

Town and Country Planning Act 1990

Acquisition of Land Act 1981

Inquiry into:

**THE ST HELENS BOROUGH COUNCIL (ST HELENS TOWN CENTRE) COMPULSORY
PURCHASE ORDER 2022**

Regeneration

Statement of Evidence

of

Sean Traynor

of St Helens Borough Council

14 July 2023

1. INTRODUCTION

Qualifications & Experience

- 1.1 I am Sean Traynor, Director of Strategic Growth at St Helens Borough Council (hereafter referred to as 'St Helens Council' or 'the Council'). I have a Bachelor of Engineering Honors Degree from Bolton Institute of Higher Education.
- 1.2 I have worked at St Helens Borough Council for circa 16 years in total, between 1991 and 2000, 2002 and 2006, and returning to the authority in Spring 2021 as Director of Strategic Growth with responsibility for services that include regeneration, planning, estates and economy.
- 1.3 I have over 32 years' professional experience gained in the public sector across a small number of local authorities in the North West of England, where I have been involved in several large-scale, mixed-use regeneration projects and programmes, from the earliest stage inception through to the post-planning consent, funding, construction, occupation and management stage.

Role within the Project

- 1.4 Upon my appointment in Spring 2021, as Director of Strategic Growth at St Helens Borough Council, I have acted as the Council's lead officer on the delivery of growth plans for the borough, including the prioritised St Helens' town centre regeneration project that has involved the following related activities amongst others:
- **Spring 2021 to February 2022** – development and adoption of the St Helens Town Centre Masterplan Development Framework (the "MDF") (**CD B3**). The MDF, which was approved by the Council in February 2022, was informed by extensive engagement that had taken place to inform the St Helens Our Borough Strategy 2021-2030 (**CD B1**), Town Investment Plan (**CD G6**) and St Helens Borough Local Plan to 2037 (**CD B2**) and through early engagement with key stakeholders including the established Town Deal Board. This process helped secure early buy-in from stakeholders, a clear understanding of the town's opportunities and constraints, and the scale of intervention required to enact change. The MDF (**CD B3**) provides a transformational vision for St Helens town centre, setting out a route-map for delivering the ambitions of the English Cities Fund (the "ECF") partnership.
 - **January 2022** – Successful acquisition, by negotiation, of the Hardshaw Shopping Centre (**CD I7**) to facilitate the First Phase Development of St Helens town centre.

This represents a substantial part of the Order Land and acts to demonstrate the positive action taken by the Council to acquire the necessary land and property by negotiation to deliver the First Phase Development of St Helens town centre.

- **January 2022** – Successful acquisition, by negotiation, of Unit 2 Hardshaw Centre and 69-79 Church Street (**CD I7**) to facilitate the First Phase Development of St Helens town centre. This land and property is inextricably linked to the Hardshaw Shopping Centre that is a substantial part of the Order Land and acts to demonstrate the positive action taken by the Council to acquire the necessary land and property by negotiation to deliver the First Phase Development of St Helens town centre.
- **April 2022** – Successful acquisition, by negotiation, of the former Marks & Spencer unit at 51 Church Street (**CD I7**) to facilitate the First Phase Development of St Helens town centre. This land and property is also inextricably linked to the Hardshaw Shopping Centre that is a substantial part of the Order Land and acts to demonstrate the positive action taken by the Council to acquire the necessary land and property by negotiation to deliver the First Phase Development of St Helens town centre.
- **July 2022** - Successful submission to the Liverpool City Region Sustainable Transport Strategy (the "LCRSTS") (**CD G7**) in relation to the St Helens Multi-Modal Interchange project. The LCRSTS is a transport investment prospectus for the LCR between 2022/23 and 2026/27, which includes £10m to provide a new Multi-Modal Interchange in St Helens town centre as part of the First Phase Development and transformative regeneration scheme. The new Multi-Modal Interchange is to be formed via an improved and expanded bus station facility in the heart of St Helens town centre, which has enhanced direct connections to St Helens Central rail station and several active travel routes thereby offering multi-modal transport options.
- **July 2022** – Successful submission of a business case to Government for the St Helens Towns Fund 'Town Centre Regeneration & Living' project (**CD G4**), securing £7.2m investment from the £25m St Helens Towns Fund programme to facilitate the First Phase Development of St Helens town centre.
- **August 2022** - Successful submission of an application to the One Public Estate Brownfield Land Phase 2 Programme, securing £0.81m investment to facilitate new housing units as an integral component of the First Phase Development of St Helens town centre.

- **September 2022** – Planning Committee resolution (**CD C5**) that the decision to Grant Planning Permission (planning application reference P/2022/0212/HYBR) be delegated to the Head of Planning, with that decision to be subject to the completion of a Section 106 agreement and a schedule of appropriate conditions. This provided Hybrid planning permission for the delivery of the first phase of development in St Helens Town Centre, securing 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. 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.
- **June 2023** – approval of the St Helens Inclusive Growth Strategy (**CD G1**), which sets out priorities for the economy and brings together the activity that businesses, the Council, further education and training providers, and other organisations working across the Liverpool City Region (the “LCR”) are undertaking to help the economy thrive. The Inclusive Growth Strategy recognises that St Helens has a once in a generation opportunity through the substantial investment planned in the Borough, including through the English Cities Fund (the “ECF”) partnership. By linking the opportunities together, these investments have the potential to create and act as a catalyst for genuine and lasting change for our residents, improving job quality and wages, enhancing the physical experience and perception of St Helens town centre.
- **Ongoing** - negotiation and acquisition of remaining land and property interests at Bickerstaffe Street, Church Street, Corporation Street and Hall Street to facilitate the First Phase Development of St Helens town centre;
- **Ongoing** - I am the Senior Responsible Officer for the £25m St Helens Towns Fund Programme, from which £7.2m investment has been secured to facilitate the First Phase Development of St Helens town centre through the ‘Town Centre Regeneration & Living’ project (**CD G4**).
- **Ongoing** - I am the Senior Responsible Officer for the Gamble Building project. The Council has committed to bring back into public use our civic buildings such as The

Gamble Building, which is intended to be reimagined as the “Living Room” of the town with relocated archives, library and related facilities that would encourage greater footfall in the town centre and complement the intended uses of the First Phase Development.

- **Ongoing** – I am a Steering Group member for the St Helens ECF partnership. ECF is a successful Joint Venture Limited Partnership between Muse, Legal & General and Homes England (further information provided in Section 3). The Council selected ECF as its strategic partner in March 2020 and entered into an Overarching Development Agreement (the “ODA”) in December 2020, which governs the regeneration and redevelopment of several sites across St Helens by ECF over the next 20 years. The parties committed to work together with the aim of achieving the overall improvement of the social, environmental and economic wellbeing of St Helens. The priority project is the regeneration of St Helens town centre.

1.5 I am very familiar with the Site and surrounding having been based at Council offices within St Helens town centre for circa 16 years between 1991 and 2000, 2002 and 2006, and from 2021 to the present day.

1.6 I therefore have a detailed understanding of the Order Land, its surroundings, the rationale for the development, the ECF and Council partnership, relevant planning policy and the consented scheme under the hybrid planning permission.

1.7 As someone who was born, raised and lived for many years in St Helens, I have a life-long and ongoing attachment and affinity with the town.

Scope of Evidence

1.8 I have prepared this Statement of Evidence in support of the St Helens Borough Council (St Helens Town Centre) Compulsory Purchase Order 2022 (hereafter referred to as ‘the Order’), which was made on the 9th of December 2022 (**CD D1**).

1.9 I give evidence for the purposes of this inquiry (reference APP/PCU/CPOP/H4315/3313438), on behalf of St Helens Council, in respect of the justification for the Order, having regard to the Council’s policy framework and other material considerations.

1.10 The evidence contained within this Statement of Evidence represents my true and professional opinion, in accordance with the prevailing guidance.

- 1.11 References in my statement to documents beginning with 'CD' are references to documents in the Core Document list.
- 1.12 My evidence does not include a comprehensive statement on all relevant matters and should be read alongside the evidence provided by Andrew Cairns (Merseytravel), Ged Massie (Keppie Massie), Iain Jenkinson (CBRE) and Sam Ainsley (Jon Mathews Architects).
- 1.13 My evidence will demonstrate there is a compelling case in the public interest to confirm the Order and the remainder of this Statement of Evidence is structured as follows:
2. **Project Overview:** includes details of the Order Land, the Scheme and the making of the CPO;
 3. **Evolution of the Scheme:** explains how the proposed scheme has been derived, including the role of ECF as St Helens Councils preferred strategic delivery partner;
 4. **Need for the Scheme:** summarises the importance of the scheme intervention in St Helens town centre based on previous regeneration initiatives of relevance together with previous engagement activity and the current policy framework.
 5. **Regeneration Benefits:** summarises how the scheme will deliver on the regeneration aspirations of the borough.
 6. **Planning Permission:** confirms the existence of planning permission;
 7. **Funding:** confirms the available resources to pay all compensation arising out of the Order and all costs associated with the scheme;
 8. **Delivery:** outlines the strategy to manage and mitigate all of the reasonably foreseeable risks;
 9. **Human Rights and Equality:** considers the case for compulsory purchase in relation to human rights and equality;
 10. **Response to Objections:** responds to objections of relevance to regeneration matters;
 11. **Summary & Conclusions:** summarises the pertinent points of this Regeneration Statement; and
 12. **Statement of Truth**

2. PROJECT OVERVIEW

Order Land

- 2.1 The Order Land comprises the First Phase Development, which forms part of the Planning Permission **(CD C1)** and includes approximately 9.87ha of St Helens town centre.
- 2.2 The Order Land is the land bound by Corporation Street to the north, Hall Street to the east, Church Square to the south and Library Street to the west (as shown on Plan 1) **(CD D2)**.
- 2.3 Part of the Order Land is within the George Street Conservation Area and the Order Land is adjacent to the Victoria Square Conservation Area, to the north-west of the Order Land.
- 2.4 The First Phase Development involves the demolition of several existing buildings, including the Hardshaw Centre shopping centre, and their replacement with a mix of uses including residential units; commercial, hotel, retail and food and drink uses; a new purpose-built market hall; an improved and extended bus station; and community and learning uses. It also includes associated access and infrastructure, servicing, public realm and landscaping. It is the First Phase Development to which the Order and the Order Land relates.

The Scheme

- 2.5 ECF's proposals for the comprehensive regeneration of the town centre (which includes, amongst other areas, the Order Land) were approved in hybrid form under planning permission reference P/2022/0212/HYBR on 31 March 2023, hereafter referred to as 'the Scheme'. The Scheme comprises the following components as illustrated on Plans 1 to 5 **(CD I1 to CD I5)**:

- 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 parameters plan – development plots **(CD I2)** and are presented as two options (options only affect Plots 4 and 11):
 - Up to 7,854 sq m 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 sq m);
 - Up to 24,678 sq m GIA of office floorspace (Option B) (Option A: up to 10,950 sq m GIA);
 - Up to 340 sq m 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.

The Making of the CPO

2.6 Despite continued efforts being made to purchase the Order Land through negotiation, there are a number of property interests within the Order Land that remain in the ownership of third parties. The Council in each instance has considered the reasons why it is necessary to acquire the property interests identified in the Schedule to the Order **(CD D1)**. The freeholders, leaseholders, Council tenants and occupiers have been invited to enter into discussions with the Council with regard to compensation on

the basis of a negotiated acquisition in accordance with the advice contained in the Guidance **(CD E5 to CD E8)**.

- 2.7 The Council's negotiations with freeholders and leaseholders have indicated that it is likely that the timely acquisition of these interests on reasonable terms and within a realistic timescale based on the Council's requirements will, in some instances, only be achievable through compulsory purchase.
- 2.8 Accordingly, at its meeting on 9 November 2022 the Council's Cabinet resolved **(CD D6)** to make and promote the Order, because it is not certain that it will be able to secure by agreement the land and rights required for the delivery of the Scheme, although the Council's efforts to acquire the necessary land by agreement will continue in parallel with the compulsory purchase order process. The Order **(CD D1)** was then prepared in the Form numbered 1 in the 2004 Regulations, sealed and dated on the 9 December 2022.
- 2.9 Notice of the making of the Order in the Form numbered 7 in the Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004 ("2004 Regulations"), was published in two issues of the St Helens Star dated 15 December 2022 and 22 December 2022 (see Compliance Pack) and the time allowed for objections was in excess of 21 days. A total of 10 objections were made to the Order **(CD D7)**. However, the objection of Merseytravel has since been withdrawn **(CD D28)** and they strongly support the confirmation of the CPO as per the evidence provided by Andrew Cairns (Merseytravel). The objections from Angela Hindley, Noel Hesketh, Scott Hindley, Amy Lewis and have also been subsequently withdrawn **(CD29, CD30, CD31 and CD32)**.
- 2.10 Site Notices of Making of the Order (see Compliance Pack) in the Form numbered 7 in the 2004 Regulations were posted at conspicuous places on the Order Land and Notice of the Making of the CPO (see Compliance Pack) in the Form numbered 8 in the 2004 Regulations were duly served on every owner, tenant, occupier and qualifying person in relation to all land compromised within the CPO, in accordance with section 6(1) of the 1981 Act. The time allowed for objections specified in each of the Notices was in excess of 21 days. In relation to these plots of land where the identity of an owner, lessee, tenant or occupier, or qualifying persons pursuant to sections 12(12A)(a) and 12(12A)(b) of the 1981 Act was unknown, a Notice of Making of the CPO (see Compliance Pack) in the form required by Section 6(4) of the 1981 Act was posted on or near the plot in question in a conspicuous place on the Order Land.
- 2.11 Copies of the Order **(CD D1)**, the Map **(CD D2)** and Statement of Reasons **(CD D3)** and documents referred to therein were deposited at St Helens Town Hall. A copy of the

Statement of Case (**CD D4**) was sent to the Department for Levelling Up, Housing and Communities, PINS and each objector on 9 May 2023, in accordance with Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007. This also provided a hyperlink to the inquiry documents library maintained by the Council at the website: www.sthelens.gov.uk/CPO.

- 2.12 The approach to negotiations and responses to the remaining objections are covered in the Statement of Evidence from Ged Massie (Keppie Massie).
- 2.13 The Order Land also includes rights, easements, the benefit of covenants, rent charges and options in the Order Land. Notwithstanding all reasonable inquiries having been undertaken, the Order Land also includes land in unknown ownership, or land reputed to be in unknown ownership, which needs to be compulsorily acquired to facilitate the delivery of the Scheme.
- 2.14 In my Statement of Evidence I set out why I believe that there is a compelling need in the public interest for the redevelopment of the Order Land through the Scheme to deliver substantial public benefits, contributing to the economic, social and environmental wellbeing of the area without delay.
- 2.15 The Scheme accords with the Development Plan (in this case the recently adopted St Helens Local Plan to 2037) (CD B2) for the Order Land area. It is also supported by national planning policies, has the benefit of Planning Permission from the Local Planning Authority and meets the Council's Our Borough Strategy (CD B1) objectives to:
- Ensure children and young people have a positive start in life.
 - Promote good health, independence, and care across our communities.
 - Create safe and strong communities and neighbourhoods for all.
 - Support a strong, thriving, inclusive and well-connected economy.
 - Create green and vibrant places that reflect our heritage and culture.
 - Be a responsible Council.
- 2.16 Moreover, I strongly believe in the benefits, opportunities and aspirations that the investment being delivered on the back of Order will bring for generations of local people in the Borough. My evidence sets out the fundamental need to grow and support the local economy in St Helens to address underlying and longstanding issues of

deprivation and unequal opportunity in life. This is a key and continuing priority for the Council, which is being taken forward through a new Inclusive Growth Strategy (**CD G1**).

3. EVOLUTION OF THE SCHEME

- 3.1 In March 2020, St Helens Council appointed ECF as its preferred strategic delivery partner. This decision was taken by the Council having regard to several failed attempts to deliver the requisite regeneration of St Helens town centre and the wider borough over several years (further details are provided in Section 4).
- 3.2 The Council recognised that a new approach to growing the economy of the borough was required – one that sought to work pro-actively with the private sector and to establish a strategic partnership which maximised the opportunities to deliver significant future growth in St. Helens and deliver key priorities including town centre regeneration, social wellbeing and providing appropriate infrastructure to support future development.
- 3.3 The concept of a strategic partnership between the public and private sector has been expanded to be applied to the Borough wide area of St Helens, linking viable development opportunities with the priority of delivering the regeneration of our town centres. ECF acknowledge that significant investment will be required in the formative years of any partnership to deliver regeneration within St Helens town centre and therefore there would be a need to commit to a long-term transformational programme of up to 20 years.
- 3.4 Through this approach, the Council has developed a relationship with the ECF that would satisfy these key objectives and provide a suitable mechanism to deliver a comprehensive regeneration of the wider borough including 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.
- 3.5 ECF is a highly successful Joint Venture Limited Partnership comprising Muse, Legal & General and Homes England which was originally established by the Labour Government in 2001 to drive greater institutional and private investment in English towns and cities. ECF was a direct response to the Urban Task Force's report "Towards an Urban Renaissance" which sought to identify the causes of urban decline and establish a vision for Britain's cities based on the principles of design excellence, social well-being and environmental responsibility.
- 3.6 The private partners in ECF sit alongside Homes England and were selected for their specific qualities via an OJEU competition with the aim being to deliver regeneration schemes on identified sites in towns and cities with Assisted Areas status, at that time. ECF was established as a £100m vehicle to invest public and private sector money. Each of the partners bring their own specific areas of expertise with Homes England

providing land, funding and best practice, Legal and General offering strategic investment advice and funding support, whilst Muse specialise in site assembly, design, construction, sales and lettings.

- 3.7 I believe that this combination of partners provides a unique capability to deliver exceptional regeneration schemes in failing town centres drawing on ECF's development experience and investment expertise in place-making that has led to true transformational programmes in some of the most challenging and complexed areas of the Country.
- 3.8 Such has been the success of ECF that this fund was extended to £200m providing investment in new regeneration opportunities and is now able to operate in major towns and cities throughout England. The first five ECF partner schemes delivered development worth of £1.6bn into the five local authorities that supported them, from the initial investment by ECF of £100m.
- 3.9 I would like to draw attention to two case studies of work ECF has successfully undertaken with local authorities using the approach adopted in St Helens:

ECF Case Study 1 – Salford

The English Cities Fund's partnership with Salford City Council is transforming this historic city. Together, the fund and the council have assembled a 50-acre, isolated site across the River Irwell from Manchester city centre and turned it into a dynamic destination in its own right, loved by the people who live and work there.

The 12-phase, £650 million project is delivering a new commercial and leisure district at New Bailey, adjacent to Salford Central station and close to Manchester's Spinningfields, keeping the place buzzing day and night. 849 high-quality homes have also been built as part of an inspiring new community in the Chapel Street district.

The scheme has become an engine of growth and renewal for Salford. Among the first organisations to call New Bailey home are Magic Circle law firm Freshfields Bruckhaus Deringer, HM Revenue and Customs and wealth management business WHIreland. The development has delivered one of the North West's first institutionally funded build-to-rent schemes – the Slate Yard. Chapel Street, once an area of vacant shops and low investment, is now a vibrant urban village.

Backed by a bold vision of what the city could offer, some clever design ideas and a strong, long-term partnership, central Salford is once again an enterprising place which is attracting other investors. Even the car park is award winning.

ECF Case Study 2 – Wakefield

On the western side of Wakefield city centre used to lie 17 acres of largely derelict land, railway sidings and a disused dairy. Now, thanks to an ambitious partnership between the English Cities Fund, Wakefield Council and Network Rail, the area is a bustling civic, commercial, leisure and residential gateway into the city.

123,000 sq ft of civic office space, along with 77,000 sq ft of retail and leisure facilities and more than 60 new apartments has brought life flooding back to this part of Wakefield. Merchant Gate has truly become part of the city's fabric, providing a modern headquarters for the city council at Wakefield One, as well as a new home for the county court at Emerald House.

A £9 million investment in public infrastructure has created a new gateway into the city with the opening of the rebuilt Westgate station and public space at Burgage Square.

Merchant Gate is part of a story of cultural rejuvenation taking place across Wakefield. Alongside the creative hub developed to the south of the city, the wider Merchant Gate regeneration programme includes Wakefield Museum, the city library, a café and soon, a new performing arts college. What was once lost land has become an engine of reinvention and imagination for interested minds, young creatives and the next generation of Wakefield citizens.

- 3.10 In December 2020, an ODA was executed between St Helens Council and ECF that governs the regeneration and redevelopment of several sites across St Helens over the next 20 years of the partnership. Through the ODA both parties have committed to work together with the aim of achieving the overall improvement of the social, environmental and economic wellbeing of St Helens, consistent with s.226 T&CPA 1990 **(CD A2.1)**.
- 3.11 Importantly, and reflecting St Helens Council's clearly stated ambitions in Our Borough Strategy 2021-2023 **(CD B1)** for the successful regeneration of St Helens town centre as a priority, also set out in the recently adopted St Helens Borough Local Plan to 2037, the ODA requires the ECF partnership to bring forward development proposals for the regeneration of St Helens town centre as a prioritised activity.
- 3.12 Accordingly, in Spring 2021, the ECF partnership (working alongside St Helens Council) commenced preparation of a draft MDF for St Helens town centre **(CD B6)**, learning

from the previous failed regeneration attempts and having regard to prevailing baseline conditions and assessment of the town centre. Further details are provided in Section 4 and the Statement of Evidence from Sam Ainsley (JMA Architects).

- 3.13 At its meeting of 20 October 2021, the Cabinet of St Helens Council approved the draft MDF **(CD B6)** for public consultation upon for a period of 6 weeks. Details of the consultation and outcome are provided in the Statement of Evidence from Iain Jenkinson (CBRE).
- 3.14 At its meeting 2 February 2022 **(CD D5)**, the Cabinet of St Helens noted the outcome of the public consultation on the draft MDF and adopted the final version **(CD B3)**. It also noted progress made against the current acquisition strategy and the purchase of key properties required to deliver the First Phase Development of the MDF **(CD B3)**. Approval was also granted (under delegation) for the use of Compulsory Purchase Powers alongside other legislation for the purchase of land required if it cannot be purchased through negotiations.
- 3.15 Under the private agenda of its 2 February 2022 meeting, the Cabinet also received an update on progress with key town centre property acquisitions. The reasons that the item was considered in private is that it involved the disclosure of exempt information under the following category of Schedule 12A of the Local Government Act 1972: (3) Information relating to the financial or business affairs of any particular person (including the authority holding the information)
- 3.16 ECF's proposals for the comprehensive regeneration of the town centre (which includes, amongst other areas, the Order Land) were submitted in the form of a hybrid planning application to St Helens Council and validated on 29 March 2022. At its meeting of September 2022 **(CD C5)**, St Helens Borough Council Planning Committee granted permission (reference P/2022/0212/HYBR) subject to conditions and a s106 Agreement, with the decision issued on 31 March 2023 **(CD C1)**.
- 3.17 The St Helens Borough Local Plan to 2037 **(CD B2)** was officially adopted with approval by members of the Full Council at its meeting on 12 July 2022, and the Schemes regeneration proposals support its priorities, particularly policy LPB01 (St Helens Town Centre and Central Spatial Area) which advises that the ECF 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.

- 3.18 At its meeting of 9 November 2022 (**CD D6**), Cabinet approval was given to the making of a CPO pursuant to the powers contained in Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) (“1990 Act”). The Order was then prepared in the Form numbered 1 in the 2004 Regulations, sealed and dated on the 9 December 2022 (**CD D1**).
- 3.19 At the time of preparing this Statement of Evidence, a public consultation exercise is underway to inform preparation of a reserved matters planning application for the First Phase Development, with submission scheduled for August 2023.
- 3.20 Pursuant to the securing of reserved matters planning permission and a successful outcome to the CPO, it is currently anticipated that demolition would commence early in 2024 with completion of the First Phase Development early in 2026.

4. NEED FOR THE SCHEME

- 4.1 The urban form of St Helens Borough can be traced back to its history of coal mining, railways and glass making. These traditional industries employed many thousands of people in St Helens, which led to rapid growth of the town, but their severe decline in recent decades has not only created a legacy of derelict and contaminated land, but for many years it has significantly impacted upon the vitality of St Helens town centre. The need for regeneration of the town centre has therefore long been recognised and supported in successive statutory development plans.
- 4.2 The last significant regeneration investment in St Helens town centre occurred in the mid-1990's when the creation of the St Helens Linkway enabled a down grading of the former southern ring road that comprised Chalon Way, thereby providing a windfall opportunity site. This facilitated a new market hall extension and complete refurbishment of St Mary's Market, but this development faced challenges almost from the outset as the development was semi-remote from the heart of the town centre and major footfall generators.
- 4.3 St Helens Bus Station is a dated facility has several in-built limitations due to its constrained footprint as demonstrated in the Statement of Evidence from Andrew Cairns (Merseytravel), which is an issue that was not suitably addressed when it was last upgraded in the mid-1990's.
- 4.4 The St Helens Local Plan Core Strategy of 2012 (**CD G8**) recognised the regeneration and vitality of St Helens town centre as a key issue and identified the need to Enhance the Town Centre and a St Helens Central Spatial Area Action Plan was proposed. At that time St Helens Borough was ranked as the 51st most deprived authority out of 326 local authorities in England.
- 4.5 St Helens Borough is now ranked as the 26th most deprived out of 326 local authorities in England. The Borough has relatively low economic activity rates, levels of pay and educational attainment. Levels of dependency on benefits within the Borough are above regional and national averages. These issues are concentrated most significantly within the urban core of St Helens that includes St Helens town centre.
- 4.6 In 2016, the Council conducted 'Place Conversations' with a series of stakeholders, which included interviews, focus groups, youth workshop, residents and business online surveys. Participants were asked to describe St Helens in words and identify things to improve. The outcomes of the online survey (**CD E9**) featured prominent words such as tired, declining, dated and depressing when describing St Helens, and shopping and regeneration of town centre was identified as a common theme in terms of things to

improve. The worst aspects that were highlighted include town centre, poor gateways, traffic flow, lack of quality office space, no hotels, little to attract young people/retain young people, short term thinking, and there being no 'experience'.

- 4.7 With specific regard to St Helens town centre, the 'Place Conversations' reflections (**CD E9**) included it being 'outdated, tired, bland, struggling', 'needs modernising', 'poor quality market' and 'back to front' with 'no heart'. A key theme that emerged from the engagement to change and drive its transformation was 'shrink and link' the town centre, consolidating retail and providing town centre living.
- 4.8 In 2017, the Council did also prepare a draft St Helens Town Centre Strategy for the period 2017 to 2027 (**CD G5**). In response to the aforementioned 'Place Conversations', it recognised that a transformational solution was required to 'shrink and link' the town centre to become an attractive destination with a varied offer of retail, leisure and culture – particularly for families, to quickly reverse a declining trend and find the base for a more sustainable future.
- 4.9 Whilst the 2017 St Helens Town Centre Strategy (**CD G5**) appropriately recognised many of the challenges that were being faced and promoted some relatable interventions in theory, it was never progressed beyond initial consultation as it lacked a credible delivery strategy. It was therefore one of a number of aspirational false dawns for the much needed of regeneration of St Helens town centre.
- 4.10 It is therefore clearly evident that St Helens town centre has been facing deep-rooted issues, problems and challenges for many years and it is equally evident that previously promoted initiatives have failed to address the situation or materialise due to the lack of a credible delivery strategy or partner, with the relevant metrics demonstrating a worsening of conditions across metrics.
- 4.11 The wider ranging issues for St Helens town centre were initially generated by the demise of its foundation industries and then competition from out of centre retail parks, including the loss of key brands such as Marks & Spencer and Next who relocated from central town centre premises in Church Square.
- 4.12 More recently the issues have been exacerbated by other widespread structural changes to the retail market. These changes include the advent of online shopping, which were then accelerated by the impacts of the Covid-19 pandemic. This has resulted in an increased over-supply of retail floorspace with a lack of variety and an experiential offer, all of which has further reduced footfall and dwell-time, resulting in the town centre being an unattractive place to live in and visit (for shopping, leisure and tourism) .

- 4.13 The consequential spiral of decline can only be addressed through a comprehensive transformation of the town centre and one that tackles the deep-rooted issues at the very heart of, and main arrival point to, St Helens town centre as explained further in the statement of evidence from Sam Ainsley (Jon Mathews Architects). This is in contrast to the windfall opportunity sites approach undertaken in the mid-1990s that, despite being well intended and involving significant investment at that time, have not halted the town centres decline and certainly not improved the situation.
- 4.14 Equally, transformation proposals for St Helens town centre must be absolutely cast within a viable delivery strategy because whilst many of the headline principles of the 2017 St Helens Town Centre Strategy (**CD G5**) were reasonable, there was no identified funding source nor an identified delivery partner. Understandably, residents and businesses of the borough became frustrated by another false dawn.
- 4.15 In absolute contrast, St Helens Council has now developed proposals to regenerate St Helens town centre on a truly comprehensive basis, with the First Phase Development relating to its very heart and where visitors arriving by public transport (at the town's highly connected bus and rail stations) will gain their first quality experience. This involves an interventionist approach, requiring a high-degree of commitment from the Council, as much of the land and property was not in its control. Therefore, this has not been an easy or low-cost option but, in my professional opinion, I remain convinced that this is the necessary approach given the current challenges faced in St Helens town centre and having regard to previous regeneration attempts.
- 4.16 A further and important contrast is the direct involvement of the ECF partnership who, as evidenced in Section 3, have extensive experience of delivering successful town centre regeneration initiatives that are similar to those proposed for the first phase development of St Helens town centre. With the benefit of their considerable experience, ECF have been able to provide cost and time projections for the first phase of development with a high level of confidence and this has enabled the Council to ensure that an appropriate funding strategy is in place to service its earliest delivery.
- 4.17 In developing the Our Borough Strategy (**CD B1**), an extensive multi-channel consultation and engagement process was conducted over July and August 2020, with 939 participants. Respondents identified 'Redevelop town and district centres' as their top objective and people said that "Bold decisions are needed. The town centre itself needs to be restricted" and that "Town centres should also be somewhere you live/housing is provided".

- 4.18 Key messages from the engagement that are reflected in Our Borough Strategy include ‘St Helens Town Centre requires radical transformation, ambitious plans should be made and implemented, considering the offer families and the daytime and night-time economies’ and ‘Invest in the public realm’. The First Phase Development proposals have therefore been developed in response to and directly support the priorities of Our Borough Strategy **(CD B1)**.
- 4.19 The First Phase Development proposals also directly support the priorities of the ‘St Helens Local Plan up to 2037’ (adopted July 2022) **(CD B2)**, particularly Policy LPB01 (St Helens Town Centre and Central Spatial Area). It is also strongly supported by national policy in the National Planning Policy Framework (“the NPPF”) **(CD A9)**, especially Chapter 11, which seeks to make optimal use of previously developed land, especially in highly sustainable tier 1 settlements, such as St Helens
- 4.20 The aims of the Scheme and, particularly, the First Phase Development proposals are fully consistent with the Levelling Up and Regeneration Bill that is currently being considered by Parliament. In general terms, this is in relation to supporting local growth, empowering local leaders to regenerate their areas, and ensuring everyone can share in the United Kingdom's success. More specifically, Section 170 of the Levelling Up and Regeneration Bill **(CD A10)** relates to acquisition by local authorities for the purposes of regeneration. The Scheme will deliver the identified growth needs of the Borough in the most sustainable way and it will also directly align to several of the 12 Levelling Up Missions **(CD A10)**; in particular that of ‘Pride in Place: By 2030, pride in place, such as people’s satisfaction with their town centre and engagement in local culture and community, will have risen in every area of the UK, with the gap between top performing and other areas closing’.
- 4.21 The Council fully recognises that, nationally, town centres are still being affected by a range of changing retail and therefore in order for St Helens town centre to remain sustainable, it must continue adapt and provide a distinctive and unique offer. To help define the role of St Helens town centre going forwards, the Council and ECF has developed the MDF **(CD B3)** following a period of extensive public consultation.
- 4.22 The MDF for St Helens **(CD B3)** is a detailed document that was adopted by the Council at its Cabinet Meeting on 2 February 2022 **(CD D5)**. It assesses the current performance of the town centre, its footfall, retail, and housing offer and analyses the transport and movement across the areas through road, rail, walking and cycling. The MDF **(CD B3)** assesses the challenges and the key opportunities within the town that would secure several uses for the town centre and will maximise footfall, dwell-time, and the wider regeneration benefits for the town.

- 4.23 The town centre has been a key priority for the Council for a number of years but requires public investment alongside development expertise from ECF to enable its redevelopment. The strategic case for the Scheme is detailed in the St Helens Towns Fund 'Town Centre Regeneration & Living' Final Business Case **(CD G4)**.
- 4.24 Further details on the need for the development based on the use classes proposed and the market drivers are set in the Statement of Evidence prepared by Iain Jenkinson (CBRE).

Summary

- 4.25 The need case as detailed in this Chapter sets out the importance of intervention in St Helens town centre, which has been facing deep-rooted issues, problems and challenges for many years. It also demonstrates that previously promoted well-intended initiatives have failed to address the situation or materialise due to the lack of a credible delivery strategy or partner, with the relevant metrics demonstrating a worsening of conditions across metrics.
- 4.26 The proposed Scheme has been developed in direct response to these deep-rooted matters and it will result in the regeneration of St Helens town centre on a truly comprehensive basis, commencing at its very heart with the First Phase Development. A necessary interventionist approach is also being taken by the Council as part of a credible delivery strategy, which includes the expertise of ECF, demonstrating a high-degree of commitment from the Council.
- 4.27 The proposals for the Order Land respond to market changes, balance demand and supply, acting as a catalyst for growth and to establish the town centre as a place that is appealing for all, across St Helens. They will deliver significant economic, social and environmental benefits to St Helens town centre and the borough of St Helens, with our communities and stakeholders now simply expressing a strong desire for the Council to 'get on' with delivery at the very earliest opportunity.

5. REGENERATION BENEFITS

- 5.1 The Socio-Economic Context is set out in in the Statement of Evidence from by Iain Jenkinson (CBRE).
- 5.2 Delivery of the First Phase Development will result in several substantial public benefits. It will help address the over-supply of unwanted retail space and replace it with attractive, more useable retail and food and drink units. It will provide a replacement for the existing struggling St Mary's market hall with a new purpose-built market hall that will draw footfall, with more of an emphasis on a food offer. The First Phase Development will introduce new high quality "Grade A" office space to the town centre to provide a supply which is currently lacking, and which means that businesses are not locating in the town centre or are moving out of the town centre. It will include an international brand hotel and will start to create a new town centre residential community through the delivery of 52 apartments and 9 town houses. In addition to new high quality public realm and open space, the First Phase Development includes a new enhanced and expanded bus interchange. Importantly, given the location of the first phase, it will also provide an enhanced sense of arrival into the town centre from the rail and bus stations, which will be fit for purpose for the future.
- 5.3 The delivery of the First Phase Development will help create the conditions for the delivery of the remaining phases of the wider MDF **(CD B3)** and will act as a catalyst for regeneration of other parts of the town centre. The public benefits that will flow from the first phase development can be divided into social, economic, and environmental benefits.
- 5.4 In addition to delivering the above benefits, the First Phase Development will also act as a catalyst for further regeneration in the town. This includes the first element of a new supply of high-quality housing development, which will help create a residential community in the town centre. This will create the conditions for further substantial residential development to come forward, with up to 423 new homes being delivered in accordance with the Outline Planning element of the hybrid planning application **(CD C1)** that was positively determined by Planning Committee on 27 September 2022 **(CD C5)**. The significant improvements to the town centre's environment, together with the first office and hotel development, will also result in a "regeneration effect" that will bring forward further office development pursuant to the permission, and further development within the town centre outside of the ECF hybrid planning application

- 5.5 The Scheme is a direct response to the socio-economic context of the borough and the regeneration strategies which seek to address these socio-economic issues.
- 5.6 It is considered that the Scheme will deliver on the regeneration aspirations of the borough, which have been present for three plan periods, in terms of directing development towards the town centre, including the development of residential, retail, commercial and leisure uses and improvements to connectivity. This, combined with need case detailed in Chapter 4 of my Statement of Evidence, establishes the drivers for the Scheme.

6. PLANNING PERMISSION

- 6.1 ECF's proposals for the comprehensive regeneration of the town centre (which includes, amongst other areas, the Order Land) were submitted in the form of a hybrid planning application to St Helens Council and validated on 29 March 2022. At its meeting of September 2022 (**CD C5**), St Helens Borough Council Planning Committee granted permission (reference P/2022/0212/HYBR) subject to conditions and a s106 Agreement, with the decision issued on 31 March 2023 (**CD C1**).
- 6.2 It is the Council's view, therefore, that there is no planning impediment to the delivery of the Scheme.
- 6.3 At the time of preparing this Statement of Evidence, it is also note that a public consultation exercise is underway to inform preparation of a reserved matters planning application for the Phase 1 development, with submission scheduled for August 2023.

7. FUNDING

- 7.1 The Council will fund the First Phase Development, with the exception of the residential element, which ECF will fund via equity investment (exclusive of any viability gap if identified).
- 7.2 The indicative construction of the First Phase Development is anticipated to be circa £81 million subject to design development and market fluctuations, with acquisition costs anticipated to be in the order of £13.88 million. The Council, at its Cabinet meeting in February 2023, allocated £72.42 million for the First Phase Development regeneration of St Helens town centre in its Medium Term Financial Strategy (“MTFS”) 2023-2026 and its Revenue and Capital Budget for 2023/2024 (**CD E4**). This funding will be underpinned by loans from the Public Works Loans Board in line with the Council’s borrowing principles in its approved Treasury Management Strategy.
- 7.3 Whilst the Council and ECF investments effectively underwrite the delivery of the First Phase Development, the Council has also secured further funding support through the Towns Fund Investment programme. In January 2020, the St Helens Town Deal Board was set up to prepare a Business Case and Town Investment Plan to support a bid for funding. The Town Deal Board comprises the town’s two MPs, locally elected members, and representatives from business, education and the community. The initial Town Deal bid was successful and a global award of £25m was made by the Government, and the Government has now approved detailed business cases submissions from the Council for each of the projects identified in the Town Investment Plan. This releases £7.24m for the St Helens Town Deal ‘Regeneration & Living’ project and £3.25m from the St Helens Town Deal ‘Connected Places’, which is directly associated with the First Phase Development.
- 7.4 The Council has also secured further funding support of £0.81m through the competitive One Public Estate Brownfield Land Release Fund 2 following an application submission. This is directly associated with the proposed housing provisions within the First Phase Development.
- 7.5 The £72.42 million Council allocation does exclude the cost of delivering the upgraded bus station. As set out in its related ‘Connected Places’ Town Deal Business Case (**CD G9**), the bus station development has a current estimated total cost of £10.7m and is to be met through the Towns Fund together with the LCRSTS allocation. For LCRSTS (**CD G7**), it is envisaged that a business case will be submitted before the end of March 2024, based on a detailed design which has reached RIBA Stage 3. The bus station development is identified as a committed shortlisted project within the programme-level prospectus for both LCRSTS and Towns Fund, both of which have been awarded

government funding. It is envisaged that a design and build contract will be entered into for delivery of the bus station in quarter 3 of 2023, with a proposed start on site in the first quarter of 2024. Completion and handover of the new bus station to Merseytravel is then expected to take place in the first quarter of 2025.

7.6 Following receipt of the Stage 3 design costings at the end of June 2023, the St Helens ECF Partnerships funding strategy for the Scheme is currently being reviewed. This involves a cost review, consideration of value engineering opportunities, and determination of the final funding strategy, including Council capital financing and access to institutional investors via the ECF. The Councils governance processes (including the capital gateway process) will be utilised in due course to approve the final funding strategy.

7.7 Therefore, the Council is satisfied it has the resources to pay all compensation arising out of the Order and all costs associated with the Scheme, including all land acquisition costs, and costs associated with land assembly including for the CPO, enabling works and other expenditure required to progress the Scheme.

8. DELIVERY

- 8.1 The Council has a strategy in place to manage and mitigate all of the reasonably foreseeable risks that could potentially impede the implementation of the Order and the delivery of the Scheme. The purpose of the strategy is to bring about the comprehensive regeneration of the Order Land in a timely manner.
- 8.2 Paragraph 15 of the Guidance advises that the acquiring authority need to be able to show that the proposals are unlikely to be blocked by any physical or legal impediments to implementation. The Council is confident that there will not be any such impediments to the implementation of its proposals for the delivery of the Scheme on the Order Land.
- 8.3 As discussed in Section 7, the Council has the necessary resources and funding available to deliver the Scheme now. Planning Permission has been secured and the Council is proactively implementing a vacant possession strategy for those of the Order Land that lie within Council ownership. However, the full delivery of the Scheme is dependent upon the confirmation of the Order.
- 8.4 The Guidance considers impediments to the Scheme proceeding, and notes that the acquiring authority should demonstrate that the Scheme is unlikely to be blocked by any legal or physical impediments to implementation (paragraph 15).
- 8.5 The key issue affecting the delivery of the Scheme relates to land ownership. To date it has not been possible to enter into agreements with all owners of interests required. Negotiations will continue with affected parties with a desire to conclude acquisition by agreement, but without the certainty of land assembly through the CPO process, the Scheme will not be realised.
- 8.6 Appropriate diversion and relocation schemes and budgets have been obtained from the relevant statutory undertakers. Detailed diversion and relocation schemes will be agreed with statutory undertakers in parallel with reserved matters planning for the Scheme. No objections have been received from any statutory undertakers.
- 8.7 Other than the need to secure land assembly, there are no known physical or legal factors which would prevent or impede development, nor are any other special categories of land affected. There are a number of statutory undertakers who operate apparatus within the Order Land. The Council is in discussions with the undertakers concerned. There are no insurmountable financial, physical, planning or legal impediments to the Scheme proceeding, subject to confirmation of the order to enable site assembly to be achieved.

9. HUMAN RIGHTS

9.1 In determining whether or not to confirm the Order, the Secretary of State must have regard to any interference with human rights, the provisions of the Human Rights Act 1998 (**CD A3**) and the European Convention on Human Rights ("the Convention") (**CD A5**). The Secretary of State must consider whether, on balance, the case for compulsory purchase justifies interfering with the human rights of the owners and occupiers of the Order Land.

9.2 Article 1 of the First Protocol to the Convention provide that:

"Every natural or legal person is entitled to peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law.

"The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest"

9.3 The public benefits associated with the regeneration of the Order Land are set out earlier in this Statement of Evidence and the Statement of Reasons. The Council considers that the Order will strike a fair balance between the public interest in the implementation of the regeneration and those private rights which will be affected by the Order. Indeed, the Order is overwhelmingly in the public interest.

9.4 If confirmed by the Secretary of State, the Order will affect the Article 1 rights of the present occupiers and owners within the Order Land. However, there will be no violation of those rights where the steps taken are in the public interest and are lawful, as is required by Article 1 of the First Protocol (above) and Articles 6 and 8 of the Convention (below).

9.5 Relevant parts of Article 6 of the Convention provide that:

"In the determination of his civil rights and obligations.....everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law".

9.6 The regeneration proposals, including those associated with the regeneration of the Order Land, have been extensively publicised and consultation has taken place with the communities and parties that will be affected by the Order. All those affected by the Order have been notified of its making and have the opportunity to make objections to the Order and to be heard at a public inquiry before a decision is made on whether or

not the Order should be confirmed by the Secretary of State. It has been held that the statutory processes are compliant with Article 6 of the Convention.

9.7 Those persons directly affected by the Order will also be entitled to compensation proportionate to any losses that they may incur as a result of any compulsory acquisition made pursuant to the Order

9.8 Those whose interests are acquired under the Order will also be entitled to compensation which will be payable in accordance with the Compulsory Purchase Compensation Code, assessed on the basis of the market value of the property interest acquired, disturbance (i.e. reasonable moving costs and costs/losses directly related to the compulsory acquisition) and statutory loss payments. The reasonable surveying and legal fees incurred by those affected in transferring interests to the Council will also be paid by the Council. The Compensation Code has been held to be compliant with Article 8 and Article 1 of the First Protocol to the Convention.

9.9 Relevant parts of Article 8 of the Convention provide that:

"(1) Everyone has the right to respect for his private and family life, his home and his correspondence.

"(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others".

9.10 Article 8(1) is a qualified right and interference with it may be justified in appropriate cases by reference to Article 8(2).

9.11 The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and the community as a whole". Both public and private interests are to be taken into account in the exercise of the Council's powers and duties. Similarly, any interference with Article 8 rights must be "necessary in a democratic society" i.e. proportionate.

9.12 In promoting this Order, the Council has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the regeneration of the St Helens area and it undertook a full Community Impact Assessment on 16th September 2022 **(CD E2)**. Interference with Convention rights is

considered by the Council to be justified here in order to secure the economic regeneration, environmental and public benefits which the First Phase Development (and then the wider Scheme) will bring.

- 9.13 The requirements of the Human Rights Act 1998 and the Convention, particularly the rights of property owners, have therefore been fully taken into account. There is a very compelling case in the public interest for the Order to be made and confirmed, and the interference with the private rights of those affected that would be the inevitable result of the exercise of the compulsory powers conferred by the Order would be lawful, justified and proportionate.
- 9.14 The Order has been made pursuant to section 226(1)(a) of the 1990 Act and section 13 of the 1976 Act which authorise the Council to acquire land and new rights compulsorily subject to following the procedures laid down in the Acquisition of Land Act 1981. The Council considers that there is a compelling case in the public interest such that if the Order Land is acquired the public benefit will outweigh the private loss arising from that acquisition. In the circumstances, the compulsory acquisition of the Order Land will not conflict with the rights provided by Article 8(1) of the Convention as the qualifications in Article 8(2) apply.

Equality Act

- 9.15 Paragraph 6 of the Guidance notes that all public sector acquiring authorities are bound by the Public Sector Equality. As a public body, the Council must have regard to the Public Sector Equality Duty set out in s149(1) of the Equality Act 2010 (**CDA4**) and that, throughout a compulsory purchase process, acquiring authorities must have due regard to the need to (a) eliminate unlawful discrimination, harassment or victimisation; (b) advance equality of opportunity between those persons who share a relevant protected characteristic and those persons who do not share it; and (c) foster good relations between those persons who share a relevant protected characteristic and those persons who do not share it.
- 9.16 The Council has had regard to this duty in preparing its proposals and the Order and a Community Impact Assessment dated 16th September 2022 (**CD E2**) related to the Scheme has been prepared. It concludes that the First Phase Development will not give rise to any impacts or differential impacts on persons who share a relevant protected characteristic as defined in the Equality Act, or upon persons who do not share such relevant protected characteristic.
- 9.17 In fact, it is considered that the First Phase Development will result in positive impacts. The Scheme will generate physical regeneration benefits on the ground but also have

wide reaching positive impacts for the local community, businesses, visitors, and occupiers in the town over years to come. Such benefits include driving economic growth and job creation, enhanced public realm, providing 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, positively changing perceptions of our town centre (and the wider borough) and attracting future inward investment.

- 9.18 In promoting the Order the Council has had due regard to the Community Impact Assessment (**CD E2**). It has formed an integral part of the evolution of the Scheme and importantly it has been accepted in full by the Council. The preparation of the Community Impact Assessment and its supporting documents has been a “live” process and have been prepared alongside plans for the Scheme throughout, and the Council’s position will continue to be monitored. Should any persons be identified, who may adversely be impacted by the First Phase Development, assistance measures will be put in place as necessary to mitigate as far as practicable any identified activity that may have an adverse impact on these individuals.

10. RESPONSE TO OBJECTIONS

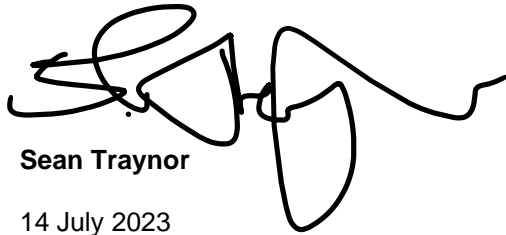
- 10.1 A total of 10 objections were made to the Order in the first instance (**CD D7**). However, the objection of Merseytravel has since been withdrawn (**CD D28**). The objections from Angela Hindley, Noel Hesketh, Scott Hindley and Amy Lewis have also been subsequently withdrawn (**CD D29, CD D30, CD D31, CD D32**), leaving 5 objections (4 of which are from non-qualifying objectors) at the time of preparing this Statement of Evidence.
- 10.2 The remaining 5 objections were based primarily on the bus station redevelopment, heritage impact, consultation and engagement, costs and funding and the need for offices and hotel development. Section 8 of the Statement of Evidence from Iain Jenkinson (CBRE) responds to these objections in the context of planning matters. The Statement of Evidence from Andrew Cairns (Merseytravel), supported by the Technical Note prepared by Adam Leary (WSP), demonstrates the requirements for development of the bus station. The Statement of Evidence from Ged Massie (Keppie Massie) responds directly to the single qualifying objection from Savills on behalf of Punch Partnerships (PML) Limited. The Statement of Evidence from Sam Ainsley (Jon Matthews Architects) also provides clarity on the Scheme in response to some objectors misunderstanding the built-form proposals for the bus station redevelopment when raising objection points.
- 10.3 From a wider regeneration perspective, I have clearly set out at the need for the scheme at Section 4 of my Statement of Evidence and the regeneration benefits are summarised in Section 5. In Section 7, I have confirmed that the Council is satisfied it has the resources to pay all compensation arising out of the Order and all costs associated with the Scheme, including all land acquisition costs, and costs associated with land assembly including for the CPO, enabling works and other expenditure required to progress the Scheme. Section 8 of my Statement of Evidence then confirms that the Council has a strategy in place to manage and mitigate all of the reasonably foreseeable risks that could potentially impede the implementation of the Order and the delivery of the Scheme.
- 10.4 In response to objections received, I therefore conclude that that there is a compelling case in the public interest for compulsorily acquiring the Order Land.

11. SUMMARY & CONCLUSION

- 11.1 I consider that the Council has demonstrated that there are sufficiently compelling reasons for the powers to be sought at this time to enable the Scheme and the benefits it will bring to be delivered.
- 11.2 The Council has more than a clear idea of how it intends to use the land which it is proposing to acquire. The land is required to deliver the Scheme in accordance with the Planning Permission and in compliance with national and local planning policy.
- 11.3 The proposals for the Order Land will deliver significant economic, social and environmental benefits to St Helens town centre and the borough of St Helens. As explained within this statement, the necessary resources are in place now to deliver the Scheme within a reasonable timescale.
- 11.4 The Council also has the necessary resources to meet all land acquisition and compensation costs.
- 11.5 Subject to confirmation of the Order to enable site assembly to be achieved, the Council considers there are no impediments to implementation of the Scheme.
- 11.6 Accordingly, the Council is satisfied that there is a compelling case in the public interest for compulsorily acquiring the Order Land and believes that the benefits which the Scheme would secure in the public interest outweigh the effect of the acquisition on the rights of individuals. It is considered that in this case, the requirements of the guidance, domestic legal requirements and the requirements of the European Convention on Human Rights, are met.
- 11.7 The Secretary of State can therefore be satisfied that the Order is justified and in the public interest and should be confirmed without modification.

12. STATEMENT OF TRUTH

12.1 I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.



Sean Traynor
14 July 2023