Decisions.
- To maintain a 90% achievement rate in service equality access targets for protected characteristics.
- To publish information relating to employees and customers who share protected characteristics.

Progress against these measurable objectives was reported in Annual Equality Monitoring Reports between 2011 and 2020.

## Our Achievements 2011-2021

- 2011 the Council developed its first Community Impact Assessment tool, used to analyse the sustainability, health, social value, equality, and human rights implications of proposed decisions, projects and programmes, service reviews, and tender specifications.
- 2011 saw the development of a Corporate Standard for Equality Monitoring, which standardised the use of equality profiles within monitoring processes in line with the 2011 census criteria to identify outcomes for service users and staff who share protected characteristics (age, sex, race, disability etc.) and support improvements in equality of access, quality and outcomes in employment and service delivery.
- 2011 the Council developed its first Gender Reassignment Guidelines supporting staff transitioning to their chosen gender. Key is supporting staff to co-design a workplace transition plan including dates of GP, hospital and other appointments, how they wish colleagues and service users to be advised of their transition, planning the date when they would like to start to be addressed by their chosen name and pronouns, and ensuring that HR and formal records are updated.
- 2011 saw the development of the “Safer In Town” initiative to reassure residents and visitors to the town, who have learning differences and disabilities, that they would have safe havens to attend, should they have any difficulties with bullying whilst in St Helens town centre.
- 2012 St Helens held its first annual Holocaust Memorial Day Commemoration to pay tribute to those who died and also honour those who have survived the atrocities of genocide, war, prejudice and persecution.
- 2012 St. Helens Borough Council and the Community Safety Partnership were awarded ‘White Ribbon’ status from the ‘White Ribbon’ Campaign UK’, for the council’s ongoing campaign for men to declare their opposition to violence against women.
- 2013 the introduction of a corporate Language Service, replacing different bespoke arrangements across council departments with one approved commissioned Language Service provider to ensure service users and residents experience consistent quality when using interpretation and translation support.



- 2013 St Helens Borough Council was awarded the status of “Recognised Partner” of the Anne Frank Trust for its annual Holocaust Memorial Services and its commitment to challenge all form of prejudice and discrimination.
- 2015 St Helens became part of the national Asylum Seeker dispersal programme, welcoming families to the borough while they are awaiting a decision on their claim for asylum in the UK.
- 2015 St Helens Library Service held its first annual Multi-faith Light Ceremony bringing together representatives of the borough’s Jewish, Muslim, and Christian communities for an evening of reflection, prayer, and celebration.
- 2016 Rainbow Picnic In The Park, the first high profile celebration of lesbian, gay, bi-sexual and trans life to be held in the borough.
- 2016 St Helens welcomed its first families displaced war as part of the Syrian Refugee Resettlement Programme.
- 2017 the introduction of a Corporate Baby Welcome Policy to ensure breastfeeding mothers feel welcomed and comfortable within Council buildings, recognise the right of any mother to breastfeed in public areas within the Council and appropriate provision of nappy changing facilities, baby food/bottle warming facilities, hand cleansing facilities, adequate access and egress, safe play areas
- 2017 St. Helens Borough Council’s Public Health Service commissioned Creative Alternatives ‘arts on prescription’ service, as an alternative or additional treatment to people with mild to moderate depression, anxiety, or stress; helping to reduce the symptoms and improve a person’s wellbeing.
- 2018 St Helens Borough Council’s Accessibility Charter; setting out the minimum standards of accessibility, respect, and dignity that Council Members, people who work for the council, and people who make use of council services should expect.
- 2019 St Helens Borough Council announces it fist 0% median pay gap, meaning that the hourly rate in the middle of the highest and lowest hourly rates for both female and male employees was the same.
- 2019 St Helens Borough Council was recognised by the Department For Employment as a Disability Confident Employer Level 2, signifying the council’s success at recruiting and retaining disabled people and those with long-term health conditions
- 2019 St Helens first Pride Festival and Parade to celebrate diversity of sexual orientation and gender identity. Building on the 2016 Rainbow Picnic In The Park, to become an annual celebration of lesbian, gay, bi-sexual and trans life.
- 2020 The Leader of St Helens Council leads the borough in response to the murder of George Floyd “We have all witnessed the rightful anger and sadness shaking the world over the death of George Floyd, which has led to protests in the US and here in the UK too. We can’t pretend racism is not a problem here and we all need to be mindful of the positive differences we can make to tackle it. As an organisation and the biggest public service in the borough, we can play a vital role in making St Helens Borough a happy and safe place to live and work.”

- 2020 St Helens Council establishes a BAME Staff Group as a safe place for staff to share their experience of work, and a forum to help the organisation improve its understanding of the potential structural barriers to recruitment, selection, career progression and retention for BAME staff.
- 2021 St Helens Council announces its Race Equality Declaration of Intent, setting out its 5-year plan to tackle systemic racism as an employer, a service provider, and as a partner across the Liverpool City Region.
- 2021 The Council establishes its Staff Equality, Diversity, and Inclusion (EDI) Network to help inform the development of its EDI Strategy and set “measurable equality objectives”
- 2021 St Helens Council Annual Equality Monitoring Reports published over the last 11 years shows that the council consistently achieved its measurable equality objectives.



## Current Position

The events of recent years with the general impact of the COVID-19 pandemic and subsequent restrictions on health and wellbeing, loss, bereavement, loneliness and isolation, the terrible and tragic hate killings of women, and Black and Asian people signified by the high profile murders of Sarah Everard and George Floyd, have raised our community's awareness and determination for social justice in terms challenging misogyny and violence towards women, identifying and addressing systemic cultural racism, and ensuring that the safety, wellbeing and inclusion of vulnerable people.

The Council, like many organisations, has responded to these challenges by identifying new ways of working - moving to greater use of digital communication, the development of a locality model of service delivery, and the introduction of agile working (a mixture of home and hub based working) for some services, and the development of a Borough Strategy with a vision of "Working together for a better borough, with people at the heart of everything we do by improving people's lives together and creating distinct, attractive, healthy, safe, inclusive, and accessible places in which to live, work, visit and invest."

It is against this current position that the Council has developed its first Equality, Diversity, and Inclusion Strategy and designed a new set of measurable equality objectives to demonstrate that we are working together with staff, partners, and our residents to implement the duties of equality legislation, promote equity and social justice, disseminate good practice, and ensure our workforce is supported to deliver accessible, safe, and inclusive services to our diverse community.

## St Helens Borough Community Profile

Our borough is situated in Merseyside and is proud to be part of the Liverpool City Region. It covers an area of 136 square kilometres and is home to over 180,000 people with 4,800 businesses based in the borough. It is a place with a strong identity and cultural history, rooted in our world-famous rugby league team and our proud industrial heritage including England's first canal, a section of the world's first passenger railway, pharmaceutical, coal and glass industries.

It is also a place of great potential with many strengths and opportunities.

Our strategic position at the heart of the Northwest provides excellent connections to and from our borough. Its semi-rural nature, with over 65% of the area green belt, makes for a very attractive place to live, with strong growth in new housing and increasing numbers of people choosing to live here.

Our greatest asset is the spirit and strength of our close-knit community, never more evident than in the way it has come together during the coronavirus pandemic to support our most vulnerable residents.

### Age

An ageing population - our population is ageing faster than many other areas, creating high demand for health and care services – the ONS Population Estimate indicate that people over 65 make up 20% of the borough population and it is projected that this will rise to 23% by 2025.

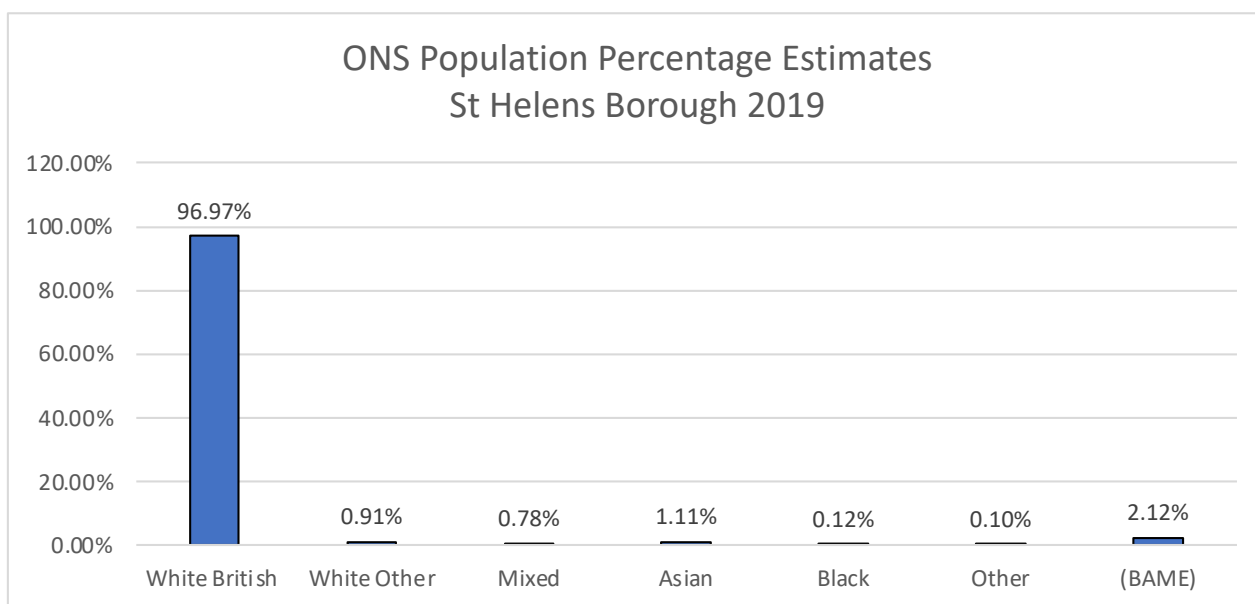


## Sex

The ONS Population Estimates 2019 indicate that women represent 51% of the Borough Population.

## Race

The ONS Population Estimates 2019, indicate that people from Black, Asian, and other minority ethnic backgrounds represent 3.12.% of the Borough Population. White British making up 97%, Black, Asian, Mixed, and other ethnicities 2%, and other White ethnicities 1%



## Disability

23% of the Borough Population has a long-term health problem, with 13% of the community feeling this has a substantial impact on their ability to carry out day to day activity. About 6% of the Borough's working age population declared they had a long-term health problem or disability that limited their day-to-day activities a lot (2011 Census and will be updated once the Census 2021 data is available)

## Religion

The Census 2011 showed that people declaring they have a religion which is in a minority in the borough made up 1.05% of the borough's population. The council does not have any current performance indicators for Workforce by religion.

Census 2011	Percentage	Census 2011	Percentage
Buddhist	0.18%	Other Religions	0.26%
Hindu	0.24%	Christian	78.82%
Jewish	0.03%	No Religion	14.63%
Muslim	0.34%	Religion Not Stated	5.5%



## Sexual Orientation

The ONS Annual Population Survey 2019, estimated that 2.7% of the UK population aged 16 years and over identified as lesbian, gay, or bisexual (LGB) in 2019.

### St Helens Workforce Profile (March 2021)

Workforce Female Staff Profile	March 2021	Comment
Percentage of authority employees that are women as a percentage of the total workforce.	69.18%	The percentage represents 2070 female employees in a workforce of 2992

Workforce Female Staff Profile	March 2021	Comment
Percentage of the top 5% of earners that are women.	56.29%	The percentage represents 2070 female employees in a workforce of 2992

Workforce BAME Staff Profile	March 2021	Comment
Percentage of authority employees from Black, Asian or minority ethnic communities as a percentage of the percentage of the total workforce.	0.74%	The percentage represents 22 BAME employees in a workforce of 2992

Workforce BAME Staff Profile	March 2021	Comment
Percentage of top 5% of earners from black and minority ethnic communities.	3.31%	The percentage represents >10 BAME employees in a group

Workforce Disabled Staff Profile	March 2021	Comment
Percentage of authority employees declaring that they meet the Equality Act 2010 definition of disability	4.85%	The 4.85% outturn figure represents 145 disabled employees in a workforce of 2992



Workforce Disabled Staff Profile	March 2021	Comment
Percentage of the top paid 5% of staff who have a disability	1.32%	The percentage represents >10 disabled employees in a group of 151

Workforces LGB Profile	March 2021	Comment
Percentage of authority employees from declaring a lesbian, gay, or bisexual orientation as a percentage of the total workforce.	>0.35%	The percentage represents >10 LGB employees in a workforce of 2992

Workforce Minority Religion Profile	March 2021	Comment
Percentage of authority employees declaring they have a religion which is in a minority in the borough, as a percentage of the total workforce.	1.63%	The percentage represents 49 employees in a workforce of 2992

Gender Pay Indicator	Women	Men	Pay Gap	Comment
The median hourly rate across the Council. The hourly rate in the middle of the highest and lowest hourly rates	£10.97	£10.97	0%	As of 31 March 2021, the median hourly rate for both women and men were £10.97, meaning there is no median gender pay gap, an outcome maintained for 3 consecutive years.
The median hourly rate across the Council. The sum of all the wages of female or male employees divided by the respective number of employees of each gender.	£13.01	£13.67	4.8%	As of 31 March 2021, the median hourly rate across the Council was £13.21: mean hourly rate for women of £13.01 and for men of £13.67 - a mean hourly rate gender pay gap of 4.8%, a reduction of 1.2% from last year's 6%





# Linking it all to the Council's Borough Strategy

The Council's EDI Strategy supports the wider St Helens Borough Strategy mission of "working together for a better borough with people at the heart of everything we do".

The EDI Strategy demonstrates a direct contribution to the achievement of the following "Be a Responsible Council" objectives and measures of success.

## Be a Responsible Council Objectives supported by the EDI Strategy

### Phase 1

1. Invest in developing the strengths and skills of our workforce and elected members

### Phase 2

1. Communicate, listen, engage, and work in partnership well with our residents, communities, local organisations, and partners recognising the strengths and skills in our community
2. Embrace innovative ways of working to improve service delivery and the operations of the council
3. Meet our community's needs by delivering accessible and responsive services

## Be a Responsible Council Measures of Success supported by the EDI Strategy

### Phase 1

- We increase training and development opportunities for our workforce and elected members (access)
- The health and well-being of our workforce is well supported (quality)
- Our workforce is agile, skilled, and motivated (quality)
- Our shared values and behaviours promote a positive work culture (outcome)

### Phase 2

- More services delivered in localities, based on where and how customers need them (access)
- We communicate positive messages and behaviours that increase community resilience (access)
- Increased use of modern technology to support customers and communities (access)
- We promote our borough to create improved feelings and pride in the area (quality)
- We respond to residents and communities' concerns in a prompt manner (quality)
- Increased customer engagement with digital and online services (outcome)
- Levels of customer satisfaction is high (outcome)
- There is growing trust and confidence in the council (outcome)



# Phase 1 - St Helens Borough Council as an Employer

**Our Phase 1 Commitment** - St Helens Borough Council is committed to creating a more welcoming, safe, and inclusive work environment, based on the vision that everyone is included, has a voice, and is empowered to influence, through the values of trust, integrity, collaboration, innovation. Our vision and values create a culture of mutual respect, inclusion, and dignity, which is critical to ensure the organisational capability meets the needs of our increasingly diverse community.

A key factor to understanding if we are achieving our vision and values is the 'lived experience' of staff who share protected characteristics that are in the minority in our organisation; and we know that tackling the impact of systemic inequality and discrimination is the key issue to achieving this.

Our BAME Staff Network was instrumental in co-developing our Race Equality Declaration of intent – which includes our race equality ambitions, actions and achievements over the next 4 years.

The action from the Race Equality Declaration Of Intent were used as the themes for the wider Staff EDI Network engagement and discussion. As a result, the same themed actions appear within this strategy but extended to cover all protected characteristics.

Our Disability Staff Forum has considered the Department of Work and Pensions (DWP) Disability Confident Employer Quality Mark as the appropriate self-assessment and improvement tool through which to advance disability equality in employment.

The Staff LGBTQI+ Forum, which explores the experiences and supports staff with sexual orientations and gender identities in the minority in the workforce, identified the Navajo Merseyside & Cheshire LGBTIQA+ Charter Mark as the appropriate self-assessment and improvement tool through which to advance sexual orientation and gender identity equality.

The attainment of the Navajo LGBTIQA+ Charter Mark and the Disability Confident Employer Quality Mark have been included within the **Measurable Equality Employment Objectives** within this strategy.

Ultimately, it is our staff who will tell us if we have successfully fostered an accessible, safe, and inclusive work environment where the health and well-being of our workforce is well supported, and our shared values and behaviours promote a positive work culture.

Phase 1 has been set out below in terms of ambitions, actions, and achievements that bring together the various "Council as an employer" elements and commitments of the EDI Strategy.

To ensure there is a tangible link to the Borough Strategy, the "Measures of Success" - from the "Be a Responsible Council" objective "Invest in developing the strengths and skills of our workforce and elected members" - have become our EDI Strategy Employment **Ambitions**.



Each Ambition has a corresponding **Action** co-created with our Staff EDI and BAME Networks

The Actions also correlate to Equality Framework **Diverse and Engaged Workforce Themes** (13 to 17), which, in turn, will become an efficient and effective tool through which to self-assess, improve, and deliver our **Achievements**. The Achievements demonstrate the delivery of the Ambitions and will become part of our **Measurable Equality Employment Objectives**.

## **Ambitions**

- Increase training and development opportunities for our workforce and elected members
- The health and well-being of our workforce is well supported
- Our workforce is agile, skilled, and motivated
- Our shared values and behaviours promote a positive work culture

## **Actions and corresponding Equality Framework for Local Government Themes**

To deliver our Ambitions, the Council will :

- Provide a mandatory EDI training programme for all staff, including all future new starters to the organisation. (EFLG Theme 16 Learning, development, and progression)
- Work with Staff EDI Network to understand how the organisation can support an inclusive and safe workplace environment for staff. (EFLG Theme 17 Health and wellbeing)
- Increase diversity in staff representation taking into consideration local and regional demographics (EFLG Theme 13 Workforce diversity and inclusion, and Theme 15 Collecting, analysing, and publishing workforce data)
- Work with Staff EDI Network to develop clear pathways and routes to information, advice, and support for staff and for managers (EFLG Theme 14 Inclusive strategies and policies)

## **Achievements**

Our Measurable Equality Objectives and reported against annually:

- A council workforce profile with an improved representation of diversity across all protected characteristics
- Staff survey evidence that staff who share different protected characteristics
  - feel their health and well-being is well supported.
  - feel their level of motivation is high.
  - are experiencing a positive work culture based on our shared values and behaviours.

## Phase 1 - Measurable Employment Equality Objectives

The Council has set the following measurable employment equality objectives as milestones through which to record progress against Phase 1 of the strategy - the Council as an Employer

Progress against these measurable employment equality objectives will be reported within the Council's Annual Equality Monitoring Report.

Phase 1 Measurable Employment Equality Objectives	Date
1. Set targets for BAME staff representation informed by 2021 Census and report against those targets annually (From the Race Equality Declaration of Intent)	Annually
2. A council workforce profile with an improved representation of diversity across all protected characteristics	Annually
3. Staff survey evidence that staff who share different protected characteristics <ul style="list-style-type: none"> <li>• feel their health and well-being is well supported.</li> <li>• feel their level of motivation is high.</li> <li>• are experiencing a positive work culture based on our shared values and behaviours</li> </ul>	Annually
4. Level 3 DWP's Disability Confident Employer quality mark	Dec 2023
5. Navajo Merseyside & Cheshire LGBTIQA+ Charter Mark	Dec 2024

## Phase 2 - St Helens Borough Council as a lead organisation within the community and as a partner in the Liverpool City Region

The Borough Strategy is the key document that sets out the council vision St Helens Borough, the themes that identify our place, the priorities we will focus on and the outcomes we will strive to achieve.

The Council's EDI Strategy is based on the Borough Strategy priority "be a responsible council" and will be developed to achieve the Borough Strategy measures of success that indicate how well we are meeting our priority as a lead organisation in the Community and a partner in the Liverpool City Region.

Our EDI Strategy is also designed to support the Liverpool City Region Combined Authority (LCRCA) to deliver the partnership element of its Equality Strategy. Specifically in support of the LCRCA's Civic Leader objective:- "Working with our partners, we will lead from the front and use our sphere of influence in the Liverpool City Region, demonstrating that our positive actions working together will deliver change that benefits everyone in our city region."



Throughout 2022, we will consult, engage, and collaborate with community stakeholders and partners, both locally and in the Liverpool City Region to ensure their diverse needs continue to shape and cocreate the plans, services, projects, and programmes we deliver.

## Our Phase 2 Commitments

We will work together

- with partners in the Borough to actively identify and remove barriers for under-represented groups, advance equity by recognising and meeting people’s different needs, practise inclusion in all we do, and ensure the council’s workforce and service providers are equipped to deliver accessible, safe, and inclusive services to our diverse community.
- with our partners in the Liverpool City Region, demonstrating that our positive actions working together will deliver change that benefits everyone in our city region.

In a similar approach to Phase 1, our Phase 2 ambitions will be based on the St Helens Borough Strategy’s “Be a Responsible Council” objectives. These correspond to Modules 1–3 of the Equality Framework for Local Government.

Phase 2 Be A Responsible Council Objective	Corresponding Framework Module
Communicate, listen, engage, and work in partnership well with our residents, communities, local organisations, and partners recognising the strengths and skills in our community	<b>Module 1</b> - Understanding and working with your communities
Embrace innovative ways of working to improve service delivery and the operations of the council	<b>Module 2</b> - Leadership, partnership, and organisational commitment
Meet our community’s needs by delivering accessible and responsive services	<b>Module 3</b> - Responsive services and customer care

In collaboration with community stakeholders and partners, we will use the Equality Framework as a self-assessment tool to identify strengths and areas for improvement.

As the Modules of the Framework correlate to the Council’s Borough Strategy Objectives, progressing through the levels of the Framework will contribute towards the following Borough Strategy “Be a Responsible Council” measures of success

### Be a Responsible Council Measures of Success supported by Phase 2 of the Strategy

- More services delivered in localities, based on where and how customers need them
- We communicate positive messages and behaviours that increase community resilience
- Increased use of modern technology to support customers and communities
- We promote our borough to create improved feelings and pride in the area
- We respond to residents and communities’ concerns in a prompt manner
- Increased customer engagement with digital and online services
- Levels of customer satisfaction is high
- There is growing trust and confidence in the council



## Phase 2 – Measurable Organisational Equality Objectives

Progression through the 3 levels of the Equality Framework will be used to demonstrate achievement of our Phase 2 commitments.

Phase 2 Measurable Organisational Equality Objectives	Target Date
Meet Equality Framework for Local Government Level 1 Developing	May 2023
Meet Equality Framework for Local Government Level 2 Achieving	May 2024
Meet Equality Framework for Local Government Level 3 Excellent	May 2025

## Appendix 1 the Local Government Association’s equality framework for local government

The framework sets out four modules for improvement, underpinned by a range of criteria and practical guidance that we will use to engage, co-create, plan, implement, and deliver equality, diversity, and inclusion outcomes.

The four modules are:

**Module 1. understanding and working with your communities**

**Module 2. leadership, partnership, and organisational commitment**

**Module 3. responsive services and customer care**

**Module 4. diverse and engaged workforce (Phase 1 of the EDI Strategy)**

For each module there are three Levels of achievement: Developing, Achieving, and Excellent.

**Developing** - The developing level criteria contain the basic building blocks for each module. At the Developing level the Council will have clear evidence that it has put the processes in place to deliver on the commitments of Phase 1 and 2 of the in the EDI Strategy.

**Achieving** - At the Achieving level the Council will be able to demonstrate it has policies, processes and procedures in place and is delivering some good equality outcomes. It is not only meeting but can demonstrate exceeding statutory requirements.

**Excellent** - At the Excellent level the Council will be able to demonstrate that it has mainstreamed equality throughout the organisation and is delivering significant outcomes against the commitments of the EDI Strategy and that these contribute to the Borough Strategy ‘be a responsible council’ objectives and measures of success. At Excellent, the Council will not only be exceeding statutory requirements but will be an EDI exemplar in the local government and wider public sector.



## **Module 1 Understanding and working with your communities**

- Theme 1. collecting and sharing information
- Theme 2. analysing and using data and information
- Theme 3. effective community engagement
- Theme 4. fostering good community relations
- Theme 5. participation in public life.

## **Module 2 Leadership, partnership, and organisational commitment**

- Theme 6. political and officer leadership
- Theme 7. priorities and working in partnership
- Theme 8. using equality impact assessment
- Theme 9. performance monitoring and scrutiny.

## **Module 3 Responsive services and customer care**

- Theme 10. commissioning and procuring services
- Theme 11. integration of equality objectives into planned service outcomes
- Theme 12. service design and delivery.

## **Module 4 Diverse and engaged workforce (Delivering Phase 1 of the Strategy)**

- Theme 13. workforce diversity and inclusion
- Theme 14. inclusive strategies and policies
- Theme 15. collecting, analysing, and publishing workforce data
- Theme 16. learning, development, and progression
- Theme 17. health and wellbeing.



**ST HELENS**  
BOROUGH COUNCIL