



Proof of evidence of Sean Bashforth (for the Applicants) on Planning Policy Matters (CD 38.4)

Call-in by the Secretary of State of an application made by
Omega St Helens Limited / TJ Morris Limited

Land To The West Of Omega South & South Of The M62, Bold,
St Helens

LPA REF: P/2020/0061/HYBR

PINS REF: APP/H4315/V/20/3265899

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1 Experience and Scope of Evidence

Qualification and Experience

- 1.1 My name is Sean David Bashforth. I hold a First Class Bachelor of Arts Degree in Geography and a Master of Arts Degree in Town and Regional Planning from the University of Sheffield. I am a Member of the Royal Town Planning Institute.
- 1.2 I am a Board Director at Planning Consultants Quod, one of the largest independent planning consultancies in the UK, with offices in London and Leeds. I have 23 years' experience, principally acting as a planning consultant in the private sector. I have advised clients over many years on a wide range of commercial, retail, housing, urban regeneration and infrastructure projects across the UK.
- 1.3 I have acted as an expert witness on many occasions in planning and compulsory purchase inquiries and in the Upper Lands Tribunal.
- 1.4 I have visited the site. I have read all of the background information and made inquiries such as I consider necessary to fulfil my duties as an expert witness.

Scope of Evidence

- 1.5 My evidence is concerned with the Omega West (also known as Omega Zone 8) application proposals' consistency with planning policy and other material considerations. It responds to the matters that the Secretary of State ('SoS') has been asked to be informed about, i.e.:

a) The extent to which the proposed development is consistent with Government policies for protecting Green Belt land (NPPF Chapter 13);

b) The extent to which the proposed development is consistent with Government policies for building a strong, competitive economy (NPPF Chapter 6);

c) the extent to which the proposed development is consistent with the development plan for the area, including any emerging plan;

d) and any other matters the Inspector considers relevant.

- 1.5 In respect of d), at the case management conference on 8 March 2021 the Inspector asked to be informed about the following additional matters:
 - the character and appearance of the area;
 - air quality;
 - ecology;
 - heritage and landscape assets;
 - the living conditions of neighbouring residents with particular regard to noise;

- the highway network and how the development can contribute to meeting sustainable transport objective; and
- Climate Change

1.6 My evidence considers the overall planning balance in assessing the case for the grant of planning permission for the development proposed at Omega West including whether, in the context of the Site being located in Green Belt, very special circumstances exist. Where appropriate, I draw upon the evidence of others, including:

- Mr Mark Steele - Landscape & Visual Impact [CD38.1]
- Mr Douglas Bisset - Highways [CD38.2]
- Mr Andy Hunt - Employment Land and Economic Benefits [CD38.3]
- Mr Andrew Pexton - Need & Demand for Employment Land and Premises [CD38.5]
- Mr Mark Morgan - Ecology [CD38.6]
- Mr James Clark - Operational Requirements, TJ Morris Ltd (TJM) [CD38.7]
- Mr David Milloy - Omega Background [CD38.8]

1.7 I also draw upon the Planning Statement of Common Ground ('SoCG') documents agreed with St Helens Council [CD37.1] which set out an agreed factual background and explanation of various matters relevant to the planning balance.

1.8 At the time of preparing my evidence, public inquiries had been held in respect of several major employment and logistics proposals in the North West, all of which involve development on Green Belt land. No objections have been received from the promoters, or the relevant local planning authorities, to the Omega West Application. The Applicant does not intend to present any evidence specific to those developments. Each proposal is being considered independently at their respective public inquiries. Should it be necessary, the Applicant may in due course respond to any future evidence or decisions in respect of those other inquiries.

2 The Planning Application

- 2.1 This section of my evidence should be read alongside the Planning SoCG with St Helens Council which includes a detailed description of the Site, the surroundings and the proposed development. Reference is also made to the Drawing Pack which provides a central reference point for plans which are for approval (Part A) or are illustrative/background information (Parts B & C).
- 2.2 The Application Site is located west of Omega South and south of the M62, and is known as Omega West (or Omega Zone 8). Part B of the Drawing Pack includes an aerial photograph of the Site and shows the immediate context.
- 2.3 The Site sits entirely within the Borough of St Helens but adjoins, and will be accessed from, Warrington Borough Council through the successful and largely complete Omega South development, to which it will form a logical extension. As I come on to explain, constructive joint working has taken place with both local authorities. There is consensus that the application proposals are important to help Warrington meet its future employment needs, with highways and other matters also agreed.
- 2.4 The Site covers an area of approximately 75.3ha. It is under the ownership of Homes England ('HE Land') and local farmer and landowner, Mr Bromilow ('Bromilow Land'). The Applicant has entered into a conditional contract for the HE Land and a signed option agreement in respect of the Bromilow Land.

Summary of proposals

- 2.5 The Proposed Development (or 'the Planning Application') is 'hybrid', with detailed and outline proposals to be considered in parallel as one planning application. The Planning Application was submitted on behalf of Omega St Helens Ltd/TJM ('the Applicants').

Detailed proposals

- 2.6 Detailed permission is sought for 'Unit 1' or the 'TJM Building' which is to be located in the northern part of the wider Application Site, immediately to the south of the M62.
- 2.7 The detailed proposals have been designed specifically for TJM (TJ Morris/Home Bargains), the intended occupier. It comprises a 81,570 sq.m (878,012 sq.ft) Use Class B8 warehouse (up to 41m high in the High Bay area), alongside an ancillary 3 storey building (up to 29.1m high) housing the office/main reception / staff facilities / Goods in and Transport Office.
- 2.8 Mr Clark's evidence [CD38.7] explains that the building is central to the TJM's expansion plans and has been planned for at Omega West in order to benefit from the proximity to, and relieve capacity at, its existing Liverpool Axis warehouse. TJM are Merseyside's biggest private sector employer, and the proposals are an important component of the company's ambitious national expansion plans to grow from more than 545 existing stores to over 1,200 in the next 10 years and to increase its staff numbers significantly over the same period. It represents a major investment for the company, which aims to improve productivity with a world-leading bespoke, fully automated, storage and racking systems to enable the company to operate much more efficiently than traditional warehouse buildings.

- 2.9 The specific operational requirements of TJM mean that it would not be feasible to disaggregate Unit 1 into a smaller footprint, or onto smaller sites, or locate it elsewhere.
- 2.10 As explained in Mr Clark's evidence, the height and configuration of the building responds to TJM's operational requirements which necessitate the use of modern automated stacking and picking systems. This requires a building which is taller (40m+ external height) than conventional warehouse buildings, including those at the existing Omega South development (up to 20m) and those proposed as part of the outline component (up to 19m). TJM also requires a building with a large footprint and ancillary offices to provide the accommodation for the integrated automated systems and other requirements.
- 2.11 There is no other practical alternative to the location or orientation of the TJM building, without compromising the operational needs of the business or sterilising large parts of the wider Omega West site. The orientation of the TJM Building reflects operational requirements. The inbound yard is closest to the entrance and the offices address the approach from the estate road. The location of the offices allows for the early segregation of HGV and staff / visitor vehicle movements and provision of a safe and secure dedicated parking area. This could not be achieved if this element of the development were located elsewhere within the development plot.
- 2.12 The northern part of the Application Site has the advantage of having no immediate sensitive receptors (e.g. housing) close to Unit 1. Vehicle access is essential around the whole of Unit 1 and loading bays are concentrated along both the northern and southern elevations to service the highly efficient automated systems within.
- 2.13 Site constraints require the siting of the TJM Building further west as opposed to be located on the Site's frontage directly addressing the estate road. The primary constraints in this case include overhead pylons (requiring diversion) and a major watercourse (also requiring diversion). TJM's need for the warehouse is immediate, and positioning the building away from these constraints reduces the programme risk. It allows the warehouse, and most notably the High Bay area, and racking which has a significant lead in period, to be constructed ahead of the diversions (timing of which is outside of the control of TJM) being in place.
- 2.14 As explained in the evidence from David Milloy [CD38.8] and James Clark, the TJM Unit is 'oven ready' and will allow Unit 1 to be delivered as soon as possible. This is particularly important given the long lead in times for the automated systems. As explained by Mr Milloy, subject to the grant of planning permission, the detailed element would start on site almost immediately. The Applicants have secured agreements with power companies, utility providers, highway authorities and other parties to ensure that, should permission be granted, the works could start without delay.
- 2.15 Throughout the application process the Applicants made it clear that they wished to commence development as soon as possible on the detailed element and, to this end, submitted various detailed strategies (e.g. drainage) with the application to ensure matters were agreed up front. This approach means that there are no pre-commencement planning conditions relating to the detailed proposals for the TJM Building. The draft S106 [CD40.1] has also been drafted to allow an immediate start of site, with commencement only triggering contributions (for highway works and travel plan obligations) rather than, for instance, requirements to submit and agree strategies which can cause delay.

Outline Proposals

- 2.16 The outline planning application component is for up to 123,930 sq.m (1,333,9710 sq.ft) of Use Class B2/B8 floorspace (up to 19m in height). The Indicative Masterplan (Plan B.03 in the Drawing Pack) shows the potential for three separate warehouse buildings to the south (Units 2, 3 & 4) and a 30% B2 / 70% B8 split within this total floorspace.
- 2.17 Outline planning permission has been sought to provide essential future flexibility in responding to market demand for the layout, scale and appearance of future buildings. As I come on to explain, these buildings will help to meet identified strategic employment needs and it is important the design of such buildings can be tailored to future occupier requirements.
- 2.18 The outline application component also safeguards land (the 'Expansion Land') to the east of the TJM Building for their possible future expansion. No development is proposed in that area by these Application Proposals because it is not possible to bring forward development on this 5.66 Ha part of the Application Site in the short-term due to the constraints of the Scottish Power Energy Networks (SPEN) power line pylons and the water course. These pylon works will be undertaken by SPEN under Section 37 of the Electricity Act 1989, however the timescales for securing consent under Section 37 and completion of the diversion works, mean that this part of the Site will not be available as part of the first phase of development. As a consequence, this part of the Site has been identified as future expansion land for TJM. When this comes forward the potential visual break between the TJM Unit and the rest of the Omega South would be removed.
- 2.19 The Proposed Development incorporates a central pedestrian/cycle route that will link the existing pedestrian bridge that crosses the M62 in the north west corner of the Application Site, with the existing Omega development through a connection point on Catalina Approach.

Landscaping

- 2.20 The Planning Application was accompanied by a Landscape Strategy (Plan A.03 in the Drawing Pack). Plantation Wood, Booth's Wood and parts of Duck Wood would be retained.
- 2.21 The Proposed Development will create two landscape and ecology mitigation buffer areas and boundary planting within the Site which provide replacement planting, pond creation and recreational open space.
- 2.22 The largest buffer area, referred to as the 'Green Triangle', is situated in the north-west corner of the site immediately south of the M62 and west of Unit 1. This green infrastructure area, covering approximately 7 ha, offers opportunities for extensive habitat creation.
- 2.23 The second area will line the western boundary of the Site, adjacent to Units 2 and 4. As I come on to explain in subsequent sections of my evidence, there will be significant increase in the amount and ecological value of woodland, hedgerows and other habitats.
- 2.24 Draft condition 36 requires the detailed element to accord with the landscape strategy and detailed landscape drawings for planting around Unit 1 and the Green Triangle and for these works to be completed prior to the use of Unit 1. Draft condition 70 requires reserved matters for the outline element to be consistent with the overall strategy and parameter plans 3 & 4 (Drawing Pack ref A0.3 and A0.4) which define the approach to landscape and watercourses respectively and require the works to be undertaken prior to use of buildings.

Omega Masterplan

- 2.25 The Proposed Development forms a logical western extension to the existing Omega South site, which has no capacity, particularly for large-floorplate logistics development. The Planning SOCG [CD37.1] includes a plan and schedule of the approved works.
- 2.26 The Joint Applicants, Omega St Helens Ltd, has over the course of the last 10 years, delivered over 5.2 million sq.ft (485,900 sq.m) of manufacturing and logistics development at Omega (circa 48,300 sq.m annually) together with permission for up to 1,400 residential units and a mixed-use local centre.
- 2.27 The Drawing Pack (plan B.04) shows an indicative layout for the Proposed Development alongside the existing/largely built out consented Omega development. It shows how the Application will form a logical extension to earlier phases of the Omega development. The 'Hut Group' building (plot 7G & H) to the east of the TJM Unit is approximately 20 metres high, while the units on plots 7E and 7F to the south range between 16.3m to 18.5m high.
- 2.28 Access to the Proposed Development is through the northern commercial parts of Omega South which provide direct access to junction 8 of the M62 without having to pass through residential or other sensitive areas. The network of roads in the Omega Masterplan provide road, cycle and pedestrian connections to the surrounding urban area, including planned mixed use and residential areas at Omega South and Warrington beyond.

The planning application process

- 2.29 The hybrid Application was originally submitted on 21 January 2020 and included a full suite of supporting information including an environmental statement and separate design and access statement for the detailed TJM Unit and the outline proposals.
- 2.30 In response to consultation responses, the Applicant submitted various response documents initially in April and May 2020. On 7 August 2020 the Applicant submitted additional information (including an Environmental Statement ('ES') Addendum, updated Drainage Strategy and updated Flood Risk Assessment) together with some minor changes to the proposals.
- 2.31 The St Helens Officer's report (dated 27 October 2020) to committee ('the Committee Report') [CD35.11] reproduces many of the consultation responses in full. Following the submission of updated information, subject to taking on board recommendations in respect of conditions/obligations, no objections were received from the following statutory consultees:
- Borough Environmental Health (including separate responses on noise, air quality, lighting)
 - HSE
 - Historic England (Heritage)
 - Merseyside Environmental Advisory Service (verifying the robustness of ES)
 - Environment Agency
 - United Utilities
 - Warrington Borough Council
 - Borough Highways
 - Highways England

- Power companies
- Mersey Travel
- Fire and Rescue Service
- Environmental Agency (flooding)
- Natural England

2.32 Warrington Borough Council's 'no objection' is significant because not only does the site adjoin the neighbouring borough, but it also relies on that borough for the justification of employment needs and point of access /connection to the M62. A detailed summary of their considerations can be found in Warrington's 5 August 2020 Development Management Committee Report [CD 35.4]. That report explains how the neighbouring borough considered the opportunity to provide its employment needs in St Helens:

"9.5 On this basis, discussion has taken place with St Helens regarding the 44.08 ha of employment land that is in addition to the 31.22ha allocation within the planning application site boundary. It is understood that this is being considered in light of the applicant's case for Very Special Circumstances within the Green Belt and an identified unmet need for strategic B8 uses in the wider Liverpool City Region (LCR)."

9.6 Warrington would see benefits from the job creation as a result of the proposed development and in accordance with the Statement of Common Ground a proportion of the site will contribute towards our employment requirement in the emerging Local Plan. Nevertheless, it is recommended that any representation from WBC to St Helens should seek assurances that an agreement is in place with the LCR regarding the need for the proposed development and be clear that the Statement of Common Ground reflects the required amount of employment land to meet Warrington's needs."

2.33 Given that the Site access is through Warrington Borough, that committee report considered the highway and broader transport impacts in detail. Paragraphs 9.13 to 9.16 of the report explain that the road improvements to the M62 slip road and Skyline Drive, together with obligations not to implement employment uses on the Site (that was subject to alternative residential proposals at the same committee (planning ref: 19/36141)), resulted in no highway objections.

2.34 I recognise that not all consultees supported all aspects of the proposals and outstanding comments from the following were addressed as part of the overall planning balance undertaken by St Helens Council in their determination of the application:

- Countryside and Development Officer
- Conservation Officer
- Parish Councils
- CPRE
- Members of the Public

2.35 I come on to deal with matters raised by these consultees in later sections of my evidence.

3 Planning Policy and Guidance

National Planning Policy Framework (2019)

3.1 The National Planning Policy Framework (2019) ('NPPF' or 'the Framework') [CD1.1] is an important material consideration in the determination of this Application and I come on to consider in detail the extent to which the application proposals are consistent with the Framework including in terms of achieving sustainable development (including the economic, social and environmental objectives) and Green Belt policies.

Statutory Development Plan

3.2 As listed in the Planning SoCG, the following Statutory Development Plan documents are relevant to the determination of this Application:

- Saved St Helens UDP, July 1998 (policies principally relating to Green Belt, Ecology, Trees, Landscape and Heritage) [CD2.1];
- St Helens Local Plan Core Strategy, October 2012 (Borough Spatial Strategy, sustainability, biodiversity, trees and woodland and heritage) [CD2.2]; and
- Bold Forest Park Area Action Plan ('AAP'), 2017 (principle of development, environmental protection, recreation) [CD43.1]

3.3 Paragraph 8.20 of the Committee Report concluded that the Proposed Development complies with the development plan as a whole. I come on to undertake my own assessment on detailed matters in later sections of my evidence.

3.4 At the strategic level, the adopted 2012 St Helens Core Strategy ('CS') places regeneration at its heart with Policy CSS1 (Overall Spatial Strategy), setting out the following overall objective: "*The regeneration of St Helens to 2027 will be delivered through distributing development across the Borough and supporting regeneration activity.*" Whilst seeking to focus economic development on previously developed land (criteria v & vi) and restrict development in the Green Belt (criteria ix) it recognises that the general extent of the Green Belt may need to be reviewed with criteria vi requiring it to be maintained in the short to medium term and "*Any strategic review of the Green Belt dependent on work carried out at a sub-regional level.*" A review has now taken place as part of the draft local plan, taking into account evidence prepared by the Liverpool City Region ('LCR').

3.5 Policy CE1 (A Strong and Sustainable Economy) of the CS complements Policy CSS1 in identifying a need for 37ha of employment land and setting out the need to identify employment sites. Whilst the draft replacement Local Plan seeks to allocate almost 6 times more land for employment (219.2 ha) indicating that the current plan is increasingly out of date, Policy CE1 identified a minimum target, requires at least 37 hectares of employment land and only refers to meeting local needs. This contrasts with the draft replacement Local Plan follows a more strategic approach based on the requirements of the LCR, Warrington Borough as well as St Helens own needs. CS Policy CE1 (criteria 4) also seeks to focus economic development on sites with links to the most deprived areas in the Borough, underlining the importance of the regeneration imperative in the CS.

- 3.6 The whole of the Application Site is located within the Bold Forest within the July 2017 Bold Forest Park AAP. The preparation of the AAP was anticipated in the Core Strategy and cross referred to in Policy CAS5 (Rural St. Helens). The CS supporting text (paragraph 11.11) and paragraph 7.2 of the AAP set out the aims and objectives for the park and lists 5 areas of focus for policy, the first being to “*Create new economic opportunities through sustainable development within Bold Forest Park*” with the others relating to creating opportunities of tourism and leisure, creating linked open spaces, promoting positive use of green space and enhancing the natural environment. Indeed, Policy BFP1 (A Sustainable Forest Park) states that the Council will seek an “*economic focus balanced with environmental sustainability.*” BFP1 states that national policies apply to the Green Belt, but acknowledges that some parts of the Park may need to be developed, including the Green Belt, in its “*Justification*”:

“As part of the preparation of a new Local Plan for the whole of the Borough, a Green Belt review is being undertaken in order to identify suitable land to accommodate new housing and employment development. Policy BFP 1 therefore recognises that the Forest Park could have a role to play in helping to meet the objectively assessed housing and employment needs of the Borough and therefore seeks to deliver economic growth balanced with environmental safeguards in order to meet the social needs of the local community. In order to achieve a balanced approach, the location and scale of enhancements to landscape character (i.e. increasing tree cover) should not prejudice the development of land that may be needed for housing or other forms of development. Additional on-site provision should ensure any new development.” [My emphasis]

Emerging Planning Framework

- 3.7 Pending the outcome of the examination of the draft St Helens Local Plan later in 2021, little material weight can currently be given to the document given outstanding objections.
- 3.8 The emerging Local Plan proposals map [CD43.7] identifies part of the Application Site (31.22 ha), broadly consistent with the HE Land, as suitable site for B2 / B8 development under Employment Allocation 1EA (Omega South Western Extension) and states (in Table 4.1) that 1EA will meet employment land needs in Warrington. Booths Wood is identified as a Local Wildlife Site (LWS 114) Old Bold Hall to the west is identified as a Scheduled Ancient Monument.
- 3.9 It is one of the 11 sites identified in draft Policy LPA04 of the submission Local Plan, which states St Helens will aim to deliver a minimum of 219.2 hectares of land for employment up to 2035 (to meet the needs of St Helens Borough). The accompanying tables (4.2, 4.3 & 4.4) help to explain the scale of need.
- 3.10 Table 4.2 (which projects to 2037) indicates that up to 65% (155ha) of the total upper growth projection (239ha) should be Use Class B8 (Storage and Distribution) and up to 29% (70ha) should be B2 (General Industrial).
- 3.11 The emerging Local Plan makes it clear that the need identified is regional and St Helens is well placed to deliver it, with paragraph 4.12.3 stating that St Helens economy is inextricably linked to the wider city region and Criterion 1 of policy LPA04 stating that the Council will a) help meet the Liverpool City Region’s needs for economic growth, job creation and skills development; and b) maximise the economic opportunities presented by St Helens Borough’s location in relation to strategic road and rail routes.
- 3.12 The approach is also cross referred to in draft Local Plan Policy LPA02 (Spatial Strategy), where item 4 states that the plan will release land from the Green Belt to enable the needs for

employment (and housing) to be met in full over the Plan period. This will be in the most sustainable locations, with item 5 stating that substantial new employment development will take place on large sites that are capable of accommodating large buildings (over 9,000 sq.m) and are close to the M6 and M62. The rationale for the strategic approach is further explained in the Full Council report [CD3.24] which recommended that Councillors sign off the Submission Draft Plan for consultation:

“2.32 To meet the needs identified above the draft Plan (Policy LPA04) proposes to allocate 11 sites for employment development before 2035. These are listed below:

- *Site 1EA - Omega South Western Extension;*
- *Sites 2EA, 5EA and 6EA - 3 sites to the west of Haydock Industrial estate (the largest of which is Florida Farm North);*
- *Sites 3EA and 4EA - 2 sites to the north and south of Penny Lane (east of Haydock Industrial Estate);*
- *Sites 7EA and 8EA - 2 sites at Parkside (East and West of the M6);*
- *Site 9EA - Sandwash Close (Rainford);*
- *Site 10EA - Land at Lea Green Farm West, Thatto Heath; and*
- *Site 11EA - Gerards Park (College Street, St Helens).*

.....

2.34 Of the sites allocated for employment (see paragraph 2.32), all but the last 3 would be released from current designation as Green Belt. This is justified because of the limited land supply (particularly for large employment sites with good access to transport routes) which exists in urban areas in St Helens and in nearby districts and the opportunity provided at Parkside.

2.35 The land at Omega South Western Extension (site 1EA) has been identified, following discussions with Warrington Council officers carried out under the ‘duty to cooperate’, as being allocated to help meet the employment land needs of Warrington (rather than St Helens). This is due to its location immediately next to, and with its access to be provided through, the existing Omega employment area in Warrington.”

Draft Local Plan Timeline

- 3.13 Table 3.1 below comprises a timeline for the preparation of the Local Plan and the Application and helps to explain how draft policy evolved alongside representations from the Applicants / land owners, and how this relates to the timeline for the application.
- 3.14 It shows how St Helens Council published its Submission Draft Local Plan [CD3.18] over two years ago in January 2019, with the plan and evidence base prepared largely in 2018. At that point TJM’s requirement for the Omega West site was not apparent. Pre-application consultation for the Application did not take place with St Helens Council until after the publication of the Submission Draft Local Plan with the application subsequently submitted in January 2020.

3.15 It shows that the Council has previously considered safeguarding the Bromilow Land for employment land and taking it out of the Green Belt. The Bromilow Land’s exclusion was explained as being due to the results of the subsequent Green Belt Review. However, as I come on to explain, the review of that part of the Site was only undertaken as part of the consideration of a much larger plot and did not take into account the urgent needs and benefits of the TJM Building now proposed.

Table 3.1 St Helens Local Plan chronology as it relates to Application Site

Date	Stage	Summary
1 March 2016	Call for Sites	Representations submitted on behalf of the Homes England for their land holding (31ha)
August 2016	Call for sites	Representations: Call for Site promotion document submitted by GVA on behalf of Miller Developments Ltd for the 31ha land owned by Homes England
September 2016	Call for Sites	Representations: Follow up call for sites representations submitted to include a further 32ha to the west of the Homes England Land (the Bromilow Land), which flagged the potential to include a new junction to the M62 motorways
December 2016	Preferred Options	Draft Plan: identifies the HE Land for employment and the Bromilow Land is safeguarded employment land
January 2017	Preferred Options	Representations: Submitted on behalf of Miller Development supporting HE and Bromilow Land for redevelopment for employment purposes (reattaching representations submitted previously in September 2016)
January 2019	Submission Draft	Draft Plan: maintains HE Land within the 1EA Designation and also safeguards land to the north possibly for a new motorway junction. Excludes the Bromilow Land.
March 2019	Submission Draft representations	Representations: Support for Policy LPA04.1 – 1EA allocation Omega South Western Extension but concerned that extent of the allocation may not be sufficient to allow for successful master planning and include long term defensible boundaries
January 2020	Application Submitted	

Local Plan Evidence Base Documents

3.16 To inform the preparation of its Local Plan St Helens has had regard to various strategies and studies prepared by the LCR and has also commissioned its own assessments in relation to economic need and the Green Belt. Warrington also has produced its own economic needs assessments for the borough. I and other witnesses refer to these documents extensively. In my opinion, significant weight should be given to them because they provide an up-to-date position on objectively assessed need in respect of employment land and the characteristics of the Green Belt.

Other material considerations

Northern Powerhouse Strategy (2016)

3.17 The Northern Powerhouse strategy [CD43.47] explains how the Government will work with local stakeholders to address key barriers to productivity in the region. The introduction starts with the Government’s vision as follows: *“The Northern Powerhouse is a vision for joining up the North’s great towns, cities and counties, pooling their strengths, and tackling major barriers to productivity*

to unleash the full economic potential of the North.” It goes on to state that its objective is to achieve a sustained increase in productivity across the whole of the north. These themes are similar to Chapter 6 of the NPPF and reinforce the importance of investment particularly if this enhances productivity.

- 3.18 The Proposed Development will make an important contribution to achieving the aspirations of the Northern Powerhouse by bringing about significant investment and job creation in the local area.

Liverpool City Region Growth Strategy

- 3.19 The LCR Local Enterprise Partnership (‘LCR LEP’) produced a Growth Strategy in 2016 [CD43.45] that seeks creation of over 100,000 additional jobs in the LCR by 2040, with a net increase of 20,000 businesses across the same period. It identifies a need to close the wealth gap as well as business and skills gaps. It highlights the importance of Superport and Liverpool2 as catalysts for growth.
- 3.20 As the evidence of Andy Hunt explains, this led the LCR LEP to commission various studies including the LCR Strategic Housing and Employment Land Assessment (‘SHELMA’) [CD43.51], which identified a need for at least 397ha of large scale B8 development across the LCR.
- 3.21 The October 2019 Statement of Common Ground between the LCR authorities entitled ‘*Liverpool City Region Spatial Planning Statement of Common Ground*’ [CD5.84], was prepared to demonstrate joint working and compliance with the duty to cooperate requirements across the seven authorities:
- Statement 3 of the SoCG - confirms agreement to work collaboratively to identify the minimum proportions of the need for strategic B8 uses that need to be accommodated within each local authority (with supporting text referring to the need to identify sites for at least 397ha of land for large scale Class B8 floorspace driven by the transformative growth at the Port of Liverpool and other inward investment opportunities).
 - Statement 4 of the SoCG – advises that the authorities will continue involving each other when considering the case of localised changes to the Green Belt (with the supporting text noting the strategic need to reconsider Green Belt boundaries and acknowledges that St Helens has undertaken its Green Belt review).

Conclusions

- 3.22 Regeneration and job creation are key objectives of the adopted CS. The adopted CS and Bold Forest Park AAP acknowledges there may need to be changes to the Green Belt.
- 3.23 The evidence base for emerging Local Plans, should be given substantial weight. As I come on to explain, they indicate that there is a significant need for employment floorspace in the Liverpool City Region and St Helens. Warrington also has significant employment land requirements which part of the application site will help to meet.

4 Green Belt

- 4.1 Within the adopted development plan the whole Application Site is designated as Green Belt. Only part of the Site is identified as being removed from the Green Belt in the draft submission Local Plan (Employment Allocation 1EA).
- 4.2 In this section of my evidence, I assess the extent to which the Proposed Development is consistent with Government policies for protecting Green Belt land (NPPF Chapter 13).
- 4.3 My assessment takes into account paragraph 133 of the NPPF, which states that the Government attaches great importance to Green Belts, with the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open. Paragraph 144 of the NPPF explains that substantial weight is to be given to any harm to the Green Belt, with very special circumstances not existing unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 4.4 Paragraph 145 of the NPPF states that the construction of new buildings is inappropriate, with limited exceptions. The buildings proposed by the application do not fall within the exception categories. The proposed buildings and ancillary areas would therefore be inappropriate development in the Green Belt. In its own right, therefore, the harm arising from the conflict with the definition of the Green Belt must be given substantial weight in accordance with NPPF paragraph 144.
- 4.5 No new buildings are proposed on land to the east and west of the proposed TJM Building which would remain undeveloped as part of the Proposed Development. These areas would not in strict terms conflict with the definition of the Green Belt. The Green Triangle to the west (7 ha) is identified as a green infrastructure area with opportunities for extensive planting and, in itself, would not represent a material change of use of this land and its loss therefore can be excluded from the assessment. Land to the east (5.66ha) is undeveloped but safeguarded for future development.

St Helens Green Belt Review (December 2018)

- 4.6 Prepared by St Helens Council in advance of the publication of the Submission Draft St Helens Local Plan (January 2019), this document [CD3.5] explains that Green Belt covers approximately 65% (88km² of the total 135 km²) of the Borough. This is much higher than the equivalent figure in any other district in Merseyside and remains unchanged since 1983 (paragraphs 1.7 & 1.8).
- 4.7 Consistent with the original 2019 Submission draft Local Plan, the introduction to the document explains that St Helens has a need for 215.4 hectares for employment land between 2018 and 2035, with only 11.75ha identified in the urban area, leaving a balance of 203.65ha to be found from the Green Belt (paragraph 1.18).
- 4.8 The Application Site sits within parcel GBP_076 (569.98ha) which page 353 describes as follows:

‘Very large parcel lying to south of the M62 and north of the A49 Warrington Road. The parcel contains agricultural land and buildings, Mersey Valley Golf Club and in parts dense woodland. Part of the settlement of Bold Heath lies within the south of the parcel. Omega South and Lingley

Green and Lingley Mere in Warrington lie to the east of the parcel. The parcel is split into five sub-parcels.'

4.9 Parcel GBP_076 is then split up into 5 sub plots with plot GBP_076_c (31.83 ha) being consistent with the eastern part of the Application Site boundary (consistent with the ownership of HE), with plot GBP_076_b (284.40 ha) overlapping with the remaining 43.6 ha of the 75.43 ha Application Site.

4.10 The assessment progressively 'sieves' sites through the following steps:

- Stage 1A – identification of Green Belt Parcels
- Stage 1B – Assessment of Parcels and Sub Parcels against Green Belt Purposes
- Stage 2B –Assessment of Development Potential within Remaining Parcels and Sub-Parcels
- Stage 3A &B Ranking and Refinement of Results

4.11 Table 3.2 below summarises the Stage 1B conclusions for the two sites that overlap the Application Site. As I come on to explain, the analysis for plot GBP_076_b needs to be finer grained when considering the northern part of Application site which overlaps with this plot.

Table 3.2 Summary Green Belt Purpose Assessment relevant to Application Site

Plot	Area	Purpose 1 The check unrestricted sprawl of large built up areas	Purpose 2: To prevent neighbouring towns merging into one another	Purpose 3 To assist in safeguarding the countryside from encroachment	Overall Significance of contribution to GB Purposes
GBP_076_b	284.4ha	High: The sub-parcel is bounded to the north by the M62, to the east in part by protected woodland (Duck Wood, Plain South Park Plantations) and agricultural land, to the west by the A569 Clock Face Road and to the south by the A49. The sub-parcel as a whole is therefore well contained to the north, south and east. The nearest large built-up area is Warrington that lies approximately 590m from the south-eastern boundary. Despite the sub-parcel's strong boundaries on three sides, because the parcel is so large in size and lacks strong boundaries within it, development of the parcel would likely lead to unrestricted sprawl.	Medium: The sub-parcel falls within a partially strategic gap between the towns of Warrington and St Helens, and between Halton and St Helens. Development of the sub-parcel would lead to a reduction in the gap between these settlements, but a gap could still be maintained if this subparcel were to be developed.	High: The Parcel contains very little inappropriate development and retains a relatively strong sense of countryside character and openness. The M62 to the north, A569 to the east and Bold Heath and the A49 to the south, have some impact on countryside character, but as you move away from these roads the subparcel retains a strong sense of openness	High+: Despite the sub-parcel's strong boundaries on three sides, because the sub-parcel is so large in size and lacks strong boundaries within it, development of the sub-parcel would likely lead to unrestricted sprawl.
GBP_076_c	31.83ha	Medium: The sub-parcel is bounded to the north by the M62, to the east by large warehousing development at Omega South, a large office, manufacturing and distribution hub in the large built-up area of Warrington, to the west by dense protected woodland (Duck Wood and Plain Plantation) and agricultural land, to the south by the Whittle Brook, protected woodland (South Park and Finch's Plantations) and agricultural land and south-west by Mersey Valley Golf Club. The sub-parcel as a whole is therefore well contained to the north, east and in part the south and west.	Medium: The sub-parcel falls within a partially strategic gap between the towns of Warrington and St Helens. Development of the sub-parcel would lead to a reduction in the gap between these settlements, but a gap could still be maintained if this sub-parcel were to be developed	Medium: The sub-parcel contains no inappropriate development and has open views across the sub-parcel, but is boarded by large scale built development at Omega South and the M62, therefore only has a moderate countryside character.	Medium: The sub-parcel contains no inappropriate development and has open views across the sub-parcel, but is boarded by large scale built development at Omega South and the M62, therefore only has a moderate countryside character

Source: Pages 353-356 of St Helens Green Belt Review

4.12 On the basis of this assessment only plots GBP_076_c, GBP_076_d & GBP_076_e proceeded to Stage 2B where only plot GBP_076_c was subsequently identified as having medium development potential. The full 2B proformas were published in October 2020 as part of the evidence base for the Local Plan examination, with pages 149-151 concluding that only plot GBP_076_c could continue to the next stage, with the following conclusion reached on developability: “*The sub-parcels have landscape land sensitivity as medium to high. There is a negligible area of protected woodland within sub-parcel GBP_076_C, which would need to be retained, however it would not affect the majority of the site.*” Table 5.2 (Page 54 & 55) of the Green Belt Review then records why the Site has been identified to be allocated in Stage 3 (as opposed to discounted or safeguarded) and identify it as having a slightly smaller notional capacity of 31.22ha because of the need to exclude protected woodland:

“The sub-parcel lies to the south of the M62, next to the Borough's eastern boundary with Warrington Borough. Development here would form a natural extension of the adjacent Omega employment area, located in Warrington. Warrington BC has confirmed that the site should be developed to help meet its needs for employment uses. There is a small area of protected woodland within the sub-parcel that would need to be retained, however this would not affect the majority of the site. Whilst the cumulative effects of development in this location would need to be addressed, as capacity issues have been identified at Junction 8 of the M62, Warrington BC (in its capacity as highway authority) has not raised any objections in principle to the allocation of this sub-parcel. Warrington BC has also stated in its Local Plan Development Option consultation document 2017 (paragraph 2.38) that the development of the sub-parcel should ‘...contribute to meeting Warrington’s employment land needs’. Although the sub-parcel includes high quality agricultural land, the harm that would be caused by the loss of this needs to be balanced against the potential benefits from providing further employment uses within this location. The 2018 SA concluded that the development of sub-parcel would have a mixed impact on the achievement of SA objectives. However, as the sub-parcel is located within 1km of an area within the 20% most deprived population in the UK, its development for employment uses would help to reduce poverty and social exclusion. There are no other over-riding constraints that apply to the sub-parcel and it is suitable to be allocated and thereby help meet the employment land needs of Warrington.”

4.13 Plots GBP_076_d & GBP_076_e to the south of the HE Land were dismissed at the last stage (3). This is explained on pages 55 and 56 of the report where it is explained that GBP_076_d as being adjacent to residential and not being needed to meet employment needs. Plot GBP_076_e was also dismissed at the last stage due to having no access point and not forming a logical extension to the existing Omega development and not being needed to meet employment requirements.

4.14 For comparison purposes, in Table 3.3, I have looked at the other sites that are proposed to be taken out of the Green Belt for employment purposes in Policy LPA04 of the draft Local Plan and note that none of the other sites were preferred in terms of their Stage 1B (Green Belt Purpose) scores with each one scoring ‘medium’ or higher scores. Whilst the Stage 2B (Development Potential) scores are higher for a number of the other sites, the potential for 1EA part of the Application Site to come forward in conjunction with the Bromilow Land (including the TJM Building) was not considered.

Table 3.3 St Helens Green Belt review: Results for proposed Local Employment Sites

Draft Allocation in Submission Local Plan	Plot	Area	Stage 1B GB Purpose Score	Stage 2B Score Development Potential	Overall Score
1EA	GBP_076c Omega South Western Extension, Land north of Finches Plantation, Bold	31.22ha	Medium	Medium	4
2EA	GBP_031a Florida Farm North, Slag Lane, Haydock	36.67ha	Medium	Good	5
3EA & 4EA	GBP_032 Land to the east of Haydock Industrial Estate and to the west of M6 (north and south of Penny Lane)	13.21ha	Medium	Good	5
5EA	GBP_031c Land to the west of Haydock Industrial Estate	7.75ha	Medium	Good	5
6EA	GBP_031b Land west of Millfield Lane, south of Liverpool Road and north of Clipsley Brook, Haydock	20.58ha	Medium	Good	5
7EA	GBP_039 Land east of M6 and north of A579 Winwick Lane	64.55ha	High +	Good	3
8EA	GBP_041 Parkside West, Newton-le-Willows	79.57ha	Medium	Good	5
Safeguard Sites					
1ES	GBP_075d Land north of M62 and south of Gorsey Lane	32.21ha	Medium	Limited	3
2ES	GBP_033 Land to the east of M6 Junction 23	55.90ha	High	Good	3

Impact on Openness

- 4.15 National planning practice guidance [CD3.20] states that assessing openness requires a judgement based on the circumstances of the case, and cites examples where the Courts have held that relevant considerations include the duration of development, the degree of activity likely to be generated, such as traffic generation and explains that “*openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume*”.
- 4.16 The existing site largely comprises arable fields, water features and three groups of woodlands. There is a large high voltage pylon in the north eastern corner of the site and two other wooden pylons.
- 4.17 The existing large floorplate Omega buildings form a clearly defined abrupt urban edge to the east of the Site. The M62 runs along the northern boundary of the Site, with farmland beyond and also to the south and west.
- 4.18 The Council disagreed with the Applicant’s assessment that there would be moderate harm to the openness of the Green Belt and concluded in the Committee Report that the Application Site is used for farmland and clearly reads as part of the countryside (paragraph 7.140). It further notes the erection of buildings ranging in 41.6 to 19 metres in height will have a “*significant adverse impact*” on the openness of the Green Belt (paragraph 7.141).

4.19 The Council’s conclusion is not expressed specifically in terms of the degree of harm nor broken this down in terms of the spatial or visual aspects of harm.

4.20 In my view, in visual terms, it is clear that the large buildings proposed will, by reason of their scale and layout, significantly change the openness of this part of the Green Belt. This is evident in part from the Landscape and Visual Chapter of the EIA accompanying the application. Extracts of table 10.3 are reproduced below which considers the changes in the context of the various character areas.

Sensitive receptor	Borough level Landscape Character; namely LCT 5 ‘Wooded Former Estate’, including LCA WFE 4 ‘Bold Hall’, LCT 7 ‘Floodplain Farmland’ including LCA FF 3 ‘Clock Face Farming’ and FF 4 ‘Bold Heath’, together with LCT LCA 4B ‘Burtonwood’.
Potential effects	<p>LCT 5 – loss of characteristic agricultural landscape/field pattern, mature woodland, and context of remainder historical landscape features i.e. assemblage of features such as small ponds.</p> <p>LCA WFE 4 – loss of characteristic woodland features, and site activity during construction would affect perception of relatively uninhabited area.</p> <p>LCT 7 – loss of large scale arable landscape and remnant hedgerows, loss of woodland blocks, loss of hedgerows, encroachment of urban elements and increased prominence of ‘developed edge’ visible over some distance.</p> <p>LCA FF 3 – introduction of further vertical elements into predominantly flat/open/ exposed area, and loss of woodland/hedgerows.</p> <p>LCA FF 4 – introduction of further commercial development and extension of ‘developed edge’.</p> <p>LCT 4B – characteristics are largely reflective of Proposed Development within the application site.</p>

4.21 In my view, changes to the visual character of this part of the Green Belt arising from the proposals should be considered in the context of:

- a) The changes only being seen from a limited number of viewpoints, including the M62;
- b) The Proposed Development facilitating the removal of the existing high voltage powerlines which currently have an adverse impact on the openness of this part of the Green Belt within and beyond the Site;
- c) The Site’s location on the edge of the Green Belt where it will form a series of new buildings of a similar character to those to the east at the existing Omega development. As paragraph 7.14 of the Planning Statement [CD33.36] explains it will “*offer a perspective and context against which the proposals will be viewed;*” and
- d) The mitigation proposed in the Application including, enhanced planning planting in the 7ha Green Triangle and along the western boundary which will help to soften the appearance of the buildings when viewed from the west.

4.22 In terms of permanence, whilst the Proposed Development would be permanent, as explained in section 3 of my evidence, both the St Helens Core Strategy and Bold Forest Park Plan recognise the need to review the Green Belt and the Draft Local Plan seeks to take the HE Land out of the Green Belt and allocate it for employment (draft Employment Allocation 1EA).

4.23 In terms of the degree of activity, within the Site this will be typical of a large commercial operation with HGV servicing and parking together with staff and visitor activity. These movements will not

cause additional activity on existing roads within the Green Belt beyond the Site. The main access to the Site will be from the east via the Omega South which connects to the main road network. Within the Green Belt, the proposals include new footpath and connections to Bold Forest Park and in this respect the additional activity will be minor and will contribute to the recreational goals of the Bold Forest Park.

- 4.24 Taking these factors into account, I conclude that there would be major harm to the openness of this part of the Green Belt.
- 4.25 In my view, this assessment needs to be put into context. The 75 ha Application Site (68 ha if the Green Triangle is excluded) represents less than 1 percent of the boroughs 88 km² of Green Belt and 12-13% of Green Belt parcel GBP_076 (569.98ha) assessed in the Council's Green Belt Review. Spatially, it will only erode the openness of the western parts of the Green Belt in this area which has a largely homogeneous character being largely flat and dominated by arable land save for small woods and groups of trees.

Harm to the Green Belt purposes

- 4.26 I now turn to consider the 5 purposes of green belt in paragraph 134 of the NPPF, which again were considered both by the Applicant in their Planning Statement (paragraph 7.19-7.32) and by the Council in the Committee Report (7.142 to 7.148).
- 4.27 The Council's December 2018 Green Belt Review helps to inform the assessment. The eastern part of the Application Site is consistent with Green Belt plot GB_076_c where it was concluded that it would make a 'Medium' contribution to the purposes of the Green Belt and it "*would make sense to remove it from the Green Belt as its retention in the Green Belt would serve no Green Belt purpose*" (Summary Sheet, page 146).
- 4.28 As explained, the north western part of the Site falls outside the boundaries of the draft Local Plan allocation. It forms a small part of the larger plot (284.04 ha in the Green Belt assessment (GB_076_b) which is described as "*Despite the sub-parcel's strong boundaries on three sides, because the parcel is so large in size and lacks strong boundaries within it, development of the parcel would likely lead to unrestricted sprawl.*" This reasoning may partly explain the reason why it was given a stage 1 score of High + for its contribution towards green belt purposes. As I come on to explain, this does not reflect the finer grain assessment necessary for the small part of the plot which sits within the Application Site.

Checking the unrestricted sprawl of large built up areas

- 4.29 The Site is outside of the existing urban area and would represent a north western extension of Warrington's urban area beyond the existing commercial areas of Omega South and Lingley Mere Business Park. The Site is bounded by the physical boundaries of the M62 to the north and those commercial areas to the east.
- 4.30 Page 54 of the Green Belt Review states that, in respect of the eastern part of the Site (GBP_076_c) that it "*would form a natural extension to the adjacent Omega employment area*", with the Stage 1B assessment on page 354 relating to checking unrestricted sprawl, stating that the sub-parcel as a whole this plot "*is well contained to the north, east and in part the south and west.*" As explained in the Planning Statement (paragraph 7.22), because of reliance on access via the existing Omega Site to the east, there is unlikely to be sufficient transport capacity to support further westward extensions into Green Belt because of this constraint.

- 4.31 The 7ha Green Triangle would contain the north western part of the Site, with Booth's Wood helping to contain urban sprawl beyond the western edge of the site further south. In this respect, whilst the Green Belt Review gave the larger plot GBP_076_B a 'High' rating in respect of unrestricted sprawl, in my view, the Application Site when considered in isolation would score a 'Medium' for this purpose.
- 4.32 In respect of this purpose, I agree with the Planning Statement's assessment that there would be moderate impact on this purpose.

Preventing neighbouring towns from merging into one another

- 4.33 In the Committee Report, the Council conclude that there is no conflict with this purpose (paragraph 7.145), with the Proposed Development allowing the maintenance of a significant separation from the urban areas of Clock Face and Bold. I agree with this assessment.
- 4.34 The Green Belt Review found that both Green Belt plots which overlap the Site had a 'Medium' Green Belt purpose score for this purpose. I note that the proposals will extend the urban area of Warrington by approximately 750 metres westward, but maintain a gap of approximately 1.5 km to the closest parts of St Helens urban area to the north west which include the physical barrier of the motorway in the middle of it.

Assisting in safeguarding the countryside from encroachment

- 4.35 The existing Site is currently part of the countryside and is currently largely open, flat and in agricultural use. The Green Belt Review found that plot GBP_076_C has a 'Medium' score for this purpose with the reasoning explaining that *"The sub-parcel contains no inappropriate development and has open views across the sub-parcel, but is boarded by large scale built development at Omega South and the M62, therefore only has a moderate countryside character"* (P356). Whilst the larger plot (GBP_076_B) where the rest of the Application Site sits was identified as having a 'High' score for this purpose, as explained, this reasoning is based on the whole plot and in my view similar reasoning would apply to this area as plot GBP_076_C where it was concluded there would be a medium score.
- 4.36 In respect of this purpose, I conclude that the Proposed Development would have a moderate to major impact on this purpose.

Preserving the setting and special character of historic towns

- 4.37 The Proposed Development has no impact on this purpose, with no historic towns close to the Application Site. I consider that there is no conflict with this purpose.

Assisting in urban regeneration, by encouraging recycling of derelict and other urban land

- 4.38 The Proposed Development would not directly deliver on this purpose, currently being countryside. As explained, in other sections of my evidence there are no alternative non-Green Belt sites on which the required need could be met and therefore it is not prejudicing the urban regeneration or the recycling of sites elsewhere in the Borough, or beyond.
- 4.39 As explained in section 3 in relation to the purpose and objectives of the Bold Forest Park AAP, the Proposed Development will help to respond to the key objectives of Bold Forest Park which requires an economic focus balanced with environmental sustainability and the enhancement of the public access and enjoyment of the attractions in the Park.

4.40 Overall, I conclude that there would be no impact on this purpose.

Overall Assessment of Harm to the Green Belt

4.41 The proposed buildings and ancillary service yards etc. are, by definition, inappropriate development as a result harmful to the Green Belt. The harm arising from the conflict with the definition of green belt must be given substantial weight in accordance with the NPPF (paragraph 144).

4.42 The new buildings in the countryside will cause harm to its openness. This needs to be considered in the context of the existence and prominence of the existing Omega development against which the development will be seen next to, the M62 motorways, the limited viewpoints available of this part of the countryside, the presence of existing and proposed trees and vegetation to the west.

4.43 The Council has concluded that the eastern part of the site should be excluded from the Green Belt (site GBP_076_c) and concluded that its retention in the Green Belt would serve no Green Belt purpose. Whilst it has not reached the same conclusion for the remaining part of the Application Site to the west, that assessment did not specifically consider the northern part of the Application Site on its own. As acknowledged by the Council, the western boundary of the Application Site is bounded by the Green Triangle and Booth's Wood which form logical boundaries to the Green Belt to the west and something which will be enhanced further. In my view, had the Bromilow Land been considered on its own in the Council's Green Belt Review, it would have been considered to have a 'medium' overall score in respect of meeting the purposes of the Green Belt.

4.44 I have concluded that there would be no impact on three of the five Green Belt purposes (preventing merging of towns, preserving historic towns and assisting urban regeneration) and largely moderate impacts on the other two purposes (preventing sprawl and safeguarding the countryside from encroachment).

4.45 In terms of Local Plan policy compliance, by virtue of proposing inappropriate development in the Green Belt, there would conflict with Saved UDP Policy GB1 (General Criteria for Green Belt) unless very special circumstances apply. Saved UDP policy GB2 (General Criteria for Green Belt) – is subject to the provisions of GB1 and Saved UDP Policy S1 (Green Belt) states that the Green Belt will be maintained so, again, there would be no conflict if very special circumstances apply.

4.46 Section 8 considers whether there are very special circumstances which would clearly outweigh the identified harm.

5 Strong and Competitive Economy

- 5.1 In this section of my evidence, I assess the extent to which the Proposed Development is consistent with Government policies for building a strong, competitive economy (Chapter 6 of the Framework) and the extent to which it would give rise to socio-economic benefits to be weighed in the planning balance.
- 5.2 Consistent with NPPF paragraph 80, significant weight must be given to the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 5.3 I assess whether the approval of the Application would create the conditions in which businesses can invest, expand and adapt, and conversely, the degree to which a decision not to approve the Proposed Development would undermine this objective.

Need for Employment Land (Demand)

- 5.4 As explained in the evidence of Mr Hunt, Objectively Assessed Need ('OAN') for employment land in the LCR is substantial, with an identified requirement for 437 hectares of B8 land to meet its requirement for B8 floorspace in the LCR SHELMA.
- 5.5 Section 7 of Mr Pexton's evidence demonstrates that there is strong demand for 'Grade A' accommodation in the North West, with a ten-year annual take up rate of 234,837 sq.m and 27 'requirements' where the search parameters for accommodation are 27,870 sq.m or above, with 21 'requirements' focussed in the Greater Warrington area equating to a floor area requirement of 729,554-1,042,751 sq.m.
- 5.6 St Helens' own identified requirement of between 190-239 hectares of employment land to 2037 (see table 4.2 of the submission Local Plan 2019), took into account growth based on historic take up of land from 1997-2012 and a strategic uplift based on rising demand Liverpool SuperPort. As Mr Hunt explains, their estimates of demand may be conservative given the use of historic take up rates which have been inhibited by the limited availability of land within St Helens.
- 5.7 Warrington sits outside of the LCR, and has also identified substantial demand for employment floorspace, to which part of the Application Site has been identified as being required to meet. The Warrington Submission draft Local Plan [CD2.9], policy DEV4 (Economic Growth and Development), identifies a minimum requirement for 362 ha of employment land to support both local and strategic employment needs between 2017 and 2037 and explains that Omega's westward expansion into St Helens is one of four main employment sites that have been identified.
- 5.8 The Proposed Development therefore has the potential to meet this substantial need for additional employment in St Helens, Warrington and the wider sub-region.

Need to meet TJM Operator Requirements

- 5.9 As Mr Pexton explains, 1 of the 27 requirements for the region is from TJM. The evidence of James Clark explains that the TJM Building is required to remove pressure from their existing Axis Site, and also to ensure that each distribution centre serves its own natural catchment area.
- 5.10 Mr Clark explains that it represents a major investment for the company, which aims to improve productivity with bespoke and world leading, fully automated systems and is an important component of the company’s ambitious expansion plans to grow from over 545 to 1,200 stores with commensurate increases in staff numbers.
- 5.11 The Application Site is ideal to meet the operational requirements of TJM including being capable of accommodating at least 1,000,000 sq.ft (including the expansion land). The land would provide warehousing and ancillary floorspace (to support TJM’s planned store growth), future ancillary buildings/structures to support the growth and very importantly can accommodate a high-bay warehouse. This high-bay requirement is a result of the automation required as part of the operation (the high-bay must have a clear internal height of 38 metres, resulting in an external height of 40m+).
- 5.12 TJM’s firm programme requirements require delivery of the unit to be as soon as possible, with the ‘go live’ date planned for autumn 2024 – although it is recognised this will be delayed due to the planning process. This very tight programme means that Unit 1 needs to be sited on land where potentially time-consuming preparatory works can be avoided as far as possible.

Availability of Employment Land (supply)

- 5.13 The wider LCR has an identified a shortage of B8 sites for strategic distribution and warehousing. The ‘LCR Areas of Search Assessment’ (August 2019, as amended by the November 2019 addendum) relies on numerous sites located in the Green Belt to meet the demand for floorspace, and still shows a significant shortfall. Two scenarios were produced in the Assessment to forecast strategic B8 supply in the LCR (see Table 1 below):
- a ‘do minimum’ (Paragraph 12.17, LCR SHELMA 2018) scenario; and
 - a ‘do something’ (Paragraph 12.18, LCR SHELMA 2018) scenario.

Table 5.1: LCR Strategic B8 Supply / Demand Balance (LCR Areas of Search Assessment, Table 6, November 2019)

	‘Do minimum’ Scenario	‘Do something’ Scenario
Land demand: scenario + buffer	339ha	437ha
Committed supply	182.75ha	
Supply from emerging / potential sites	159.93ha	
Total Supply	342.68ha	
Residual requirement	+3.68ha	-94.32ha

- 5.14 Due to the importance of delivering sufficient employment land for the LCR, the LCR local authorities have committed to delivering at least the 'do something' scenario (Paragraph 4.8, LCR Spatial Planning SoCG (July 2019)) [CD5.84]. All reports apply a 10% buffer to the land requirement "to account for churn, flexibility, normal market vacancy and choice" (Paragraph 10.9, Assessment of the Supply of Large-Scale B8 Sites 2018). As per Table 1 above, there is a clear lack of future supply of strategic B8 land of at least 94ha in the LCR region.
- 5.15 To meet demand St Helens and Warrington have sought to identify and allocate sites within their draft Local Plans meet the substantial need identified. In both authorities it has been necessary to allocate Green Belt Sites to meet the need because these are the only available and suitable sites available.
- 5.16 The St Helens draft Local Plan has identified OAN for employment land based on historic delivery plus an uplift that contributes to LCR need to arrive at a requirement of 219.2 ha.
- 5.17 It is allocating sites with a total of 265 ha, of which 234 ha are allocated to meet the need of St Helens (a potential surplus of 15 hectares). However, as explained in the evidence of Mr Hunt, it far more likely that there will be a deficit of land which the Application Proposals will help to meet. For instance:
- Assumptions about site capacity for St Helens and the Liverpool City Region are not being realised; assumed plot ratios of 39% & 40% respectively are closer to 23% on sites with planning permission or subject to planning applications, which could create additional demand of 40 to 79 ha of land. This could be up to 199 ha if the lower plot ratios are repeated on the other allocated sites.
 - At least 43 ha of employment land (of which 34 ha is B8) is not being delivered until after the plan period.
 - The demand requirements for the LCR are likely to be an underestimate due to errors in calculations and the narrow definition of demand used (which does not include land requirements for commodities storage or B2 requirements) and not all sites being capable of being delivered in the plan period.
- 5.18 The draft Warrington Local Plan (Submission Version 2019) [CD2.9] seeks to allocate 352 ha of employment land for B1, B2 and B8 uses to support local and wider employment needs (policy DEV4 Economic Growth and Development). Sites totaling 215.83 hectares are proposed to be removed from the Green Belt (within Warrington) to help meet this need, with reliance also placed on Omega West in St Helens. The supporting text explains that Warrington Council believe they can currently only demonstrate a realistic supply of 83.91 hectares of employment land, with potential for a further 31.46 hectares within or close to the town centre and reliance on Omega West (in St Helens) to provide 31 hectares (paragraphs 4.2.15 & 4.2.16).
- 5.19 The SoCG between St Helens and Warrington Council [CD43.4] (Statement 3 & 9) confirms that Warrington Council "has agreed in principle that the western extension of Omega in St Helens will contribute to meeting Warrington's employment needs subject to resolving access issues."
- 5.20 However, like in St Helens, there is emerging evidence that Warrington's assumptions about supply may have been conservative, with some sites no longer being capable of coming forward to meet the identified demand.

5.21 Warrington Council's 'Economic Development Needs Assessment Update, February 2019 [CD5.155.7], confirms that the existing Omega development represented a significant proportion of the Borough's employment land supply as follows:

4.2 From a Baseline position of 231.87 ha (30 sites), the 2016 EDNA removed sites then developed, heavily constrained, lost/expected to be developed for alternative (non B Class) uses or held to meet the use of specific companies only. This gave a realistic supply of 104.53 ha in 14 sites of which 34.85 ha in 11 sites represents the local supply and just over two thirds, 69.68 ha in three sites, represents the strategic (Omega) supply.

5.22 However, the last stages of Omega are no longer coming forward for employment. On 24 December 2020 Warrington approved 617 homes, retail, hotel and other development on the Phase Omega Site 4-7 which had a site area of 24 hectares (LPA ref. 2019/36241). This has initially been earmarked for 17 hectares of employment land (177,400sq.m), however, at Warrington Borough Council's 05 August 2020 Development Management Committee it was accepted that whilst the site was allocated for employment purposes, it was very unlikely to come forward due to a lack of office demand and would be unsuitable of alternative B2/B8 as an alternative employment use given the proximity of adjacent housing.

Lack of alternative options to meet the demand

5.23 The demand for employment land and TJM's specific requirement cannot be met elsewhere. An Alternative Sites Assessment Study (ASA) accompanied the planning application [CD33.41] and its results were accepted by the Council and have not been disputed by others.

5.24 The ASA sought to establish whether there are any alternative sites to Omega West that could meet the need for large-scale logistics buildings (in excess of 27,870 sq.m / 300,000 sq.ft) to serve St Helens and / or Warrington.

5.25 This predominantly desk-based exercise had regard to the technical aspects of logistics developments, with sites assessed against seven key criteria:

1. Site Size: minimum area of 5 ha (to allow for a minimum unit size of 27,870 sq.m / 300,000 sq.ft).
2. Topography: relatively level and should be above flood plain.
3. Strategic road access: direct access to the trunk road network, distance to a motorway junction and no direct residential frontages between the site and nearest main road network.
4. Public Transport accessibility: to provide sustainable travel choices.
5. Proximity to settlement/labour: an accessible workforce, including a ready supply of local labour.
6. Separation from sensitive other land uses: compatibility with surrounding land uses.
7. Environmental constraints: limitations on the development of the land due to heritage, ecological of other environmental factors.

- 5.26 The search focussed on St Helens and Warrington Boroughs. For St Helens this comprised the Economic Evidence Base Paper 2015 ('EEBP') [CD5.78], prepared on behalf of the Council as part of the Allocations Local Plan, whilst for Warrington the most up-to-date evidence base is the Economic Developments Need Assessment 2019 ('EDNA') [CD5.155.7].
- 5.27 A total of 36 sites, including the Application Site, were identified as meeting the minimum size requirement. Of these, six sites were brownfield and the remaining 30 were Green Belt sites. The assessment concluded that Omega Zone 8, is the only site realistically capable of delivering the 'live' occupier-led requirement for Unit 1 and separately the outline B2/B8 floorspace proposals on the basis of a minimum floorspace requirement of 27,870 sq.m / 300,000 sq.ft, in the short-term.
- 5.28 The Council agreed with this assessment, with the Committee Report confirming that only the Application Site meets the specific locations and site characteristics required by TJM (paragraph 7.110), there are no non-green belt sites capable of accommodating the 123,930 sq.m outline element, even taking into account disaggregation (paragraph 7.114), and concluded that there is a lack of suitable land and premises available that could accommodate the large scale logistics buildings proposed (paragraph 7.118).
- 5.29 Since being instructed, I have reviewed the position further to satisfy myself that there are no further sites or premises available.
- 5.30 Taking into account the evidence of Mr Pexton which also considers alternatives (both sites and premises) further afield beyond St Helens and Warrington Boroughs, I have also come to the same conclusion as the Council that there are no alternative sites or premises (within the identified area of search) that offer a suitable, available and/or deliverable alternative to meet the identified need and is deliverable in the required timescale (which is immediate).
- 5.31 None of the other 'called-in' sites, even those closest to the Application Site (e.g. Parkside and Haydock Point), could be considered as alternatives or any more suitable given that they are also within the Green Belt. TJM's unique operational requirements, would in any event, discount them because the Omega West / Zone 8 site is the only location at which the TJM Building could be delivered.
- 5.32 To verify the position, I have also reviewed the alternative assessments carried out for the other called in logistic proposals. As demonstrated in the SoCGs [CD7.6 & CD25.1] agreed with the local authorities in each instance, there is agreement that there are no appropriate sites available outside of the Green Belt.
- 5.33 This further review identified a number of additional sites assessed in other ASAs, but not listed in the TJM ASA. Of particular relevance are three identified in the Parkside ASA [CD4.7], which were discounted as part of that assessment for the reasons set out below, with the reasoning also being relevant to these proposals:
- **Fishwicks, Kilbuck Lane, Haydock.** Discounted before Stage 1 due to size (3.2ha). We understand it was included in the Parkside ASA at Stage 2 for robustness, following comments from the local authority.
 - **Land at Haydock Lane, Haydock** – Discounted before Stage 1 due to unavailability (required for access works for Florida Farm). Site size (7.8ha) and shape would have resulted in a later discounting of the site.

- **Land to the North East of Ecclestone.** Discounted before Stage 1 as the site is too peripheral from the motorway network to be suitable or attractive to the market.

5.34 Ultimately, no other sites have been identified by any of the other 'called-in' applications that could meet the needs of the Proposed Development.

5.35 There are two fundamental outcomes of the alternative site search work undertaken:

- a) All local authorities and applicants agree no appropriate sites for 'big-shed' employment exist in St Helens or Warrington, apart from sites in the Green Belt; and
- b) TJM's unique operational requirements result in the Omega West / Zone 8 site being the only location for the Proposed Development.

5.36 I therefore consider that the lack of other alternative, available sites or premises to meet the need for employment is a significant material planning consideration in favour of the proposal, which should be given significant weight in the planning balance.

Socio-economic Context

5.37 It is very clear from reading the adopted and emerging Local Plans that St Helens is a very good location to provide new jobs. Paragraph 2.2 the St Helens CS, states:

“St Helens is now emerging from the low points of its past and the economic difficulties of the 1980s and early 1990s with a stabilising population, decreasing unemployment rates, decreasing deprivation rates and an increase in health and educational achievements.”

5.38 Paragraph 3.3 states:

“Multiple deprivation levels are amongst the highest in the country. St Helens is ranked as the 51st most deprived authority out of 326 authorities in England(2). Despite having improved its relative position from 47th worst in 2007, there remain many challenges. In particular there is a cluster of Super Output Areas (SOAs) falling within the 5% most deprived nationally in the Town Centre, Parr, Thatto Heath and Bold wards, with other pockets of high deprivation in Windle and Newton wards.”

5.39 Continuing challenges are also very clear from Paragraph 4.2 states of the 2019 Submission Draft Local Plan:

“Notwithstanding these opportunities, St.Helens Borough is ranked as the 36th most deprived out of 326 local authorities in England. Its relative position has deteriorated since the 2010 Index of Deprivation that ranked the Borough as the 51st most deprived area. Deprivation levels in some parts of the Borough have also worsened relative to others. The proportion of children in low income families is higher than those in England and the North West as a whole. St.Helens Borough still has levels of dependency on benefits that are above regional and national averages.”

5.40 Paragraph 6.4 goes on to state that:

“The Borough has economic activity and employment rates, skills levels and average wages that are below national averages. Recent rates of employment development and investment have been substantially below those achieved in the 1990s. It has also become clear that the existing

available stock of employment land and premises in St Helens Borough is not sufficient in terms of amount, site size, site location and site characteristics to meet market requirements, leading to missed investment and job opportunities.”

- 5.41 Mr Hunt explains the position further in his proof of evidence which explains that large parts of the Borough are in the top 5% and 10% of the most deprived places on the Governments’ Indices of Multiple Deprivation and St Helens has been less successful than its neighbours in securing new employment opportunities for residents, being the worst performer in the City Region and significantly behind adjacent Warrington. It is further explained that as a result of the lack of growth, St Helens has one of the lowest job densities of 0.67 jobs per resident aged 16-64 compared to 0.86 for the UK average and 1.18 for Warrington, meaning that the Borough ranks 333rd of the 382 lower tier UK authorities.
- 5.42 Being located adjacent to the Borough Boundary, the current Omega development will have already played a part in responding to employment challenges in St Helens. In March 2019 Warrington Borough Council published its proposed submission version of its replacement Local Plan. Progress towards examination has been delayed, but it does help to explain the role and importance of the existing Omega site. Section 2 of the draft Plan (Warrington in Context), explains Omega’s scale and role as follows:

“2.1.24 Omega has been one of the most successful development areas – the growth of logistics and manufacturing on this site has created some 8,000 new jobs over the last 4 years and currently some 1,100 new homes are on site. The Omega site is nearly built out however and the Council’s Economic Development Need Assessment (EDNA) concludes there is an insufficient existing employment land supply to meet Warrington’s long term needs.”

- 5.43 Warrington Council’s latest AMR [CD43.59] covers the period up to April 2019 and shows a much higher delivery of employment floorspace in recent years than St Helens. Page 17 explains that 220.2 ha of employment land completion took place from 2006 up to 1st April 2019 and the average annual take up rate of land for development for employment uses between 2006 and 2019 was 16.94 ha per annum. Much of this growth can be attributed to the success of the existing Omega development. However, as the current development nears completion the opportunity for further jobs opportunities will decline, something which the Omega West Application Proposals will help to address and allow for employment to be more targeted to St Helens.

Socio-Economic Benefits

- 5.44 The Proposed Development will assist St Helens, Warrington and the Liverpool City Region in delivering on their needs and policy aspirations of their emerging Plans. It will meet the identified need for employment space at a proven strategic location, building on the competitive advantages of the manufacturing and distribution sector in the wider Liverpool City Region.
- 5.45 The scheme will deliver significant economic benefits both during the construction and operational phases and from both the full (TJM) and outline application schemes. Table 5.1 below summarises the forecast number of new jobs.

Table 5.2 Forecast Jobs for the Proposed Development

	Full (TJM) Jobs	Outline Jobs	Total Jobs
Construction jobs	1,127	362	1,489
Operational (onsite)	1,207	2,679	3,886

- 5.46 Circa. 3,900 jobs onsite represents a very significant benefit of the Proposed Development and would help reduce unemployment and to narrow the employment density gaps relative to other authorities in the North West.
- 5.47 As Mr Hunt explains, St Helens needs around 15,000 jobs to achieve the average job density of the Liverpool City Region and 27,000 to reach the national average. The 3,886 permanent new jobs would make significant contribution to this requirement, in the context of the no employment growth in St Helens between 2009 and 2019 (refer to Figure 3.5 of Mr Hunt’s evidence).
- 5.48 As Mr Hunt also explains, the Proposed Development will offer a wide range of occupations and skills that match the range of jobs sought by local residents. These include entry level jobs and training which will be accessible to the local population and provide a stepping stone to other roles.
- 5.49 Other benefits, which are explained in the evidence of Mr Hunt includes additional wages facilitating spending power in the local economy and how the TJM Building will help to facilitate new jobs across the UK enabling TJM to open new physical ‘bricks and mortar’ retail stores. This will come at a critical time where retail trends, in part driven by on-line retailing which has been accelerated by COVID-19, are causing bricks and mortar retailing to contract.
- 5.50 These proposals will allow TJM to invest across the UK, help to arrest decline and provide affordable goods to a large number of communities and in turn provide jobs where they may otherwise be lost due to the contraction of retail and hospitality sectors.
- 5.51 As Mr Clark explains, typically a new 20,000 sq ft (1,858 m²) Home Bargain store would employ 70 full and part time workers, and with this facility providing capacity for up to additional 325 stores this could help to facilitate approximately 22,750 new roles in retailing positions – in addition to those jobs created on site by Unit 1.

Access to Employment

- 5.52 The evidence of Mr Bisset considers the accessibility of the Site across a range of modes of transport, including by private car, public transport and by cycle and foot. These modes of transport will be particularly important in providing access to employment.
- 5.53 As set out at paragraph 3.77 of the Committee Report, survey data from the operational units at Omega show that 81% of trips are made using car – 34% single occupancy and 47% car share.
- 5.54 The framework travel plan states that it will survey employees when the unit becomes operational to establish a baseline modal share and then establish targets based on that. The Council recommend a 10% reduction in single car usage over five years as a suitable target.

- 5.55 To enhance employment opportunities locally and encourage the use of non-car modes the mitigation and enhancement measures will be secured by conditions and S106 obligations.
- 5.56 The evidence of Mr Bisset explains how the £750,000 contribution towards bus services in St Helens Borough could establish new routes through some the areas with the highest multiple deprivation. Discussions are also taking place with Warrington Council to see if the funds earmarked for improvements in that Borough can be spent in St Helens to further reinforce services and improve access to employment where they are needed.

Economic Consequences if the development was not approved

- 5.57 If the Proposed Development was not granted permission, the circa 3,900 onsite jobs would be lost to the St Helens economy. In the context of a lack of employment growth in St Helens, the loss of these jobs, at a site which would be well connected to deprived areas, would be significant.
- 5.58 TJM is a Merseyside based firm which needs space in order to be able to expand its retail operations. This Site provides for their bespoke needs and without the proposed development these jobs and economic benefits associated with the expansion of TJM retail operations would be at best delayed and at worst lost to the LCR.
- 5.59 Levelling up is at the heart of the Government's economic policy agenda and St Helens is one of the highest priority areas for the Government. Not consenting the proposed development would result in a loss of jobs and economic activity and would therefore not be aligned with this policy objective.

Conclusions

- 5.60 In my view the Proposed Development, particularly the detailed TJM Building, directly respond to the following imperatives set out in paragraphs 80 to 82 of the Framework and should be given very significant weight:

Paragraph 80

“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt...”

- The Proposed Development allows for the expansion of the Omega Business Park which has successfully created investment and jobs for the local area, but is now almost complete with no future supply of floorspace.
- The detailed proposals will enable TJM, Merseyside's biggest private employer to invest and expand locally.

“...Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development...”

- Consistent with the Strategy for the LCR and draft Local Plans for St Helens and Warrington, the Proposed Development responds to very high forecast demands for employment and logistics development and will deliver much needed jobs in St Helens which currently performs poorly in in the region and UK.

“...The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future...This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.”

- The Proposed Development will create approximately 3,886 permanent jobs and economic growth in St Helens which has underperformed historically on jobs and skills.
- The Proposed Development takes advantage of the Site’s strategic location on the motorway network and critical mass of employment development as the existing Omega Site.
- The TJM Building includes bespoke, world-leading, fully automated storage and racking systems which are planned to boost productivity and enable the company to operate much more efficiently than traditional warehouse buildings.

Paragraph 82

“Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.”

- As recognised by draft Local Plan allocations, the Application Site and the neighbouring Omega Site in Warrington are very well placed to take advantage of the strategic location on the motorway network and at the boundary St Helens and Warrington and help to support the retail and other sectors at a local, regional and national level.
- It would build on the competitive advantages of the area for the distribution sector, including investment in the SuperPort, and help to grow a sustainable logistics sector in the Liverpool City Region that is necessary to maintain and support the growth of other sectors such as manufacturing and higher technology activities and building upon on the investment in the Superport. In this way, the proposals will directly meet the Government’s objective of ‘levelling up’.

6 Topics

6.1 In this section I consider in turn the topics which the Inspector asked to be informed about following the Case Management Conference.

The character and appearance of the area

6.2 The existing character of the Site is relatively flat agricultural land with hedgerows and pockets of woodland. To the east the local area is predominately commercial in character with the large warehouse buildings of Omega South and North which also includes large service yards and parking areas, security fencing, CCTV and external lighting. The motorway is a dominant feature along the northern boundary of the site and surroundings.

6.3 Paragraph 127 of the NPPF requires planning decisions to ensure that developments amongst other things 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; and 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).

6.4 Policy CP1 of the CS requires new development to maintain or enhance the overall character and appearance of the local environment with regard to siting, layout, massing, scale, design, materials, building to plot ratio and landscaping (criteria 1i).

6.5 CS Policy CAS 5 (Rural St Helens) requires the protection of landscape character (criteria 2iii).

6.6 As acknowledged in the Committee report (paragraph 7.296), the Landscape and Visual Impact Assessment ('LVIA'), the Application Site falls within the 'Mersey Valley', with the Site itself falling within the WFR Bold Hall area which is described as a flat expansive floodplain landscape with an open rural landscape which is interrupted by a number of mature woodland plantations and shelter beds which break up the large scale field patterns. Page 122 of the, now dated, 2006 St Helens Landscape Character Assessment [CD4.134] states that the approach should be to 'conserve and restore' the landscape character but acknowledges that there may be potential for some change:

"Judgement about Potential to Accommodate Development

Whilst the character area has a large scale landscape character with a number of prominent woodland blocks which offer screening, the horizontal landform is inherently sensitive to development and change which could interrupt the horizontal composition. Development could encroach upon the interplay of open to enclosed space and create a visually and physically 'cluttered' landscape fragmenting the large scale. However where carefully sited with the appropriate scale and form of development, there may be potential for small scale landscape change taking due cognisance of the existing landscape patterns. "

6.7 The Proposed Development would alter the Application Site from largely farmland to a commercial development, with associated roads, servicing and parking areas. It would remove, trees, ponds, hedgerows and agricultural land causing a permanent alteration to this part of the existing landscape. It would be seen in the context of the existing warehouse development to the west

and would be bordered by existing and proposed landscaping which will help to soften or conceal its appearance over time.

6.8 As explained in the evidence of Mark Steele, there is consensus between St Helens and the Applicant about the impacts, but disagreement about the effectiveness of the mitigation. Mr Steele notes the following:

- The proposed mitigation measures (as illustrated by the Landscape Strategy, with maturity, increasingly screen the visually intrusive services areas surrounding the buildings and help soften the appearance of the buildings (paragraph 3.3.4);
- The woodlands that are proposed to be removed are not widely visible within the landscape (paragraph 3.4.5);
- Very little weight should be given to the idea that existing woodland formed part of a medieval and post medieval deer park (paragraph 3.6.4);
- The Proposed Development will have a significant and adverse effects on the landscape character of the Bold Forest Park as well as users of the public rights of way (paragraph 3.5.21); and
- The Proposed Development is sited within a landscape that has been and continues to be the subject of substantial change (paragraph 4.2.1).

6.9 Clearly, the redevelopment of largely farmland will change the character of the Application Site. However, in my view this needs to be considered in the context of the following:

- The proposed buildings will continue the commercial character of the Omega site to the east which it forms a logical extension to.
- The TJM Building has a similar footprint to the Hut Group unit to the east.
- In terms of heights whilst the TJM Building would be taller than other elements of the existing Omega development, stepping up in height from west (29.4m) to east (41.6m) helping to provide a transition in massing when seen from the Green Belt to the west. Other buildings along the northern edge of Omega also have taller elements that step up in height including unit 7B (Asda), which has a 32m high taller element.
- The proposed mix of horizontal and vertical cladding, with paler colours of white, grey and pale blue and the colour banding will help break up the apparent massing of the TJM Building.
- The buildings proposed in outline (units 2, 3 & 4) would be subordinate in height to Unit 1, would be less visible from certain vantage points and would provide a transition in heights to the TJM Building where it is visible from the south.
- Existing trees along the boundary of the site and enhanced planting, such as the 7ha Green Triangle and planting along the western boundary will help to soften the appearance of the buildings when viewed from the west.
- The Proposed Development will be seen in a commercial and urban context from various other vantage points, with the M62 motorway and the Fiddlers Ferry Power Station being apparent in many views looking from the north and Lingley Mere Industrial Estate being apparent from the south.

6.10 In the Committee Report, it was concluded that “*the development is of a typical industrial design and complies with the relevant elements of the NPPF and CP1, but would harm the character of the area. This weights against the development*”. I agree with this assessment, but consider that the conflict is moderate for the reasons I have explained above.

Air Quality

6.11 The Application Site is located adjacent to the ‘Motorway AQMA’ (Air Quality Management Area) which follows the M62 motorway corridor to the east in neighbouring Warrington Borough¹. Given the largely road-based nature of the Proposed Development, careful consideration was given to air quality in the Application and by the Council in their determination of the proposals.

6.12 The location of the Proposed Development helps to address air quality impacts in at least two key ways:

1. Access to the strategic highway network is short and runs through non-sensitive employment areas; and
2. It can be reached by a variety of transport modes.

6.13 From a policy perspective, Paragraph 170 of the NPPF states that planning decisions should contribute to the natural and local environment by avoiding unacceptable levels of air pollution. Paragraph 181 the Framework states that planning decisions should be made in accordance with national objectives for pollutants, taking into account the presence of any AQMAs or Clean Air Zones.

6.14 The NPPG [CD43.60] states that the 2008 Ambient Air Quality Directive [CD43.61] sets legally binding limits for concentrations in outdoor air of major air pollutants that affect public health such as particulate matter (PM₁₀ and PM_{2.5}) and nitrogen dioxide (NO₂) (Paragraph: 001 Reference ID: 32-001-20191101). It goes on to state that where air quality is a relevant consideration, the local authority will need to establish whether the Proposed Development could significantly change air quality during the construction and operational phases (and the consequences of this for public health and biodiversity) (Paragraph: 005 Reference ID: 32-005-20191101).

6.15 Turning to the St Helens Core Strategy (2012), Policy CP 1 (3ii) expects development to “*minimise and mitigate*” impacts to air quality sets out that for development located within or near to an AQMA should give “*special consideration*” to impacts on air quality.

6.16 An Air Quality Assessment was undertaken by the Applicant and is set out in Chapter 6 of the ES [CD33.54]. As noted in the Committee Report (paragraph 7.235), the Council’s Air Quality Officer reviewed the ASA and found “*the assessment methodology is robust, best practice and consistent and therefore conclusions drawn from this will be reliable.*”

6.17 As borne out by the results of the ES, the proposals would not significantly change air quality during the construction and operation phases of the development. A summary of the results is contained in the Committee Report (7.216 to 7.237).

¹ There are 4 AQMAs in St Helens: the M6 motorway corridor; Newton-le-Willows High Street; Borough Road; and Linkway Reflection Court. The Site is not within or proximate to any of these.

- 6.18 As noted in the Committee Report and Air Quality Subject Statement, the Proposed Development would not cause any exceedances to EU Limit Values or have a significant effect overall and the proposals therefore accord with the NPPF and CS policy CP1.
- 6.19 I acknowledge and accept that however small there will be some impact on air quality. However, given how small the changes are and how the Proposed Development will not cause any exceedances to air quality limit values, these should not weight against the proposals.

Ecology

- 6.20 Mr Morgan's evidence explains that, whilst the Application Site contains woodland blocks with TPOs these are protected for their landscape value rather than their ecological merit. There are no ancient woodlands present at the Applicant Site, and priority habitat exists in the form of woodland, ponds and hedgerows. It is explained that there are no statutory designated sites present and with adjacent Booth's Wood being a local wildlife site.
- 6.21 Paragraph 170 of the Framework requires decisions to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 175 of the NPPF states that permission should be refused if significant harm to biodiversity cannot be avoided, adequately mitigated or as a last resort compensated for.
- 6.22 Table 9.7 of Chapter 9 of the ES [CD33.57] states that there would be a permanent loss of approximately 5.64 ha of trees and woodland, the creation of approximately 8ha of total woodland/trees providing an additional woodland/tree cover of approximately 2.5 ha. It cross refers to appendix 9.18 of the ES [CD33.71] which provides the habitat loss calculations and maps, where Figure 1, shows 4 belts of woodland lost within the Application Site (Woodland A, Woodland B, Big Belt Wood, and part of Duck Wood). Because of the dispersed location of these tree belts, it would not be possible to adjust the layout of the Proposed Development to retain additional trees without fundamental compromises to the operational layout required.
- 6.23 Table 9.7 and 9.8 the ES considers, in turn, the impact on different sensitive receptors during the construction and operational phases. I note that subject to any clearance works being undertaken outside of bird breeding season (1 March to 31 August) and recognising that new planting will take time to establish, the impacts are largely negligible or indeed beneficial in terms of the amount and quality of future habitat. These are further explained in the evidence of Mr Morgan and I note that there are:
- Moderate beneficial residual effects in terms of Woodland and Trees during the following construction due to ~2.5 ha increase in tree cover (**a 43% increase**) and further commitment to a 2:1 ratio for tree cover provide. The evidence of Mr Morgan explains that this will have a better species composition for ecological purposes because the existing trees whilst mature are 'high quality' due to size/age rather than composition which is described as poor;
 - Moderate beneficial long term residual effects in terms of hedgerows following construction with a loss of 534 lin.metres but with provision of 2,789 lin.metres;
 - Moderate to major long term beneficial residual impact on ponds with a 10,316 sq.m lost but 2.19ha created;

- Negligible residual effect on Booth’s Wood Wildlife Site during construction and operation subject to a CEMP; and
- Negligible or slightly positive residual effects on other sensitive ecological receptors during both the construction and operational phases save for a minor adverse effect for breeding birds following construction due to an initial loss of ground nesting habitat until the landscaping has matured.

6.24 Natural England did not raise any objection to the proposal, stating in their 4 February 2020 consultation response [CD34.47] that “*the proposed development will not have a significant adverse impact on designated sites*”. No objections were received from the Forestry Commission (response dated 4 March 2020) [CD34.13] who noted that the site did not include an ancient and semi natural woodland or plantations on ancient woodland site.

6.25 I note that the Council’s Countryside Development & Woodlands officer and Trees and Woodland Officer (response) [CD34.82] had residual concerns in their response to further information from the applicant dated 18 May 2020, which explains this is ‘due to the impact on protected woodland, as well as associated habitats such as ponds and streams....’ The evidence of Mr Morgan deals with these in detail. Given the remit of these Officers, such concerns are perhaps not surprising and these were taken into account in the overall planning balance by the Council.

6.26 Paragraph 7.267 of the Committee Report states that the Proposed Development could cause a significant loss of natural habitat for both protected and local and UK priority species which is harmful and does not comply with policies CQL2, CQL3 and BFP ENV2. In my view, there is not a direct conflict with such policies in the CS and AAP.

6.27 It is accepted that the Proposed Development will lead to the loss of trees, woodland and hedgerows across the site, however the Proposed Development includes a strategy of landscape mitigation that will create new woodland & tree planting and new hedgerows. There will be a resulting slight deficit in woodland in terms of policy CQL 2 (a requirement of 2:1 replacement, falling short by 0.13ha) and the biodiversity metric which requires off site compensation for woodland habitat. Pond and hedgerow habitat will see an increase on site following on site mitigation for these particular habitats.

6.28 The S106 ensures that the proposals will contribute towards off-site biodiversity to be delivered by the Mersey Forest, in accordance with Policies BFP ENV1 and BFP ENV2 of the Bold Forest Park Area Action Plan. The S106 commits to a minimum planting of 9.4ha of woodland which will result in a net gain for woodland habitat and exceeding the 0.13ha planting required by Policy CQL 2. Priority is given to projects within the Bold Forest Park Area.

6.29 Policy BFP AAP Policy ENV2 seeks to enhance biodiversity in the Bold Forest Park by developing an ecological network which reduced habitat fragmentation. Whilst the Application will remove habitat, replacement planting will provide more and better quality habitat, albeit there will be a lag whilst this takes time to establish.

6.30 Policy CQL3 of the Core Strategy states that development affecting nationally, and locally important sites and protected species will only be acceptable if there is clear evidence that the development (benefits) outweighs the nature conservation interest (criteria 7), requires developers to incorporate habitat features where appropriate (criteria 3), and provide suitable mitigation on or off site if harm is unavoidable (criteria 3). The ES indicates that there will be a loss of habitat as a result of the Proposed Development, but that the enhancement and protection

of certain existing areas and the provision of new biodiversity opportunities within the site alongside biodiversity offsetting off site provided by the Mersey Forest, targeting the Bold Forest Park area, will provide appropriate mitigation and compensation.

6.31 I conclude that there would be some limited short term harm on biodiversity, balanced by long term biodiversity enhancement on and off site associated with the Proposed Development.

Heritage assets

6.32 Chapter 8 of the ES included a Historic Environmental Desk Based Assessment ('HEBDA') [CD33.75]. The HEBDA confirms that there are no designated heritage assets within the Application Site. The impacts are summarised in section 3 of the Cultural Heritage Topic Statement as follows:

- Old Bold Hall moated site (scheduled Monument 1010703), located approximately 300 metres to the east of the application site – harm caused by the loss of features that give significance to its setting, the removal of sections of Duck Wood that would reduce the level of natural screening and the presence of the Proposed Development which means that the relevant setting characteristics can be appreciated less readily.
- Former Bold Hall Estate (ref. LB1031890) and farm outbuilding, former stables buildings (ref. LB10319889) grade II listed building located approximately 700 metres to the northern boundary on the northern side of the M62 – impacts on the intended views from the assets, to the south. It is explained that existing logistics development and the M62 have already affected setting, and whilst there would be some additional harm this would be partly mitigated by screening the boundaries of the application site.

6.33 The Proposed Development will not physically impact any known buried archaeological remains.

6.34 As confirmed in their consultation response dated 7 May 2020 [CD34.32], Historic England did not object to the proposals, who stated the "*Proposed Development will have minimal impact on key designated assets or their settings*" and went on to confirm that Merseyside Environmental Advisory Service has advised that no further archaeological work is required. The Conservation Officer at Growth Lancashire also considered the heritage aspects of the proposals in his 31 March 2020 letter [CD34.16]. In this, Historic England concluded that:

"Having regard to all of the above, I consider that overall the proposed development would only likely lead to a low level of harm to the significance which I would regard as being slight within the spectrum of less than substantial harm as identified under p.196 of NPPF. You will need to give great weight to this harm in your planning balance. However under P.196 the harm can be weighed against the public benefits of the proposal. Information on what is meant by the term public benefits is included in the Planning Practice Guidance and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8).

In my view this slight harm may be mitigated by undertaking appropriate landscape works to reduce the visual impact of the buildings within the wider landscape."

6.35 The starting point for the considerations on heritage is the statutory duty to have special regard to the desirability of preserving the buildings or their settings, or any features of special architectural or historical interest which they possess, as required by section 66(1) of the Planning

(Listed Buildings and Conservation Areas) Act 1990. The NPPF (paragraph 194) requires clear and convincing justification for any harm to the setting of a heritage assets (paragraph 194) and where harm is identified as less than substantial to a designated asset (as is the case here in relation to the listed buildings and scheduled ancient monument) requires harm to be weighed against public benefits. In relation to the non-designated assets, which on this site relate to potential buried remains of the former park and Big Dam, paragraph 197 of the NPPF requires a balanced judgement having regard to the scale of any harm or loss of and significance of the heritage asset.

- 6.36 As I come on to explain the economic, employment and social benefits would be capable of providing public benefits that outweigh the less than substantial harm to the setting of the designated assets and, as the Conservation Officer notes, mitigation in the form of planting will help reduce visual impact. The Landscape Strategy shows planting along the northern and western edges of the site which will help to soften the appearance of the building when viewed from the west.
- 6.37 In terms of compliance with the Local Plan, the Committee Report concludes that the proposals would be contrary to policy ENV 25 of the UDP and CQL4 of the Core Strategy. In my view the policies are out of date and, even if some limited weight is given to them, the proposals do not directly conflict.
- 6.38 Policy ENV 25 (Listed Buildings) states that the Council will “*seek to protect Listed Buildings, and their settings from harmful development*” and in doing so it does not preclude changes to the setting of the buildings.
- 6.39 Policy CQL4 of the CS requires new development to respect the “*significance and distinctive quality of the built and historic environment*” (criteria 3) and ensure that “*development is located and designed in a way that it sensitive to its historic landscape and setting and retained or enhances the character and context*”. I acknowledge that the new buildings will change the settings of the designated assets, but as acknowledged by the Conservation Officer the harm would be slight and is capable of mitigation with landscaping.
- 6.40 Neither Policy ENV 25 or CQL4 follows the ‘harm based’ approach in the NPPF, which the conservation officer has correctly followed, and they should be considered out of date. It is notable that the Council itself is seeking to change these policies in its submission draft Local Plan with Policy LPC11 (Historic Environment) following the harm-based approach to the significance of assets in the NPPF. Whilst this cannot be afforded weight in this assessment, it shows that the approach in the current development plan is out of date and should be used with caution and also should be given little weight.

Landscape character

- 6.41 Chapter 8 of the ES (Cultural Heritage) [CD33.56] does not identify the landscape as a heritage asset, although any remnants of the (now demolished) Old Bold Hall may contribute to the setting of the listed building and scheduled monument described above.
- 6.42 Overall, I consider that there would be slight (less than substantial) harm to heritage assets. It is not possible to modify the scale and layout of the Proposed Development to avoid this harm. I accept that in assessing even this slight harm, significant weight must be given to the presumption in favour of the preservation to the setting of scheduled ancient monument and listed buildings.

Living conditions of neighbouring residents with particular regard to noise

Noise

- 6.43 The Site has few immediate neighbours and its location adjacent to the existing Omega Business Park and the M62, means that background noise levels are influenced by road and commercial noise. The Noise & Vibration Subject Statement summarises the impacts and compliance with policy during for construction, associated with traffic noise and during the operation of the Proposed Development and concludes that the Proposed Development is compliant with the NPPF and NPSE (Noise Policy Statement for England).
- 6.44 As set out in the ES and Committee Report the ‘sensitive receptors’ with the greatest potential to be impacted by the Proposed Development with regards to noise are:
- Stepping Stones Children’s Day Nursey (24m to the east) – potential impacts during construction due to vibration from piling and other intensive works, some impacts from ambient goods operations (1.9db above background levels) and more significant impacts for chilled goods operations with noise levels up to 8.7dB above background sound levels. To mitigate these impacts a 1.4m and a 3m high noise barrier would be introduced.
 - Dwellings at Old Hall Farm (375m to the west) – no significant impacts during construction largely because of the distance, no significant impacts for ambient goods operations or chilled goods operations except at night with noise levels from chilled goods up to 4.4dB above the night time background sound levels. To mitigate these impacts 2m high noise barriers would be introduced.
 - Dwellings at Bembridge Close, Park Road and Godshill Close (356m to the south east) – no significant construction impact largely because of the distance, no significant impacts for ambient goods operations and but potential impacts for chilled goods operations at night with noise levels up to 5.3dB above the night time background sound levels. To mitigate these impacts a 3m high noise barrier would be introduced.
- 6.45 No objections were received from the Environmental Health Officer [CD34.75] who stated “*no objection in principle to [the Proposed Development] as the Site is located in an area with existing established similar uses with relatively few residential receptors in close proximity to the site.*”²
- 6.46 As concluded in the Committee Report the Proposed Development would not have a significant effect on the amenity of residents and would be consistent with policy CP1. These potential impacts have been suitable identified and assessed and suitable mitigation measures identified. The incorporation of these mitigation measures are secured by draft planning conditions 8-14 (Noise) and 39 (CEMP).

Lighting

- 6.47 The Proposed Development will operate 24 hours a day and requires external lighting. This lighting has the potential to effect human and ecological receptors, namely Booth’s Wood. As set out in Chapter 9 of the ES Volume 1 [CD33.57], a lighting strategy is required to mitigate the likely effects upon biodiversity and ecology in the area.

² Officer’s Report to Committee, para 3.41.

- 6.48 Paragraph 180 (c) of the NPPF guides planning decisions to “*limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*”
- 6.49 A Lighting Strategy [CD31.2] has been prepared by couchperrywilkes and sets out recommendations to balance the operational requirements with the need to minimise potential effects upon human and ecological receptors. Section 8.0 of the Lighting Strategy shows that the residual impact of glare on surrounding properties and habitats would be ‘unnoticeable’.
- 6.50 The Applicant responded to comments raised by the Environmental Health Officer on 28 February 2020 [CD34.74] by raising the proposed barrier between the detailed component of the Proposed Development and Booth’s Wood. The EHO then agreed the approach on 14 September 2020, noting that the lighting strategy and proposed mitigation would be “*in accordance with design guidance provided relating to bats.*”
- 6.51 I consider that the Proposed Development achieves the stated policy aim of limiting the impact of external lighting and that there is no harm to residential amenity. This conclusion was also reached by St Helens Council (see paragraphs 7.329 and 7.364 of the Committee Report) . The draft planning conditions would ensure that the potential effects of lighting are assessed and the lighting specification agreed, thereby safeguarding the quality of the surrounding habitats and residential amenity within the local area.

Visual amenity

- 6.52 In its committee report the Council uses the title ‘Visual Amenity’ and focusses on the impact on residential receptors and concludes that there would be harm caused to the visual amenity of residents within the vicinity of the site both within St Helens and Warrington, referring to significant harm to amenity to 20 properties at the construction phases and 21 in the operational phases which they suggest is contrary to the requirements of CP1 of the Core Strategy.
- 6.53 Chapter 10 of the ES [CD33.58] considers the visual impacts not just to residential properties, but also to public rights of way, open space and recreational areas and commercial properties and highway receptors. I have summarised the conclusions in respect residential receptors (derived from the ES in table 6.1) below.

Table 6.1 – Visual impact on residential receptors

	Summary
Potential effects	Potential effects range from direct views at close approach, the closest receptor being 345 m distant (Bembridge Close, Lingley Green) from the application site boundary, to distant and/or partial views screened by existing buildings and/or vegetation. Residential receptors up to 2.25 km distant, within the study area, have been assessed. There are a number of existing visual detractors that include overhead electricity distribution lines, commercial buildings and highways.
Additional mitigation	No additional mitigation, above the proposed ‘embedded’ (environmental design) mitigation measures that are considered to be an inherent part of the Proposed Development, is proposed
Residual Effects and monitoring	Residual visual effects at a total of 21 residential receptors have been assessed as moderate adverse to very major adverse (significant) . Residual visual effects at the remaining 55 residential receptor locations are considered to be not significant. Residual visual effects in Year 15 at 14 residential receptors have been assessed as either major adverse or very major adverse (significant) . The maturing mitigation planting would begin to provide a visual screen, particularly to receptor locations south and west of the application site). Residual visual effects at the remaining 62 residential receptor locations after 15 years are considered to be not significant .

6.54 In reporting that harm the Committee Report advised that harm would be caused to 20 to 21 residential properties. In my view, the Council took a cautious approach, and it is important to put the assessment in context:

1. The ES records the degree of change to the view which the residential properties will experience. Most of the properties currently enjoy uninterrupted views across open farmland in certain directions, but will remain some distance from the proposed buildings, with farmland separating them in each case and the intervening presence of the M62 being apparent for residential properties to the north. As noted in paragraph 7.111 of the Committee Report '*...given the height and scale of the building this location is a sufficient distance away from residential receptors*'
2. It is a long-established principle that the impact of a development on private views is not a relevant planning consideration. Impacts of a development are usually restricted to the potential impacts on public visual amenity or on heritage which are considered above.
3. The adverse impacts identified are less when consideration is given to the proposed mitigation, which will help to soften the appearance of the new buildings.
4. Consideration also needs to be given to the massing and appearance of the buildings which step down north to south and the way in which the new buildings will be seen in the context of the concentration of commercial buildings at Omega West and Lingley Mere Business Park from the west.

6.55 The Committee Report suggests that the harm caused to amenity would be contrary to CS policy CP1 (Ensuring Quality Development in St Helens). In my view there would not be a direct conflict with this policy, which is essentially seeking to ensure high quality development is delivered. Criteria 1iii requires development to "*be sympathetic to surrounding land uses and occupiers, avoiding detrimental impacts on the amenities of the local areas, in particular residential amenities*". For reasons explained, whilst there would be changes to views, I would not consider these to cause a direct conflict with this policy. Similarly, I do not consider the proposals would conflict with criteria 1i) which seek to maintain the overall character and appearance of the local environment.

6.56 Overall, I consider that there would be a minor impact in relation to visual amenity.

Highway network and how the development can contribute to meeting sustainable transport objectives

6.57 In accordance with the NPPF and the St Helens Local Plan, a Transport Assessment ('TA') [CD33.32] accompanied the application. The TA's methodology was, in accordance with relevant policy and guidance, agreed by St Helens, Warrington (the relevant highway authority) and Highways England.

6.58 The TA concludes that residual effects of the Proposed Development, with mitigation, would mean that the Strategic Road Network would continue to operate within its capacity, and that there would be no adverse impact to safety. This includes a cumulative assessment that considers other sites that can be reasonably expected to come forward, in accordance with the National Planning Practice Guidance. Where capacity issues are identified, suitable mitigation measures are too. The delivery of these mitigation measures would be ensured through draft planning conditions 22 and 23. Accordingly, consistent with the aspirations of the NPPF (paragraph 109),

the Proposed Development would not lead to an unacceptable impact on highway safety, nor would the residual impacts on the road network be severe.

- 6.59 No objections on highway grounds were received from key consultees including Warrington Council and Highways England.
- 6.60 In my view, the Proposed Development is consistent with the Local Plan. Policy CIN 1 (1) of the St Helens Core Strategy (2012) states that development proposals should make the most of the existing resources by “*being directed to locations that are already well served by infrastructure.*” As an extension to the existing Omega development, the Proposed Development utilises existing road infrastructure, bus connections and established cycle and pedestrian routes.
- 6.61 Also consistent with CS Policy CP 2 (Creating an Accessible St Helens) the proposals provide a choice of mode of travel and safe and adequate vehicular cycle and pedestrian access to and from, and circulation within at site. The Proposed Development includes the following to encourage a choice of modes of travel:
- Delivery of an east-west cycle and pedestrian route that will link with the existing footpath within the north-western corner of the Site, and in turn the footbridge over the M62;
 - Extending the existing bus route that serves Omega Business Park and providing a new bus stop to serve the Site;
 - On-site provision of adequate, covered cycle parking and washing/changing facilities;
 - The provision of a Workplace Travel Plan Framework and the acceptance of draft conditions 19, 88, 89 as proposed by the Case Officer; and
 - Electrical Vehicle charging points a ratio of 1 for every 30 cars.
- 6.62 The residual effect of these measures is that the Site and the Proposed Development “*will provide good opportunity for employees to access the site by sustainable modes of travel.*” (Transport Assessment, para 4.7.3.)
- 6.63 The Committee Report notes (at paragraph 7.260) that the footbridge over the motorway is not suitable for cyclists and there are relatively few dwellings within a convenient 30 minute walking distance. However, a number of existing and planned residential communities are located to the south and east of the site. Approximately 1,400 homes have been consented as part of the wider Omega Masterplan and there are established communities to the south and east of the Lingley Mere Business Park. Existing and planned bus stops will also enhance the choice of travel modes.
- 6.64 There are currently no bus services from Omega to communities in St Helens Borough. Bus service contributions to establish new services will provide connections to some of the most deprived communities in the borough and region, thereby enhancing access to opportunities at the Proposed Development and also to established employers at Omega and Lingley Mere.
- 6.65 Consistent with the conclusions reached by the Council in the Committee Report (paragraph 7.271) I consider that the proposals comply with the NPPF and CS policy CP2.

Climate Change

- 6.66 I come on to consider the degree to which the Proposed Development is consistent with the objective of achieving and presumption in favour of sustainable development consistent with the requirements of the NPPF in Section 8 of my evidence, where it is important to consider the economic, social and environmental objectives together.
- 6.67 Chapter 14 of the Framework deals specifically with climate change, with Paragraph 153 stating that LPAs should expect developments to comply with any development plan policies for decentralised energy supply and take account of landform, layout, building orientation, massing and landscape to minimise energy consumption. Policy CP1 of the CS requires developments to minimise energy consumption and sets a target of 10% decentralised and renewable carbon technology (criteria 4ii) and achieve a BREEAM rating of at least 'very good' for non residential development (criteria v).
- 6.68 The Application was accompanied with a Sustainability Assessment [CD31.1] which related to the detailed TJM Building proposals. It explains how, consistent with policy CP1, a BREEAM rating of 'Very Good' can be achieved and how circa 2,600 sq.m of PV panels on the roof of the TJM Building would provide 10% of the buildings energy through renewable sources. Chapter 16 of the ES confirms that the whole of the proposals are expected to incorporate the following mitigation measures in respect of Climate Change:
- Manufacturer selection, to include options that use less energy intensive materials, more robust and durable components, recycled materials and minimising packaging and wasted materials;
 - Supplier selection, including the use of local suppliers to minimise transport-related emissions;
 - End-of-life use, including whether materials are reusable or recyclable;
 - A Construction Environmental Management Plan ('CEMP'), designed to set out the standards of construction logistics and practices that will minimise, if not eliminate, the impacts of the proposed construction work on the local environment and local community surrounding the application site;
 - The use of renewable technologies (Photovoltaic panels and Solar thermal systems) to generate 10% of the total energy consumption; and
 - A Travel Plan, to be used as a management tool to help promote sustainable transport for employees working within the Proposed Development.
- 6.69 Planning conditions will secure the CEMP (condition 26 & 59), a Travel Plan (conditions 19 & 85) and require the TJM building to be constructed with PV Panels as shown in the roof plans (condition 3).
- 6.70 In terms of the NPPF requirements to take account of landform, layout, building orientation, massing and landscape, in my view these have been carefully considered and the proposals accord with these requirements. As explained in Section 2 of my evidence the proposed layout and configuration of the buildings balances the business requirements of TJM with the site constraints and will form an extension to and be seen in the context of the successful Omega South development to the west. It makes use of the road, pedestrian and cycle connections through the Omega site. The amount of, and biodiversity value trees and hedgerows will increase new landscaping. This will help to assimilate the buildings in the surrounding landscape.

6.71 In my view, having reviewed the requirements of the specific policies relating to Climate Change, the Proposed Development is consistent with both the NPPF and the CS. This is also borne out from the results of the ES itself, where paragraph 16.1.3 of the ES concludes that the residual effects on embodied carbon, construction transport, operational building and operational transport are all deemed to be minor adverse (not significant). Overall, I consider that by reason of the above identified facets of the proposal, impact upon climate change carries very limited weight against the proposals.

Other matters

Contaminated land and major hazards

6.72 The application was accompanied by a Ground Investigation Report and Remediation Strategy [CD33.7]. It explains that the Site is currently in agricultural use and site investigation identifies that, other than localised areas of made ground, the health risk is low and acceptable particularly in relation to the proposed end use.

6.73 No objection was received from the Contaminated Land Section of the Environmental Health department at St Helens Council (consultation response dated 20 October 2020) [CD34.76] who confirmed these conclusions and recommended conditions to address contamination if it is found.

6.74 In policy terms the proposals are be consistent with paragraph 178 of the NPPF which requires site to be suitable for its intended use and policy CP1 of the Core Strategy which requires sites of the proposed development to not be contaminated/remediated to an appropriate standard (part 4 iv).

Loss of agricultural land

6.75 Paragraph 170 (b) of the Framework requires planning decisions to recognise the intrinsic character and beauty of the countryside, and the wide benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land and of trees and woodland. The footnote to paragraph 171 states that “*Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality*”. Policy CP1 of the CS seeks to avoid loss or damage to high quality soils where possible and minimise loss or damage where this can be shown as unavoidable.

6.76 Table 14-4 of the Chapter 14 of the ES [CD33.62] indicates that of the 69.5 ha of the existing site that is in current agricultural use, only 17.5 ha or 23% is grade 3a (good quality) and defined as best and most versatile agricultural land (‘BMV’), with the remainder being largely comprising grade 3b (moderate quality with 47.2 ha or 63%). The plan at the back of the Agricultural Land Classification and Soil resources document [CD33.98], shows the BMV grade 3a land to be widely distributed with 4 irregular shaped areas in the north east and south eastern corners, next to Booths Wood and to the east of the proposed Greed Triangle. That plan confirms that no parts of the site comprise grade 1 (excellent quality) or grade 2 (very good quality BMV. Table 14-7 ES concludes “*there is likely to be a direct, temporary, medium-term minor to moderate adverse residual effect on soil resources (not significant) following the implementation of mitigation measures*”.

6.77 As explained in section 2 of my evidence, the proposed layout takes into account operator requirements and need to tie into the existing Omega development, coupled with the irregular shaped and dispersed nature of the BMV its loss is unavoidable.

- 6.78 I am not aware of any definition of what represents a significant loss of BMV. I note that it falls below the threshold of 20ha which would Natural England to be consulted on this aspect of the proposals, as acknowledged in Natural England's 4 February 2020 [CD34.47], consultation response where they state they have not made any detailed comments in relation to agricultural land quality and soils.
- 6.79 The HE Land is not currently farmed so there would be no direct loss of economic activity associated with the Proposed Development. I am advised that the Bromilow Land required for the Proposed Development comprises 108 acres of the 435 acres that Mr Bromilow currently farms (24.8% of his total landholdings).
- 6.80 In the Committee Report the Council concluded that the Proposed Development would not cause significant harm to high quality soils. In my view the proposals would only have an unacceptable impact on the availability of BMV within the borough and would not conflict with Policy CP1 of the Core Strategy as it relates to soils. In this respect this aspect carries very limited weight against the Proposed Development.

Other considerations

- 6.81 I have reviewed all responses by various parties in detail (e.g. Parish Councils and individuals) and respond to issues raised.

Local Congestion, Cumulative Impact, Air Quality, and Rat Running

- 6.82 Concerns were raised about local congestion and unacceptable impacts on air quality as a result of lack of proper cumulative assessment, and rat running.
- 6.83 The Application Site's location, and its ability to directly utilise the already constructed and operational M62 J8, will minimise local congestion and rat running. There will be limited harm to the local highway network, with the location chosen in part due to its exceptional access to the strategic road network. No objections on highway grounds were received from key consultees including Warrington Council and Highways England.
- 6.84 The Travel Plan will ensure that Omega West traffic is routed away from using inappropriate local routes, and is instead directed towards major trunk roads. All HGV traffic to/from the site will be via Skyline Drive, which connects to the M62 J8. No HGV traffic will be routed via Lingley Green Avenue to the south.
- 6.85 Other committed developments and development associated with the existing (and under construction) Omega Business Park have also been taken into account. Mitigation measures are proposed to Junction 8 to reduce the impact of the development.
- 6.86 As explained earlier in this section, the overall predicted local air quality effect associated with the operation of the Proposed Development is not significant and would not cause any exceedances of EU Limit Values.

Reducing Visitor Appeal at Bold Forest Park

- 6.87 Concerns have been raised about the Proposed Development impacting on the visitor appeal of Bold Forest Park, including impacting on a new section of bridleway.

6.88 As explained in Section 3 of my evidence, new employment development is consistent with the objectives of the Bold Forest Park AAP which seeks to balance economic, housing, recreational and environmental requirements in this former mining area which has undergone significant landscape restoration.

6.89 The Park straddles the M62 and provides an attractive gateway to Merseyside and a valuable local recreational resource. The Proposed Development does not encroach on any of the 'Recreation Hubs' identified on the AAP proposals map, will facilitate movement over two of pedestrian bridge connections across the M62 and will maintain and enhance connectivity within the Park. A 'Key Walking Route' shown on the AAP proposals map will be retained and enhanced through planting in the Green Triangle. Whilst the 'Proposed Bridleway' route shown on the proposals map would be interrupted, an alternative east-west cycle / footpath was agreed with the Council instead. The draft S106 further commits to £180,000 to fund infrastructure projects within the Park area, with priority given to projects closest to the Application Site.

Other Availability at Omega Business Park

6.90 Some responses to the application queried whether TJM (Unit 1) might have been accommodated elsewhere in the Omega Business Park.

6.91 Discussions between TJM and Omega St Helens Ltd started early in 2019, with the initial interest for a site within Omega "South" (which is now under construction for 3 new units). Despite reviewing a number of options and configurations, it was not possible to design a satisfactory TJM layout because:

- TJM's requirement for cross-docking and two service yards was incompatible with nearby residential receptors;
- the scale and massing of the TJM unit would likely have not been acceptable in planning terms due to the proximity to residential dwellings; and
- the layouts considered were still comprised and did not meet key TJM operational requirements.

6.92 The operators of Omega Business Park worked with TJM to produce a satisfactory layout at Omega West which resulted in this hybrid planning application.

6.93 Since 2019, all plots within the existing Omega Business Park are now either occupied or currently under construction with no vacancies suitable.

7 Conditions and Obligations

Conditions

- 7.1 Planning conditions required by the Council to be attached to the planning permission were contained in the update to the Committee Report. In accordance with good practice, these were discussed with the Applicant before being finalised. As explained in section 2, they take into account the imperative to allow the TJM Building to progress without delay and the part of the permission for Unit 1 does not include any pre-commencement conditions.
- 7.2 I consider that the proposed conditions will satisfactorily control the development and ensure that appropriate mitigation is secured and they accord with the requirement of the CIL Regulations and NPPF (paragraph 54); being necessary, relevant to planning and to the permitted development, enforceable, precise and reasonable in other respects.

Obligations

- 7.3 The Applicant and the Council have agreed a draft S106 agreement [CD40.1]. Other witnesses consider the detail of the obligations for their relevant topics. In my view, they are tailored to the impacts and mitigation required and meet the relevant tests in Regulation 122(2) of the CIL Regulations being necessary to make the development acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind the development. Obligations will exceed £3.6 M, including £1.7 M for biodiversity offsetting and £1.65 M towards establishing and enhancing bus services to the site.
- 7.4 In my view, the obligation should be considered as part of the overall planning balance and, for example:
- Phasing obligations will require agreement with the Council on the delivery of infrastructure and landscaping and will ensure that the development is delivered in an orderly manner. I would expect that it would require early establishment of landscape planting to help to integrate the development into its surroundings and re-provide habitat.
 - Bus service contributions of £750,000 (with a funding commitment for at least 5 years) for services in St Helens will help to encourage non-car mode journeys thereby helping to improve the accessibility of jobs to the local community.
 - A further contribution for £180,000 p.a. for 5 years for the diversion and enhancement of the B52 'Omega works' bus service in Warrington will help improve services for workers locally including to Westy, Latchford, Warrington and Winwick Road.
 - A contribution of £10,000 p.a. to Warrington for a minimum of 10 years towards travel plan initiatives which will help to increase the propensity of staff and visitors to use non car modes and improve access to employment for those in the local area without access to a car.
 - Highway improvements, including the provision of a bus stop will further help to enhance the choice of transport modes.
 - Bold Forest Park infrastructure contributions of £180,000 to respond to the siting of the development within the Park. Policy BFP SN2 of the Bold Forest Area Action Plan states that development will be expected to contribute to the infrastructure of the Forest Park to

include the provision of, maintenance or improvements to, footpaths, bridleways, cycleways and car parkings, improvements to signage and interpretative material.

- Biodiversity net gain – whilst the proposals will re-provide more woodland and hedgerows and other features on site, existing habitat will be lost and new planting will take time to become established. The proposed contribution of £1,696,800 will allow for habitat establishment within the Bold Forest Park (particularly woodland) and further afield. The approach is consistent with CS policy CQL3(4) which requires the enhancement of features on or off site and bring sites into positive conservation management. Policy BFP SN2 of the Bold Forest Area Action Plan states that development will be expected to contribute mitigation and enhancement for landscape mitigation and enhancement for landscape conservation and biodiversity.
- Revoke the implementation of planning permission 2017/30371 in Warrington Borough. This granted permission for B1a office space which is no longer being taken forward, with Warrington Council having approved residential development in 2020, thereby freeing up committed capacity in the road network.

8 The Planning Balance

8.1 In this section I draw on earlier sections to consider first whether harm is caused to the Green Belt by reason of inappropriateness, and also if any other harm is clearly outweighed by other considerations to establish whether very special circumstances exist. I then come to consider the overall planning balance, taking into account compliance with the development plan.

Green Belt and Very Special Circumstances

8.2 In Section 4, I concluded that there would be major harm to the openness of the Green Belt, there would be no impact on three of the five Green Belt purposes (preventing towns merging, preserving historic towns and assisting urban regeneration) and largely moderate impacts on the other two purposes (preventing sprawl and safeguarding the countryside).

8.3 Paragraph 144 of the NPPF also requires considerations as to whether there is other harm before reaching any conclusion about whether very special circumstances would clearly outweigh the identified harm. In Section 6 of my evidence I considered various topics, and other witnesses have considered those matters too.

8.4 Consistent with the conclusions reached by the Council in the Committee Report and their Statement of Case, taking into account the analysis in Section 6 of my evidence, I consider that harm in respect of the following topics is very limited, consistent with local planning policy, and should not count against the Proposed Development:

- highway and transport impacts;
- air quality;
- land contamination and drainage;
- impact on neighbours including noise and lighting;
- loss of agricultural land; and
- ecology.

8.5 For the reasons explained in section 7, I also consider that there would be no significant harm in respect of climate change.

8.6 I accept that development of the scale and type proposed will unavoidably result in a change to the local landscape and some views. Mr Steele considers this further and concludes that the Proposed Development will have significant and adverse impacts on the landscape character. I therefore consider that there will be a degree of landscape and visual 'harm' in the bringing forward of the Proposed Development.

8.7 However, the Proposed Development will include extensive on-site planting and contributions will also provide for further off site planting. This mitigation and compensation will help to mitigate landscape / visual impacts and will also improve biodiversity. I therefore consider that whilst there

would be additional harm in respect of these topics, the harm will be temporary and limited with mitigation in place.

- 8.8 In terms of heritage, Historic England has described the harm to heritage assets as 'minimal', and the Conservation Officer has described it as 'slight'. Nevertheless, I recognise that great weight should be given to an asset's conservation (NPPF paragraph 193) but consider that the public benefits of the proposals (economic need, employment etc) very substantially outweigh the (minimal or slight less) than substantial harm (consistent with NPPF paragraph 196) and this does not form a significant kind of other harm for the purposes of the Green Belt (NPPF paragraph 144).
- 8.9 In my view, taking into account the other harm (i.e. landscape and visual) in conjunction with the harm to the Green Belt in Section 5, very special circumstances do exist in respect of the Application when considered against:
- the significant need to deliver employment land in St Helens (to meet it is own, LCR's and Warrington's needs);
 - the very significant economic benefits; and
 - the other benefits.
- 8.10 I explain my reasoning further in my assessment of the overall planning balance below.

The Planning Balance

- 8.11 In accordance with Section 38(6) of the Planning and Compulsory Act the application should be determined in accordance with the development plan unless material considerations indicate otherwise. A planning balance is required to weigh those aspect of development plan conformity against those of non-conformity.
- 8.12 Consistent with the NPPF (paragraph 80) significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider development opportunities. In my view, the Proposed Development performs extremely well against this imperative and very significant weight should be given to how they it meets these imperatives. The Proposed Development will:
- continue the success of the existing Omega Development which has brought investment and jobs to the local area and already has infrastructure in place to serve the new development.
 - create circa 3,886 permanent jobs in St Helens which is much in need of investment and jobs to improve its performance relative to the rest of the region and the UK.
 - allow Merseyside's largest private employer TJM to invest locally in a new modern highly productive automated facility.
 - facilitate further expansion of bricks and mortar stores around the UK, with the creation of many thousands of associated jobs. This sector is under significant distress due to changes in shopping patterns which have been accelerated by the pandemic.

- create construction jobs and other economic activity locally which will benefit the local economy.

- 8.13 The evidence base for both St Helens and Warrington's local plans confirms that there are no alternative sites for the proposed development outside of the Green Belt. It is not possible to deliver the Proposed Development, including the TJM Building, elsewhere and provide the economic growth and other benefits locally.
- 8.14 The proposals do conflict with policies in the current Local Plan relating to the Green Belt. However these policies, which are the most important for determining the application, are out of date. Whilst it is not possible to attach weight to the submission draft local plan, it does allocate approximately half of the application site for employment and remove it from the Green Belt. In my view, had the Council been aware of the TJM opportunity at the time of preparing its new local plan it would have expanded that draft allocation, given the substantial need for employment land (as shown by its own and others' evidence base) and the benefits of the proposals.
- 8.15 I give substantial weight to the local plan evidence base for both St Helens and Warrington which clearly show that the demand for employment (particularly B8 logistics floorspace) is substantial.
- 8.16 I consider that the effect of the proposed development on the character of landscape is permanent and substantial and it would also cause the unavoidable loss of trees and hedgerows. However, the impact of the change can be mitigated by planting on site (which will be more than extensive and once established better for biodiversity) and further enhanced through off site compensation. As explained, I afford limited weight to this 'other harm' in addition to the substantial weight of the Green Belt harm.
- 8.17 I recognise the importance the Government attaches to Green Belt policy and that Green Belt should be strongly protected. However, I consider in the circumstances of this application the need for ,and benefits of, the proposal clearly outweigh the harm to the Green Belt and any other harm. As such I consider that 'very special circumstances' do exist.
- 8.18 I also consider that the proposed development constitutes sustainable development, consistent with Section 2 of the NPPF:
- 8.19 **Economic Objective** - the proposed development will contribute to building a strong, responsive and competitive economy. In particular, the proposals will bring a number of economic benefits in terms of job creation and increased expenditure in the local economy. It will enhance the profile and image of Omega as a major focus for the distribution sector and would send a strong signal of investment confidence. It would build on the competitive advantages of the area for the distribution sector, including investment in the SuperPort, and help to grow a sustainable logistics sector in the Liverpool City Region that is necessary to maintain and support the growth of other sectors such as manufacturing and higher technology activities and building upon on the investment in the SuperPort. In this way, the proposals will directly meet the Government's objective of 'levelling up.'
- 8.20 **Social Objective** - commitments to local employment & training schemes (secured by draft conditions 49-51) will ensure that local people can gain significantly from the new job opportunities. Some of the areas of greatest deprivation in the region and UK are situated within 2-3km of the Application Site. As a consequence, the employment generated by the proposed development, when combined with the new bus links between these areas and the site, will have a significant and positive impact on reducing deprivation in St Helens. Wider community benefits

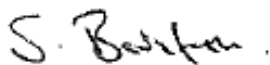
associated with the operation of the development, also include new and enhanced pedestrian and cycle routes through the site that will provide links with the southern areas of the St Helens urban area, via an upgraded link bridge across the M62 and multiple connection points into the existing Omega site and wider Warrington network and the provision of a nature conservation and woodland area in the north-west corner of the site which will be open to the public.

- 8.21 **Environmental Objective** – whilst the Proposed Development will give rise to environmental impacts these have been identified and mitigated for, and in certain circumstances, result in net benefits to environmental conditions including landscaping enhancements integrated with the ecological habitat design which will have a long term positive impact on local ecological conditions. There are also good practice construction methodologies and the implementation of a sustainable urban drainage system. The TJM Building also includes PV panels to provide some of its energy requirements in the form of renewable energy.
- 8.22 Overall, I consider that the Proposed Development satisfies the national policy in respect of Green Belt, very special circumstances apply, and this forms a material consideration which weighs very strongly in the planning balance.
- 8.23 I also consider that the Proposed Development largely conforms to the development plan, and that those elements identified as not being in conformity are outweighed by the above material considerations. I therefore conclude that in accordance with paragraph 11c of the NPPF the Proposed Development accords with the development plan as a whole and that it should be granted planning permission.

Declaration

The evidence which I have prepared and provide for this called-in planning application (reference APP/H4315/V/20/3265899) in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

Dated: 29 March 2021



Sean David Bashforth

Director