

ST HELENS BOROUGH COUNCIL

PROPOSED DEVELOPMENT ON

Land to The West of Omega South & South of The M62 Bold, St Helens

PROOF OF EVIDENCE

ALYN NICHOLLS: PLANNING MATTERS

ON BEHALF OF THE LOCAL PLANNING AUTHORITY

MARCH 2020

PINS Reference: PCU/CONS/H4315/3262458

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STATEMENT OF EXPERIENCE OF ALYN NICHOLLS BA (HONS) MRTPI

I hold a Bachelor of Arts Honours Degree in Urban and Regional Planning and I am a Member of the Royal Town Planning Institute. I have 40 years' experience practising as a Chartered Town Planner and for the last 30 years this has been as Principal of my own practice. My clients include landowners, developers, local planning authorities and others.

My experience has included development proposals located within the Green Belt in the North West and elsewhere. It has encompassed proposals for appropriate Green Belt uses and developments that by definition were inappropriate. I am familiar with addressing the issue of the impact of development on the openness of the Green Belt, in respect of the purposes of including land within the Green Belt, and, assessing whether very special circumstances arise to justify development. I have also dealt with Green Belt issues in a plan making context.

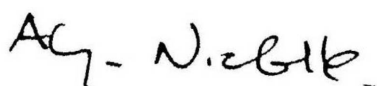
I also have experience of development for employment uses. Over my career I have dealt with developments raising employment land issues in the North West and within St Helens. I have worked through a time when the St Helens economy was in decline, and when an excess of employment land and an absence of demand were characteristics of the Borough.

I am familiar with the site and the surrounding area and I have visited it for the purposes of this inquiry. I have provided written and oral evidence to the Parkside Phase 1 (PP1), Parkside Link Road (PLR) Inquiry and the Haydock Point Inquiry, all of which concerned proposals located within the Green Belt. I consider the evidence submitted on behalf of these four schemes by the LPA to be consistent.

Endorsement

My evidence for this appeal has been prepared in accordance with the guidance of the Royal Town Planning Institute. I confirm that the views expressed within my evidence are my true and professional opinions.

SIGNATURE



ALYN NICHOLLS BA(HONS) MRTPI

1. INTRODUCTION

- 1.1. My evidence sets out an assessment of the overall planning balance for the proposed employment development on land to the west of Omega South and south of the M62 Motorway at Bold, St Helens. The description of development will be set out in the Statement of Common Ground (SoCG), but in summary the proposal comprises a hybrid planning application for the following development:
- Full planning permission for the erection of a B8 logistics warehouse, with ancillary offices, of 81,570 square metres floorspace with associated car parking, infrastructure, and landscaping, covering a site area of 35 hectares. (“Phase 1”); and
 - Outline planning permission for manufacturing (B2) and logistics (B8) development with ancillary offices and associated access infrastructure works (detailed matters of appearance, landscaping, layout, and scale are reserved for subsequent approval). The outline element of the proposal will be capable of accommodating up to 123,930 square metres floorspace. (“Phase 2”).
- 1.2. Phase 1 has been designed to meet the specific needs of T.J. Morris/Home Bargains (“Home Bargains”), and it is intended they would be the end user. The application does not seek a personal planning permission, but the Local Planning Authority accept on balance it is likely to be occupied by Home Bargains. This is not to be secured by the planning permission. However, the particular requirements of Home Bargains have determined the form and scale of the proposal.
- 1.3. The application site adjoins Warrington Borough and the Omega employment area. The Proposal would be an extension of Omega. The emerging St Helens Local Plan proposes to allocate part of the Application Site as a Strategic Employment Site, specifically to meet needs arising in Warrington. A draft Statement of Common Ground has been prepared between St Helens and Warrington as part of the Duty to Cooperate for the respective emerging Local Plans¹. This addresses the proposed allocation of employment land in St Helens to meet a need arising in Warrington. However, limited weight can be attached to the emerging Local Plan for the purposes of determining this application. The application site is located within the Green Belt and the Proposal is agreed to be inappropriate development².

¹ The Draft Statement of Common Ground between St Helens and Warrington is CD 43.4

² See Planning SoCG, paragraph 8.7 (CD 37.1)

- 1.4. The proposal falls within the scope of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. An Environmental Statement (“ES”) was submitted for the development. The Council are satisfied that the ES meets the necessary requirements, and that the application can lawfully be determined. No-one argues the contrary.
- 1.5. The Council considered the Proposal at the Planning Committee Meeting on 27 October 2020 when it resolved to grant planning permission subject to conditions, a Section 106 obligation and referral to the Secretary of State³. The application was considered by Warrington Council at its Planning Committee Meeting on 5 August 2020. The Report to the Warrington Planning Committee⁴ recommended that the Council raise no objections to the application subject to the following requirements:
- Assurances that an agreement is in place with the Liverpool City Region regarding the 44.08 ha of employment land and unmet need for strategic B8 uses in the wider Liverpool City Region;
 - Determination of the application in accordance with the policy on Green Belt development in the National Planning Policy Framework
 - Financial contributions from the applicant towards public transport improvements and travel plan coordinator through S.106 agreement between St. Helens, the applicant and WBC:
 - £180,000 per year for five years as funding towards a diversion/enhancement of the B52 service to allow suitable connection to public transport.
 - A figure of £10,000 per year for a minimum period of ten years is sought to allow a co-ordinated approach to Travel Planning and alignment with the existing Omega Travel Plan
 - A commitment from the applicant not to undertake any further development on the Omega Warrington site under planning permission 2017/30371 that would result in the vehicular trips associated with the B1a office reducing the capacity of the local highway network to accommodate the proposed development.
 - A commitment to explore opportunities to reduce the developments impact upon climate change.

³ The Committee Report is CD 35.1

⁴ The Warrington Committee Report is CD 35.3

- Planning Permission being granted subject to conditions to ensure highway impacts upon the local highway network and amenities of local residents and adjoining businesses are adequately addressed⁵.

1.6. The assurances about an agreement with the Liverpool City Region (“LCR”), regarding an unmet need for strategic B8 uses in the wider Region referred to in the first point above requires a consensus between all of the Merseyside Authorities about where a requirement for an unmet regional need of circa 44 hectares should be accommodated. An agreement is not in place. The Council has discharged its’ duty to co-operate in respect of the emerging Local Plan. It also has a working agreement with Warrington about the proposed Omega West strategic employment allocation. The point identified in the Warrington Committee resolution is no reason to delay the determination of this application.

1.7. The resolution of Warrington was to approve the neighbouring authority response as detailed in the Committee Report and subject to the following additional points⁶:

- The impact of the height of the proposed building (maximum 41metres) on the visual amenity of areas within Warrington is taken into account in the decision making process.
- Consideration is given to any impact on the erosion of the green buffer between the Warrington and St Helens developed areas that would result from the development.
- The impacts on the local highway network in Warrington is considered during times when the M62 is not a viable option for traffic generated by the proposal either because of unplanned closures or significant hold-ups.
- The resolution draws attention to the ancient woodland within the St Helens boundary and it is requested that the value of this is recognised and assessed appropriately.

1.8. In addition, the resolution was that all representations received by Warrington Borough Council Local Planning Authority will be forwarded to St Helens Borough Council and it

⁵ The conditions are set out in the Committee Report (CD 35.1)

⁶ Subject to conditions and a S106 Obligation to address funding for necessary travel improvements and a commitment to not undertake any further development under planning permission 2017/30371 that would result in the vehicular trips associated with the B1a office reducing the capacity of the local highway network to accommodate the proposed development.

will be requested that these are taken into account in the decision-making process as detailed in the report.

1.9. The application was “called-in” by the Secretary of State on 18 December 2020. The matters on which the Secretary of State wishes to be informed about for the purpose of considering the application are identified in the “call-in” letter as follows:

- The extent to which the proposed development is consistent with Government policies for protecting Green Belt (NPPF Chapter 13);
- The extent to which the proposed development is consistent with Government policies for building a strong, competitive economy (NPPF chapter 6);
- The extent to which the proposed development is consistent with the development plan for the area, including any emerging plan;
- And any other matters the Inspector considers to be relevant.

1.10. In addition, the following are considerations which the Inspector wishes to explore at the Inquiry:

- The impact of the Proposal on the character and appearance of the area;
- Air quality;
- Ecology;
- Heritage and landscape assets;
- Climate change;
- The living conditions of neighbouring residents with particular regard to noise; and,
- The highway network and how the development can contribute to meeting sustainable transport objectives.

1.11. Having regard to the matters on which the Secretary of State wishes to be informed, I consider the main issues raised by the application are:

- The landscape and visual harm arising from the proposal;
- The impact of the proposal on the openness of the Green Belt;
- The impact of the proposal on the purposes of the Green Belt;

- Whether there is any "other harm";
 - The economic and social benefits arising from the proposal; and
 - Whether the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 1.12. My evidence deals primarily with the Green Belt issue and the impacts of development on the character and appearance of the area, openness and the purposes of the Green Belt, the socio-economic impacts of the proposals, and the overall planning balance. I rely on the evidence of Mr Meulman in respect of the need and market demand for employment land in St Helens Borough and Warrington.
- 1.13. Topic Papers have been produced which set out the Council's position on the following:
- Air Quality;
 - Climate Change;
 - Ecology;
 - Character and appearance of the area;
 - Noise and Disturbance; and
 - Heritage and Landscape assets
- 1.14. A Statement of Common Ground on planning matters ("the planning SoCG") is in preparation. In addition, a "Plans Pack" is in preparation which provides all of the application drawings that are for determination plus additional drawings which illuminate the evidence.
- 1.15. In summary, the economic and social benefits arising from the proposal would clearly outweigh the substantial harm that would be caused by the development to the Green Belt and other harm. The proposal meets the test of very special circumstances to justify development within the Green Belt and it accords with the development plan. Applying, Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should be granted.
- 1.16. Section 2 of my evidence sets the context for an assessment of the appeal proposal, drawing from the draft statement of common ground. In Section 3, I consider the extent to which the proposal is consistent with the development plan. I also refer to the emerging St Helens Local Plan and the development plan and the emerging Local Plan for Warrington which I consider to be material considerations. In Section 4, I consider the extent to which the appeal proposal is consistent with policies within the National

Planning Policy Framework (“NPPF”) for building a strong, competitive economy, and for development within the Green Belt. In Section 5, I identify other harm likely to arise from the proposed development. I address the planning balance in Section 6 and the question of whether there are very special circumstances to justify granting planning permission for development within the Green Belt. In Section 7, I provide a summary and draw conclusions.

2. CONTEXT

2.1. In this section I set out matters which provide a context for addressing the main planning issues. I provide a summary of the description of the site and the surrounding area; a review of Landscape Character Assessment (2006) (“LCA”), relevant for the area in which the site is located; an overview of the Green Belt Review relevant to the site and surrounding area; I identify areas of multiple deprivation nearby; and I note the proposals within the emerging St Helens Local Plan to allocate land to the west of the Omega employment area as a Strategic Employment Site

The Site and Surrounding Area

2.2. A description of the site will be set out in the planning SoCG⁷. The site consists of 75 hectares of predominantly farmland (see SoCG at 2.18), located to the south of the M62 motorway and adjacent to the Omega employment area which lies within Warrington’s administrative area. There are also small woodland blocks throughout the site linked by hedgerows along with ditches and small ponds. The application site is 0.5m and 2.5m lower than the M62 motorway which borders the north of the site and whilst the application site does appear flat, it slopes gently decreasing by 6 metres from the northwest to the southeast of the site.

2.3. The application site falls within the Green Belt. It is greenfield and presently in agricultural use. There is a tall hedgerow which runs along the majority of the eastern boundary. Beyond which is Omega Business Park and Lingley Mere Business Park. The northern boundary is a timber post-and-rail fence, behind which is an intermittent widely spaced row of trees growing in the motorway verge. To the south and west is farmland. Immediately beyond the south-west boundary is Booth’s Wood which has been designated as a Local Wildlife Site (LWS) and Duck Wood and Finch’s Plantation to the south.

2.4. The SoCG notes that Omega “South” is located immediately to the east of the Application Site and is a substantially developed strategic employment site. Existing occupiers include the HUT Group, Asda, Amazon, and Plastic Omnium. Omega South has been developed so as to provide a direct access into the Application Site via Skyline Drive and Catalina Approach, providing direct access to and from Junction 8 of the M62. The boundary of Phase 1 of the Application Site to the east, to the north of the access road is open and defined by a fence. To southern part of this boundary, adjacent to Phase 2, has a hedgerow and trees. The Application would be a natural extension of the

⁷ See SoCG Section 1 (CD 37.1)

existing employment area that would not breach any apparent or clear defensible boundary.

- 2.5. There are overhead electricity distribution lines running 150 metres into the site from the north east corner to a pylon before splitting into two sets of overhead lines. Designated as a main river, Whittle Brook runs from the north-south of the application site. A second watercourse known as 'Barrow Brook' crosses the north east corner of the site. A track runs north south across the western sector of the site to a bridge that rises over the M62 to give access to fields on the north side of the motorway. This is a private access only for the farm. A public right of way (PRoW), number 102, crosses the application site in the north west and runs north to south via a footbridge over the M62.
- 2.6. Mersey Valley Golf & Country Club and the residential area of Lingley Green are also located south of the proposed development. There are several residential areas surrounding the application site, including Lingley Green (370 m south east), Clock Face (1 km north west), Bold Health (1.5 km south-west) and Westbrook (1.8 km east).
- 2.7. The main access to the application site is via Skyline Drive and Catalina Approach through the existing Omega Business Park, with direct access from the M62 Junction 8.
- 2.8. The 'Old Bold Hall' moated site (a scheduled ancient monument ref. SM1010703) is located 300 metres to the west of the Site. The farmhouse at the former Bold Hall Estate (ref. LB1031890) and farm outbuilding, former stables (ref. LB10319889) at the former Bold Hall Estate are both Grade II listed and located approximately 700 metres from the northern boundary of the Application on the northern side of the M62.

The Landscape Character Assessment (2006)

- 2.9. St Helens undertook a Landscape Character Assessment ("LCA") in 2006 as part of the evidence to support the formulation of the Core Strategy⁸. The application site falls within landscape character area WFE4: Bold Hall which is a "wooded former estate". The character area is larger than the application site. It is bounded by the Motorway to the north; the boundary with Warrington to the east; the A569 (Clock Face Road) to the west; and the A57 (Warrington Road) to the south. The area includes agricultural land to the west of Omega and the Mersey Valley Golf and Country Club which is to the north of Warrington Road. The analysis identifies positive features (as at 2006) as a strong, open horizontal landform character with a series of mature prominent woodland plantations. Negative features are identified as separation and fragmentation from wider Borough landscape by route of M62; a degraded landscape structure with some loss of field boundaries; and that the towers at Fiddlers Ferry power station to the south

⁸ CD 4.134.

of the area, impose an industrial character on the rural landscape⁹. Under the heading “Developed edge Analysis” it describes the area as rural area with no developed edge. That has fundamentally changed with the development on Omega on the eastern boundary. Section 4 and Appendix 2 of the SoCG provides the planning history of Omega South. This catalogues the development of the land adjoining the Application for warehouse and distribution buildings, all of which has occurred since 2006¹⁰. Development of a significant scale is now immediately adjacent to the boundary of the area. This fundamentally changes the landscape qualities of the Application Site by urbanising the context and significantly reducing visual openness. The LCA is therefore considered to be out of date and of limited weight in the determination of this application because of the significant changes which have occurred in the immediate area of the site since 2006 and which exert a significant influence over the site.

- 2.10. The landscape evaluation within the LCA assesses the landscape sensitivity of the area (as at 2006), as being medium to high: the area is described as having a strong character comprising wide open expansive horizontal landform with series of wooded plantations; the condition is assessed as being moderate because of some degrading of landscape pattern; and the aesthetic character is assessed as being moderate because the open expansive character can seem dramatic or vast and bleak particular with views to the power station. In view of the changes to the context of the site, the evaluation of the landscape sensitivity of the area must be lower than assessed in 2006.
- 2.11. Regarding visual sensitivity, the area is assessed (as at 2006), as being medium. In terms of general visibility, the area is assessed as moderate because it is an open flat landscape with intervisibility south east and west, and the views are partially restricted by large woodland blocks. The visual sensitivity to population, the area is assessed as low sensitivity and with regard to mitigation potential, the area is assessed as low.
- 2.12. The judgement within the LCA about potential to accommodate development (as at 2006), is that 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. It states that development could encroach upon the interplay of open to enclosed space and create a visually and physically ‘cluttered’ landscape fragmenting the large scale. It goes on to say that where carefully sited with the appropriate scale

⁹ The power station has been decommissioned and demolition was due to commence in 2020. Demolition works have not started due to the Covid-19 pandemic.

¹⁰ The detailed planning history is set out in the schedule within SoCG Appendix 2, and it is also illustrated on aerial image accompanying the schedule (CD 37.1).

and form of development, there may be potential for small scale landscape change taking due cognisance of the existing landscape patterns.

2.13. The development of Omega within Warrington has resulted in an edge to the landscape area and the application site which is large scale warehouse buildings. The context has altered materially from the time when the LCA was undertaken. I summarise the effects of the development of Omega South on the landscape character of the Application Site as follows:

- a. There is a very substantial change in the setting of the Application Site since 2006 because of the development of Omega South immediately to the east;
- b. Sensitivity of the landscape has decreased and so will the potential for impact;
- c. The Omega South has been progressed very well and quickly;
- d. There is no remaining expansion space at Omega save this site;
- e. There is no physical and/or logical boundary which needs to be crossed and infrastructure is in place to enable development;
- f. This site forms a natural and logical extension to a mature and successful business park;
- g. Whilst there will be an impact, there is no landscape or visual constraint to the development of this site, which is the logical next phase of the development of Omega South.

The Green Belt Review (2016)

2.14. Regarding the role of the application site as part of the Green Belt, the Council's Green Belt Review 2016 forms part of the evidence for the emerging Local Plan¹¹. The application site falls within Parcel GBP_076. The Parcel is subdivided into 5 areas. Areas GBP-076_B to E are the same as LCA Area WFE4. Area GBP_076_A is to the west of the A569 Clock Face Road.

¹¹ CD 3.5.

- 2.15. The site proposed to be removed from the Green Belt and allocated for development is area GBP_76_C. The application site also includes the north eastern part of area GBP_76_B.
- 2.16. The Green Belt Review provides an assessment of the role of each area against the purposes of the Green Belt¹². Regarding GBP_76_C:
- a. The area has a “medium” role in checking the unrestricted sprawl of a large built- up area. The assessment refers to the presence of the M62, the large warehouse development at Omega South, areas of woodland to the west and south, and the Mersey Valley Golf Club to the south west¹³. It states that the sub-parcel as a whole is therefore well contained to the north, east and in part the south and west.
 - b. It has a “medium” role in preventing towns from merging. It describes the area as being partially within a strategic gap between the towns of Warrington and St. Helens. It states whilst development reduce the gap between these settlements, but a gap could still be maintained.
 - c. The area has a “medium” role in safeguarding the countryside from encroachment. The assessment says that the area contains no inappropriate development and whilst there are open views across it, the area is bordered by large-scale built development at Omega South and the M62. It concludes that the area has only a moderate countryside character.
- 2.17. The overall assessment of the significance of the area to the Green Belt purposes is that it has a “medium” role overall because the area contains no inappropriate development and there are open views across it, but it is bordered by large scale development at Omega South¹⁴ and the M62. As a consequence, the area has only a moderate countryside character.
- 2.18. The commentary¹⁵ on the decision to propose the removal of the area from the Green Belt refers to development on this area forming a natural extension of the adjacent Omega employment area, located in Warrington. It refers to Warrington Borough Council having confirmed that the site should be developed to help meet its needs for employment uses. Reference is made to a need to address the cumulative effects of

¹² NPPF paragraph 134

¹³ These areas are apparent from the aerial images on Plans B.04 and B.04 in the Plans Pack.

¹⁴ Omega South has developed further since 2016 when the Green Belt Review was undertaken. Details of the planning history and development of Omega will be included in the SOCG.

¹⁵ Pages 54 and 55 of CD 3.5

development at this location because capacity issues had been identified at M62 junction 8, although it records that Warrington in its capacity as Highway Authority have not raised any objections in principle to the proposed allocation. It also states that although the area includes high quality agricultural land¹⁶, 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 commentary refers to the 2018 Sustainability Appraisal¹⁷, that concluded the development of this area would have a mixed impact on the achievement of SA objectives. However, as the area 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. I describe the locations of the areas of multiple deprivation later in this Section of my evidence. The commentary concludes by stating there were no over-riding constraints that applied to the area and it was suitable to be allocated and thereby help meet the employment land needs of Warrington.

2.19. Regarding GBP_76_B which is an extensive area to the west of GBP_76_C:

- a. The area has a “high” role in checking the unrestricted sprawl of a large built- up area. The assessment refers to the presence of the M62 and surrounding development. It describes the area as a whole as being well contained to the north, south and east. However, despite the sub-parcel’s strong boundaries on three sides, it states that because of the size of the area, and absence of strong boundaries within it, development would likely lead to unrestricted sprawl.
- b. It has a “medium” role in preventing towns from merging. It describes the area as being partially within a strategic gap between the towns of Warrington and St. Helens, and Halton and St Helens. It states that development would reduce the gap between these settlements, but a gap could still be maintained.
- c. The area has a “high” role in safeguarding the countryside from encroachment. It describes the area as containing very little inappropriate development and that it retains a relatively strong sense of countryside character and openness. It refers to the M62 to the north, A569 to the east and Bold Heath and the A49 to the south, which have some impact on countryside character, but as you move away from these roads the area retains a strong sense of openness.

¹⁶ Some 17.2 ha of the Application Site is Grade 3a agricultural land

¹⁷ CD 3.25

2.20. The overall assessment of the significance of the area to the Green Belt purposes is that it has a “high+” score. The “high+” score arises because the area scored ‘high’ against more than one Green Belt purpose and was therefore attributed a ‘high +’ overall score¹⁸. The assessment states that despite the area’s strong boundaries on three sides, because the area was so large in size and lacks strong boundaries within it, development of the sub-parcel would likely lead to unrestricted sprawl. The Green Belt Review considered that area GBP_076_B continued to make a strong contribution to the purposes of the Green Belt, and it was discounted from further stages of the Green Belt Review.

Areas of Multiple Deprivation Nearby

2.21. The conclusion of the Green Belt Review in respect of area GBP_76_C refers to the area being located within 1km of an area within the 20% most deprived population in the UK, and that its development for employment uses would help to reduce poverty and social exclusion. The imperative to support economic development in St Helens derives from the need for economic and social regeneration and to tackle deprivation. St Helens Borough is ranked as the 26th most deprived local authority in England out of a total of 317¹⁹. There are 29 LSOAs²⁰ (or neighbourhoods) that fall within the 10% most deprived LSOAs nationally. Employment and income deprivation, with health and disability are domains of the greatest concern. St Helens ranks as the 9th most deprived authority in terms of relative employment deprivation and the 34th most deprived in terms of income deprivation. Some 16% of St Helens LSOAs fall within the most deprived 10% of all LSOAs nationally in terms of education and skills deprivation.

2.22. The application site, whilst at a location adjoining Warrington where the land immediately surrounding is agricultural, is within LSOA St Helens 022A which is ranked in the top 20% of deprived areas²¹. This LSOA includes Bold and part of Clock Face. To the north of LSOA St Helens 022A are LSOAs St Helens 022C and 022D. These LSOAs comprise a neighbourhood at Four Acre Lane which is ranked in the top 10% of deprived areas. This neighbourhood is approximately 2.5km from the application site. These areas are not presently accessible to Omega by public transport. Mr Mellor provides an analysis of accessibility from deprived areas in his evidence.

¹⁸ See CD 3.5, paragraph 2.30

¹⁹ Indices of Deprivation 2019 St Helens Summary Report, Executive Summary (CD 9.1). It should be noted that the Core Strategy, paragraph 3.3 refers to 2010 data in which the Borough was ranked the 51st most deprived. If relative terms the position of St Helens has worsened (the Core Strategy is CD 2.2)

²⁰ Lower Layer Super Output Area

²¹ The LSOAs are shown on Background Drawing B.03 in the Plans Pack. See also the front sheet of CD 5.168. Information is also available via the Indices of Deprivation interactive map: [Indices of Deprivation 2015 and 2019 \(communities.gov.uk\)](https://www.communities.gov.uk/indices-of-deprivation)

2.23. In relative terms, deprivation has increased between 2015 and 2019 for LSOAs 022A and 022D and for St Helens Borough as a whole:

LSOA	Ranking of all LSOAs in England 2015	Ranking of all LSOAs in England 2019
St Helens 022A	5,454	4,166
St Helens 022C	854	1179
St Helens 022D	112	82
St Helens Borough (ranking of all LPAs)	50	40

Source: Indices of Deprivation interactive map: [Indices of Deprivation 2015 and 2019 \(communities.gov.uk\)](https://communities.gov.uk), accessed 6 March 2021.

2.24. Warrington Borough (as a whole) is not as disadvantaged as St Helens (as a whole). However, there are significant pockets of deprivation. LSOA Warrington 010F is within Chapelford and Old Hall Ward, about 3.5km to the east of the application site²². This ranks in the top 20% most deprived neighbourhoods in England. Immediately to the east of LSOA 010F is Bewsay and Whitecross and Orford Wards within which LSOAs Warrington 013A, 013C, 011C and 006A are ranked within the top 10% most deprived LSOAs in England.

2.25. New employment development would be a clear benefit to the St Helens and Warrington economies and adjoining areas. There is greater certainty about the employment likely to be generated by this Application compared to Parkside Phase 1 or Haydock Point because Home Bargains is the intended occupier of Phase 1 of the Proposed Development. Home Bargains would employ an estimated 1,230 people across a range of skill sets²³. It would also provide skills training (secured by condition). Further employment would be provided by Phase 2 of the scheme. The range of jobs that would be available would include opportunities and skills requirements that would suit the needs of people within the most deprived areas. This is addressed in more detail in the evidence of Anthony Meulman.

2.26. The public transport improvements arising from the Proposal would make the Application Site accessible to St Helens’ residents, including the areas of multiple deprivation. Mr Mellor describes the proposed extensions to bus routes 30 and 32.

²² The LSOAs within Warrington are also shown on Background Drawing B.03 in the Plans Pack.

²³ A breakdown of jobs is provided by the TJ Morros Operator Statement, which is Appendix 4 to the Updated Planning Statement, April 2020

Significantly, there would be a wider benefit of public transport improvements opening up the whole of the Omega employment site and the job opportunities arising there to people living in St Helens. The Proposal would also improve the accessibility of Omega by public transport to residents of Warrington.

The Emerging St Helens Local Plan

- 2.27. The emerging St Helens Local Plan²⁴, which has been submitted to the Secretary of State, proposes to remove land adjacent to the boundary with Warrington and adjoining the Omega employment area, from the Green Belt and to allocate it as a Strategic Employment Site. This proposed allocation is intended to meet needs arising within Warrington. Only limited weight can be attached to this proposed allocation, given that the policy has yet to be the subject of independent examination²⁵. However, significant weight can attach to the evidence which underpins the allocation of the site, especially where (as here) it is not contested in respect of this application. The emerging Warrington Local Plan²⁶ reflects the intention that the extension to the Omega employment area into St Helens Borough would meet needs arising in Warrington.
- 2.28. The Application Site includes part of the land proposed to be allocated as a Strategic Employment Site²⁷. The Preferred Options Draft of the emerging Plan proposed to designate the western part of the application site as safeguarded land²⁸ i.e., to meet longer term needs. The proposed designation was known as: Site ES02 - Omega South - Western Extension Phase 2, Land North of Booth's Wood, Bold. The Report on Consultation²⁹ states that following further consideration, this site was discounted, and it was proposed to remain in the Green Belt. It states that details of the reasons for this are set out in the Green Belt Review³⁰.
- 2.29. The consultation response from Warrington Council questioned whether the scale of expansion could be accommodated by the existing access arrangements and a new access onto the M62. The response referred to the scale of this extension, facilitated by a new access to the M62, having a different relationship with Warrington. Therefore, Warrington considered that it could contribute to its' future employment land supply and St Helens agree.

²⁴ CD 3.18

²⁵ The hearings stage of the examination is scheduled to begin on 25 May 2021.

²⁶ CD 2.29 paragraph 4.2.16 which refers to the Duty to Co-operate

²⁷ See Plan B.07 in the "Plans Pack"

²⁸ See CD 3.22 and 3.33 (Proposals Map) and CD 2.13

²⁹ CD 3.34

³⁰ CD 3.5

- 2.30. No weight can be attached to the Preferred Options draft of the emerging Plan and circumstances have changed, most significantly in terms of Warrington Council not objecting to the current application and there being an acceptable highway solution. The Green Belt Review did not consider the land proposed to be safeguarded as a distinct parcel of land; the consideration was part of a much larger area. The Green Belt Review is not helpful to understand why the decision was taken to retain the western part of the application site as Green Belt.
- 2.31. Mr Meulman's evidence provides an assessment of the need for logistics development, which has been considered and tested at the Parkside Phase 1, the Parkside Link Road, and the Haydock Point Inquiries. The emerging St Helens Local Plan identifies 265 ha of employment land to be allocated, of which 234 ha is to meet St Helens' own need. It allocates 31.2 ha of land adjoining Omega as a strategic employment site (site 1EA) to meet Warrington's need³¹. It should be noted that there are no sites within the urban area or with planning permission outside the Green Belt in St Helens that could accommodate the identified requirement for large scale warehousing and distribution and sites in the Green Belt have to be released if the requirement is to be satisfied. This point has been explained at the Parkside and Haydock Point Inquiries and has not been disputed with any evidence.
- 2.32. The same point applies in relation to Warrington and its' emerging Local Plan³². The requirement for employment land necessitates land being released from the Green Belt. Omega is a principal location for economic development. There is no physical constraint to a western expansion, and it would represent a wholly logical development to a very successful logistics hub. In this context, the draft Statement of Common Ground between St Helens and Warrington³³ provides justification for the release of land from the Green Belt within St Helens to meet a need arising in Warrington.

Summary

- 2.33. The application site comprises land, largely in agricultural use, located immediately adjacent to the Omega South employment area in Warrington Borough. It is also located adjacent to the M62 Motorway. Omega North employment area is to the north of the Motorway. The Application has access to the Motorway at Junction 8, which is about 1.7 km to the east of the Application Site via Catalina Approach and an existing access road through Omega South which extends to the boundary of the Application Site. The Site is immediately adjacent to a strategic location for economic growth where large-scale

³¹ Employment Statement of Common Ground paragraph 3.14 (CD 37.3)

³² CD 2.9

³³ CD 43.4

logistics development has taken place. The Application would comprise an extension to the existing strategic employment location.

- 2.34. The LCA undertaken to inform the St Helens Core Strategy referred to the area in which the application site is located as having a strong, open horizontal landform character and as rural area with no developed edge. The LCA assesses the landscape sensitivity of the area as being medium to high. However, the context of the application site has fundamentally changed with the development of Omega on the eastern boundary.
- 2.35. The Council's Green Belt Review 2016 forms part of the evidence for the emerging Local Plan. The application site falls within Parcel GBP_076 which is an extensive area and is subdivided into 5 parts. Part of the Site proposed to be allocated as a Strategic Employment Site is assessed to have a "medium" role overall having regard to Green Belt purposes. Whilst the land contains no inappropriate development and there are open views across it, the Site is boarded by large scale development at Omega South and the M62. As a consequence, the area proposed to be removed from the Green Belt is considered to have only a moderate countryside character.
- 2.36. The Application Site also includes the north eastern part of area GBP_76_B, which is a more extensive open area. The overall assessment of the significance of the wider area to the Green Belt purposes by the Green Belt Review is that it has a "high+" role overall. It states that despite the area's strong boundaries on three sides, because the area was so large in size and lacks strong boundaries within it, development of the sub-parcel would likely lead to unrestricted sprawl. The Preferred Options Draft of the emerging Local Plan proposed to designate the western part of the Application Site as safeguarded land. The Green Belt Review considered that area GBP_076_B continued to make a strong contribution to the purposes of the Green Belt, and it was discounted from further stages of the Green Belt Review and the proposed designation was not carried forward to the Submission draft Plan. I consider later in my evidence whether this conclusion reached on area GBP_076_B applies to the Application Site.
- 2.37. The conclusion of the Green Belt Review in respect of the land proposed to be released from the Green Belt and allocated as a Strategic Employment Site noted that the site was located within 1km of an area within the 20% most deprived population in the UK, and that its development for employment uses would help to reduce poverty and social exclusion. St Helens Borough is ranked as the 26th most derived local authority in England out of a total of 317. The Site is within LSOA St Helens 022A which is ranked in the top 20% of deprived areas. This LSOA includes Bold and part of Clock Face. To the north of LSOA St Helens 022A are LSOAs St Helens 022C and 022D. These LSOAs include neighbourhoods at Four Acre Lane/Clock Face which is ranked in the top 10% of deprived areas. These areas are approximately 2.5km from the application site.

- 2.38. In relative terms, deprivation has increased between 2015 and 2019 for LSOAs 022A and 022D and for St Helens Borough as a whole.
- 2.39. Warrington Borough is not as disadvantaged as St Helens. However, there are significant pockets of deprivation within Chapelford and Old Hall Ward, about 3.5km to the east of the application site which ranks in the top 20% most deprived neighbourhoods. Bewsay and Whitecross and Orford Wards contain LSOAs which are ranked within the top 10% most deprived LSOAs in England. The challenge is to deliver such new employment development on appropriate sites, such that the positive impacts can be delivered acceptably.
- 2.40. The public transport improvements arising from the Proposal would make the Application Site accessible to St Helens' residents, including the areas of multiple deprivation. Significantly, there would be a wider benefit of public transport improvements opening up the whole of the Omega employment site and the job opportunities arising there to people living in St Helens. The Proposal would also improve the accessibility of Omega by public transport to residents of Warrington.
- 2.41. The emerging St Helens Local Plan proposes to remove land from the Green Belt and to allocate it as a Strategic Employment Site. This proposed allocation is intended to meet needs arising within Warrington. The emerging Warrington Local Plan reflects the intention that the extension to the Omega employment area into St Helens Borough would meet needs arising in Warrington.

3. THE DEVELOPMENT PLAN

- 3.1. The development plan is described in the SoCG and the most relevant policies are within the St Helens Core Strategy (2012) (“the Core Strategy”)³⁴, and the St Helens Unitary Development Plan (1998) (“the UDP”)³⁵. The emerging Local Plan was submitted to the Secretary of State for examination on 29 October 2020³⁶. It is at a stage where limited weight can be attached to the draft policies and allocations, but the evidence base supporting the plan is material and can be afforded significant weight.
- 3.2. The development plan and emerging Local Plan for Warrington are relevant to the application. I address these as material considerations, to which I consider weight should be attached, after describing the Development Plan and emerging Local Plan for St Helens.
- 3.3. The most relevant development plan policies (in the context of the main issues), are as follows:
- A. Those policies relating to the economic regeneration of the Borough:
- Core Strategy Policy CSS 1: Overall Spatial Strategy;
 - Core Strategy CE 1: A Strong and Sustainable Economy;
 - Core Strategy Policy CAS 5: Rural St Helens
 - Core Strategy Policy CQL 4: Heritage and Landscape
- B. Those policies relating to Green Belt:
- UDP Policy S 1:
 - UDP Policies GB 1 and GB 2 relating to the control of development in the Green Belt;
- 3.4. The Core Strategy Spatial Vision³⁷ focusses on the regeneration of the Borough. The Strategic Objectives set out how policies will deliver the Vision. The following are relevant:
- a. Strategic Objective SO 1.1: To secure the regeneration of the Borough
 - b. Strategic Objective SO 2.1: To ensure development is of a high quality
 - c. Strategic Objective SO 2.2: To have regard to climate change

³⁴ CD 2.2

³⁵ “Saved” policies. CD 2.1

³⁶ The hearing sessions of the Examination are scheduled to commence on 25 May 2021

³⁷ CD 2.2 Page 28 and Figure 4.1 (page 32).

- d. Strategic Objective SO 3.1: To improve access and facilitate sustainable transport
 - e. Strategic Objective SO 5.1: to provide sufficient land for employment needs
 - f. Strategic Objective SO 6.2: to safeguard the quality of the environment.
- 3.5. Strategic Objective SO 5.1, the objective of providing land to meet employment needs has to be delivered in a matter consistent with the other objectives, including SO 6.2, to safeguard the quality of the environment. I note that the primary policy delivery mechanism for Strategic Objective SO 6.2 includes Policy CAS 5: Rural St Helens; Policy CQL 4 and Heritage and Landscape.
- 3.6. There are other policies relevant to the application including those with the Bold Forest Action Area Plan and policies for the protection of heritage assets in the UDP and Core Strategy. All policies are identified in the SoCG. The matters raised by other policies do not raise the issue of the principle of the proposed development, but I consider these where necessary later in my evidence.

Policy for Regeneration and Economic Development

- 3.7. The need for the economic and social regeneration of the Borough is longstanding and challenging³⁸. The focus of the UDP was economic regeneration. The Spatial Vision of the Core Strategy recognises that St Helens can take advantage of its location between Liverpool and Manchester³⁹ and identifies the growth of existing employment areas as a key component of delivering economic growth⁴⁰. Core Strategy Policy CSS 1 identifies previously developed land in sustainable locations, including the M62 Link Road corridor⁴¹ and Haydock Industrial Estate as the focus for economic development. The policy also refers to Parkside, indicating that it was a strategic location for the development of a Strategic Rail Freight Interchange (SRFI) and that subject to a scheme meeting the requirements of Policy CAS 3.2, it would be considered favourably for removal from the Green Belt through an Allocations Development Plan Document. Policy CSS 1 states that development will be restricted to within existing settlement boundaries, unless it complies with Green Belt policy. That is consistent with the NPPF.

³⁸ See paragraph 1.2 of the St Helens UDP (CD 2.1), and Core Strategy inspector's Report paragraphs 10 and 11 (CD 2.10).

³⁹ See Core Strategy Spatial Vision: page28 (CD 2.2)

⁴⁰ See Core Strategy, paragraph 4.8 (CD 2.2)

⁴¹ The M62 Link Road Corridor is along the A570 St Helens Linkway, between St Helens town centre and Junction 7 of the M62.

- 3.8. Policy CE 1 states that sufficient land and premises will be provided to strengthen and diversify the Borough's economic base and to support the City Growth Strategy⁴² and other economic regeneration and development initiatives. This policy refers to providing at least 37 hectares of land to meet local needs for B1, B2 or B8 purposes. This policy is not up to date. The current requirement for employment land is far in excess of the 37 hectares to which it refers, notwithstanding this figure is expressed as a minimum and applies to local needs. This is common ground and has been established at the Parkside and Haydock Point Inquiries. The Policy refers (Policy CE 1(4) to focusing economic development to those sites that are either within, in close proximity to, or have easy public transport access to the most deprived areas of the Borough. This part of the policy is up to date and consistent with the NPPF.
- 3.9. Following the adoption of the Core Strategy in 2012, work commenced on a Site Allocations Local Plan to identify sites for development in the Borough. However, a significant material change in the employment land market was identified that resulted in a need for considerably more employment land than identified in Core Strategy Policy CE 1. This was a factor that led to the Allocations Local Plan being abandoned and work commencing on a new Local Plan which would contain Part 1 and Part 2 policies.
- 3.10. The emerging Local Plan⁴³ was submitted to the Secretary of State for examination on 29 October 2020. The evidence base for the emerging plan is highly relevant as it identifies a requirement for employment development, and in particular logistics development, substantially greater than planned for in the Core Strategy. This evidence relies on:
- Economic Evidence Base Paper 2015⁴⁴: which points to infrastructure projects such as Liverpool's Superport and Airport City, Manchester and the continued rise of internet shopping and demand from retailers developing logistics strategies to be near to customers.
 - Liverpool City Region Superport: An Analysis of the Supply of, and Demand for Distribution Space within the Liverpool City Region, 2014⁴⁵, that defines the Superport area as one hour's drive time from the Port of Liverpool and includes the Borough of St Helens. The Study assesses the requirement for employment land in the Superport area over the next 20 years.

⁴² The City Growth Strategy 2008-2018 is a private sector led economic strategy for St Helens – see Core Strategy paragraph 2.26 (CD 2.2).

⁴³ The Emerging Local Plan comprises the January 2019 submission draft (CD 3.18), and the Schedule of Changes (October 2020) (CD 3.21)

⁴⁴ The St Helens Allocations Local Plan – Economic Evidence Base Paper, September 2015 (CD 5.78)

⁴⁵ CD 5.86

- Employment Land Need Study 2015⁴⁶: that identifies demand for space which has changed significantly since the Core Strategy and that the commercial property market in the region is being driven by an increasing demand for large scale logistics operations⁴⁷.
- Addendum Report to the Employment Land Needs Study 2019⁴⁸: that provides an update and notes that the logistics market continues to be the most in demand commercial market in the North West, with demand focussed on the motorway corridors. It indicates that employment land take-up has been suppressed in the St Helens Borough because of an inadequate supply of market attractive sites. It also notes that the sustained strength of the market and the growing momentum around sites in the Borough, and in particular Haydock, which suggests that the increased need for employment land may be more than anticipated in 2015.
- Strategic Housing and Employment Land Market Assessment, 2018⁴⁹: which provides an evidence base to inform the preparation of a City Region Spatial Framework and support the preparation of local plans by local planning authorities in the Liverpool City Region & West Lancashire.
- Liverpool City Region Assessment of the Supply of Large Scale B8 Sites, 2018⁵⁰: which reviews sites in the City Region that can support the growth in large scale B8 developments over 10,000 square metres floorspace. Parkside was assessed and considered to be attractive because its location close to both the M62 and M6 motorways makes it well located for regional and national distribution markets with excellent access to the strategic road and rail networks.

3.11. In response to this evidence, the emerging Local Plan proposes to deliver a minimum of 219.2 hectares of employment development over the period 2018 to 2035⁵¹. The combined area of the proposed allocations is 265.3 hectares⁵².

⁴⁶ CD 5.79

⁴⁷ See CD 5.79, Table 3, Page 16, which defines large scale as units over 100,000 square feet (9,290 square metres)

⁴⁸ CD 5.81

⁴⁹ LCR SHELMA Strategic Housing & Employment land Market Assessment, March 2018 (CD 4.160)

⁵⁰ LCR SHELMA Large Scale B8 Site Supply Assessment, June 2018 (CD 5.83)

⁵¹ Draft Policy LPA04: A Strong and Sustainable Economy (CD 3.18)

3.12. On the draft Key Diagram and Proposals Map the land comprising the eastern part of the application site is removed from Green Belt and allocated as a Strategic Employment Site⁵³. The site profile for the proposed allocation⁵⁴ indicates the following measures should be secured:

- Appropriate highway access via the existing Omega South development.
- Implementation of any measures required to mitigate impacts on the M62 (Junction 8) or other parts of the highway network.
- Measures to secure suitable access to the site by walking, cycling and public transport from residential areas in St Helens and Warrington.

3.13. The measures to improve accessibility from the residential areas of St Helens will improve access to the whole of the Omega site from St Helens.

3.14. Regarding the weight to be attached to the preferred options draft of the emerging Local Plan, if limited weight is attached to the submission draft, I consider that no material weight can be attached to the preferred options draft, as the proposals within that draft are not being progressed by the Council.

3.15. The Council consider that the emerging Local Plan provides a strategy to meet the identified need for employment land over the plan period to 2035, without the need for the whole of the application site. However, Phase 1 of the Application is to meet the requirements of Home Bargains. The SoCG⁵⁵ identifies the practical issues of accommodating a development of the scale and mass of the proposed development on land elsewhere within Omega (which in any event is now being developed). Mr Meulman explains that the Home Bargains' requirement is additional to the need which has been assessed for St Helens or Warrington. The consequence is the development of Phase 1 to meet Home Bargains still leaves the Warrington requirement of circa 31 hectares to be found. Phase 2 of the Application would meet the Warrington requirement and provide a continuing source of supply at the Omega site, to meet market requirements.

⁵² The requirement of 219.2 hectares is derived from the Schedule of Changes (October 2020) to the draft Local Plan (AM015). Table 4.1: Allocations for Employment Development of the submitted Local Plan indicates a minimum requirement of 215.4 hectares. The proposed change is necessary because of the double counting of one site. (the submitted local Plan is CD 3.18 and the proposed modifications are CD 3.21)

⁵³ The application site is 75 hectares. The area of the of the proposed allocation (draft Policy LPA04.1: Strategic Employment Sites, 1EA: Omega South Western Extension, Land north of Finches Plantation, Bold), is 32.22 hectares.

⁵⁴ The site profile is at Appendix 5 of the Submission draft of the emerging local Plan (CD 3.18)

⁵⁵ SoCG paragraph 2.16 (CD 37.1)

- 3.16. The stage the emerging Local Plan has reached raises the question of prematurity and whether the appeal should be determined in advance of the Local Plan. The position agreed in the SoCG is that the weight to be afforded to the policies of the emerging Local Plan is limited and that there is no prematurity issue applying NPPF paragraphs 49 and 50. The approach taken by the Council in dealing with other proposals for economic development which have come forward in advance of the new local plan is that given the considerable need for employment land in the Borough, to approve development would not undermine the plan making process by pre-determining decisions about the scale, location or phasing of new development that are central to the emerging Local Plan, especially given the fact that the Plan has only just been submitted for examination.
- 3.17. It is also relevant to note that NPPF paragraph 49 and 50 refer to circumstances when prematurity is cited as justification to refuse development. These circumstances do not apply to this appeal and subject to satisfying the relevant policy tests, the issue of prematurity is not a justification to refuse to grant permission.
- 3.18. Policy CE 1 is consistent with the NPPF because it has the objective of a strong and sustainable economy and provides support for economic development and the regeneration of the Borough. The policy is positive and places no limitation on the amount of economic development. Policies CE 1(2), (4) and (6) remain up to date and consistent with the NPPF. However, circumstances have changed because the employment land requirement of 37 hectares set by the policy is out of date by a very substantial margin and inconsistent with a current objective assessment of need. This has implications for how the requirement is met and the necessity to release land from the Green Belt to meet needs⁵⁶. The support for economic development and regeneration from this policy remains very relevant, but the aspiration of the policy for the quantum of employment land to be developed has been overtaken.
- 3.19. A development which meets the need for further employment land, in order to address issues of regeneration which lie at the heart of the development plan, is therefore capable of complying with the Core Strategy provided the Green Belt policy tests are met. This is not in dispute and is consistent with the Council's submission in respect of the Parkside and Haydock Point inquiries. However, unlike Haydock Point, the Council consider that in this case, as a matter of judgement (in particular in respect of landscape

⁵⁶ It should be noted that Core Strategy (CD 2.2), paragraph 6.11 anticipated that the boundaries of the Green Belt would be maintained in the short to medium terms and reference is made to the first 10 years of the Plan. The Plan period is 2003 to 2027 and the first 10 years is the period 2003 to 2013. It was anticipated that Green Belt boundaries would be reviewed in the Allocations Local Plan work on which commenced following the adoption of the Core Strategy.

and visual impact and impact to the Green Belt) the Green Belt policy test is clearly satisfied, and that the application is consistent with the development plan and NPPF.

Planning Policy for Warrington

3.20. Within Warrington Borough the Development Plan comprises the Warrington Core Strategy (2014)⁵⁷ and the “saved” policies of the Warrington Unitary Development Plan (2006) (“the Warrington UDP”). Warrington are also producing a new Local Plan. Policy for Warrington is a material consideration in the determination of the current application because it in part is intended to meet a need for employment land arising in Warrington and it is an extension of a strategic employment location within Warrington. The most relevant policies in the context of the main issues are as follows:

- Policy CS 1: Overall Spatial Strategy- Delivering Sustainable Development;
- Policy CS 2: Overall Spatial Strategy - Quantity and Distribution of Development; and
- Policy CS 8: Strategic Proposal – Omega and Lingley Mere.

3.21. Regarding the emerging Local Plan. Warrington’s Proposed Submission Version Local Plan⁵⁸ Regulation 19 consultation closed in June 2019. Work on the Local Plan has been paused in response to the impact of COVID-19 along with the Government’s proposed planning reforms and new housing calculation methodology. The Council’s evidence to the Parkside Link Road Inquiry⁵⁹ was that it will be in a position to progress with the Local Plan in summer 2021. In view of the current stage reached by the emerging Local Plan for Warrington, it can be afforded limited weight in the decision-making process although as with the emerging Plan for St Helens, the evidence base is a material consideration of significant weight because it represents a robust, independent expert assessment of the need for employment land in Warrington.

3.22. I have noted that as part of the plan making process in St Helens and Warrington, a Statement of Common Ground has been prepared⁶⁰. This remains as a draft because of Warrington’s decision to pause the plan making process, however, the emerging St Helens Local Plan is being progressed by St Helens Council on the basis that the draft Statement of Common Ground is a working agreement.

⁵⁷ CD 2.7

⁵⁸ CD 2.9

⁵⁹ Evidence of Alison Gough, Principal Planning Officer, Warrington Borough Council, paragraph 4.4 (CD 7.75)

⁶⁰ CD 43.4

The Warrington Core Strategy

- 3.23. The spatial portrait of Warrington within the Core Strategy describes Warrington as lying at the hub of the region's communications network⁶¹. The intersections of motorways; the fact the Borough is crossed by region's main North-South (West Coast Main Line) and East-West (Trans-Pennine) rail routes; the Manchester Ship Canal, an important commercial waterway linking the Port of Manchester with the Mersey; and that Manchester and Liverpool John Lennon Airports both lie within easy reach result Warrington's excellent connectivity. This connectivity has enabled the Borough to develop a strong economy as a key driver and contributor to the North West's economy.
- 3.24. The Strategic Vision of the Warrington Core Strategy is a recognition that Warrington should act as a key economic driver for the surrounding area, capitalising on its pivotal location, and providing an advantage to residents and businesses, giving them unrivalled access to Manchester, Liverpool, and national transport infrastructure⁶².
- 3.25. The strategic objectives⁶³ include W1: to secure the regeneration and renewal of the older areas of the town, strengthen existing neighbourhoods and make the most efficient use of infrastructure, ensuring development brings benefits to their host communities whilst delivering homes and supporting growth in the local and sub-regional economy by providing 277 Hectares of employment land between 2006 and 2027. In this context Policy CS 1: Overall Spatial Strategy- Delivering Sustainable Development includes making the planned provision made for economic and housing growth and the requirement to provide for recognised and identified development needs as components of a strategy for sustainable development.
- 3.26. Policy CS 2: Overall Spatial Strategy - Quantity and Distribution of Development states that up to 277 hectares of land for business, general industrial and storage/distribution uses is available over the period 2006 to 2027, to support growth of the local and sub-regional economy. It states that the main focus for business, general industrial and storage / distribution development will continue to be the existing employment areas of the town principally Birchwood Park, Gemini & Winwick Quay (within the wider A49 corridor), together with further sites at Woolston Grange and the strategic location of Omega and Lingley Mere. Major Warehousing and Distribution developments will be located away from areas sensitive to heavy vehicle movements, with direct access to the Primary Road Network, and where possible with access to rail and/or the Ship Canal. Employment land supply is primarily reliant on the Omega strategic location⁶⁴.

⁶¹ CD 2.7 paragraph 2.11

⁶² CD 2.7 Page 20

⁶³ CD 2.7 page 22

⁶⁴ CD 2.7 paragraph 6.13

3.27. Policy CS 8: Strategic Proposal – Omega and Lingley Mere, states the development of the strategic location had already started. The whole of the 267ha site as shown on the Policies Map is identified as a strategic location for economic growth. It also states that development would contribute to the Borough’s future requirement for employment land both within and beyond the plan period. The site is referred to as also contributing to growth in the wider sub region. Circumstances have altered because of the pace of change. Omega and Lingley Mere are substantially developed (or sites are committed)⁶⁵, and the emerging Local Plan has had to address where growth should be accommodated in the future.

The Emerging Warrington Local Plan

3.28. One of the challenges identified in the emerging Local Plan for Warrington is a limited employment land supply⁶⁶. It refers to Warrington having one of the strongest economies in the North West and that there has been a significant increase in employment development over the last few years, exemplified by the pace of development at Omega⁶⁷. The Council’s Economic Development Needs Assessment has identified that market demand to invest in Warrington is set to continue over the Plan period. The Warrington Means Business Regeneration Framework has set out the Council’s ambitious plans for economic growth. It emphasises the importance of the Plan being able to supply additional employment land to sustain and enhance Warrington’s economic prosperity⁶⁸. Objective W1 of the emerging Local Plan is to support the on-going economic success of Warrington by providing 362 Hectares of employment land between 2017 and 2037 to secure sustainable growth and the on-going regeneration of Inner Warrington⁶⁹. The explanation for objective W1 indicates that the Core Strategy Objectives have been adopted as the starting point for the new Plan in order to ensure continuity in the planning of the Borough⁷⁰. The emerging Plan notes that in order for Warrington to meet its future development needs there is the need for a significant amount of land to be released from the Green Belt⁷¹.

3.29. In terms of the spatial strategy of the emerging Local Plan in respect of employment land, it is not possible to meet all of the employment land requirements for Warrington within the existing urban area. The emerging Plan makes provision of around 213 hectares of employment land through Green Belt release⁷². The emerging Plan

⁶⁵ The planning history of Omega is set out in the SoCG at Appendix 2.

⁶⁶ CD 2.9 paragraph 2.2.2

⁶⁷ CD 2.9 paragraph 3.1.5

⁶⁸ CD 2.9 paragraph 3.1.5

⁶⁹ Objective W1 is at CD 2.9 page 20.

⁷⁰ CD 2.9 paragraph 3.2.4

⁷¹ CD 2.9 paragraph 3.2.8

⁷² See the explanation at CD 2.9 paragraph 3.3.19

identifies four main employment sites: one of these is the Omega Westward Extension (St Helens). Reference is made to the proposed allocation in the emerging Local Plan for St Helens to facilitate the westward extension of the existing Omega site through an allocation in their Local Plan⁷³. Both Councils have agreed that this will contribute to meeting Warrington's employment land needs and a draft Statement of Common Ground has been produced to that end⁷⁴.

3.30. The emerging Plan considers the consequences if land is not released from the Green Belt for employment use. In the medium and longer term, Warrington's status as a key driver of the North West economy will be threatened. As development land is used up, potential development and investment could be lost to other regions of the UK and potentially overseas. Reference is made to the Council's Economic Development Needs Assessment which indicates that there is already suppressed demand for employment land⁷⁵.

3.31. Draft Policy DEV4: Economic Growth and Development sets out the employment land requirement and allocates land within Warrington. In terms of employment distribution, it states that Omega will continue to be a primary location. In order to meet future needs and provide sufficient land, three areas are released from the Green Belt which total 215 hectares. The total requirement is 362 hectares. Part is met by existing supply, part by Warrington Town Centre and Waterfront, but significantly, part by the St Helens (western) extension of Omega (31 hectares)⁷⁶. St Helens Borough Council is identified as a delivery partner for the economic growth of Warrington⁷⁷.

Warrington Means Business (2020)

3.32. Warrington Means Business sets out Warrington's Economic Growth & Regeneration Programme⁷⁸. It emphasises the success of Omega in creating employment and contributing the local and wider economy. It states that the Council is working closely with St Helens Council and Omega Warrington Ltd to develop the land adjacent to Omega South. It describes the land adjacent as an obvious extension to Omega South and, with the necessary supporting investment in highways will see the logical expansion of the Omega Logistics and Manufacturing Park. This extension will contribute to Warrington's economic floorspace needs into the future.

⁷³ CD 2.9 paragraph 3.3.21

⁷⁴ The draft Statement has not been finalised because work on the Warrington Local Plan has paused. The draft Statement is CD 43.4.

⁷⁵ CD 2.9 paragraph 3.4.15

⁷⁶ CD 2.9 paragraph 4.2.14

⁷⁷ CD 2.9, bullet points following paragraph 4.2.29

⁷⁸ CD 5.58

Policies Relating to Green Belt

- 3.33. St Helens development plan policy for development within Green Belt follows long established National Policy. UDP Policy S1 refers to land defined as Green Belt on the Proposals Map and states that it will be maintained in order to fulfil four Green Belt purposes⁷⁹; Policy GB 1 provides controls of the development of new buildings within Green Belt, indicating that new buildings will not be permitted except in very special circumstances; and Policy GB 2 sets out considerations against which development in Green Belt will be judged.
- 3.34. Green Belt policy within the UDP expressed in different terms to the NPPF. However, having regard to NPPF paragraph 213 the UDP is capable of being interpreted and applied in a matter which is consistent with the latest version of the NPPF. Green Belt policies should be accorded full weight.
- 3.35. The Application does not fall within the identified categories of development that may be acceptable within Green Belt. It therefore falls to be considered as inappropriate development. This is agreed in the SoCG⁸⁰. Substantial weight should attach to the harm to the Green Belt by reason of inappropriateness⁸¹.
- 3.36. The potential harm to the Green Belt by reason of inappropriateness, and any other harm arising from the proposal must be given substantial weight and be clearly outweighed for very special circumstances to exist and justify development in this case. If very special circumstances can be justified, the proposal will be compliant with Green Belt policy within the development plan and the development plan as a whole.

Policies to Protect Landscape Character

- 3.37. I have noted that the site falls within the Rural St Helens Policy Area defined within the Core Strategy⁸². Policy CAS 5 applies. This states that development will be restricted to existing rural settlement boundaries. Outside of these areas development will comply with Green Belt policy. This policy therefore adds little to the Green Belt policies. Further, it needs to be applied in the context of the agreed position that land within the Green Belt is required to meet the objectively assessed need for employment land.
- 3.38. Core Strategy Policy CP 1: Ensuring Quality Development in St Helens and Policy CQL 4: Heritage and Landscape have the objectives of protecting the natural environment and

⁷⁹ The NPPF identifies five objectives. Policy S1 omits reference to preserving the setting and special character of historic towns.

⁸⁰ See SoCG paragraph 8.7 (CD 37.1)

⁸¹ See NPPF paragraph 144.

⁸² See Core Strategy Fig.11.1, page 84 (CD 2.2)

landscape character. The Proposal includes a building of substantial height, scale and mass that will impact on local character, even though extensive planting is proposed to screen and soften the impact of the development. However, harm in this context has to be assessed against the general requirement for employment land, the fact that Omega is a strategic location for employment and investment and the Application site would be the logical and natural extension, together with the specific requirements for the identified end user which dictate the height and scale of the building proposed as Phase 1 of development.

Summary on the Development Plan

- 3.39. The social and economic regeneration of the Borough is at the heart of the development plan. The appeal would be consistent with and contribute towards the delivery of the overarching objectives in a location close to an area of need. Policy CE 1 is positive and places no limitation on the amount of economic development. However, circumstances have changed because the identified employment land requirement is out of date by a substantial margin. The support for economic development and regeneration from this policy remains very relevant, but the aspiration of the policy for the quantum of employment land to be developed has been overtaken and is out of date. This is significant because it raises the question of the need to release land from the Green Belt to meet needs and the overarching objective of social and economic regeneration. Policy CSS 1 states that development will be restricted to existing settlement boundaries, unless it complies with Green Belt policy. This policy is informed by Policy CE 1. The implication is that settlement boundaries are out of date and proposals outside settlement limits must be addressed on a site-specific basis. In this case, the application is consistent with the broad development plan policy for St Helens and as I explain later, Warrington, objective of securing economic development.
- 3.40. Compliance with Core Strategy Policy CAS 5: Rural St Helens is dependent on whether the proposal can be justified in terms of very special circumstances to allow development in the Green Belt.
- 3.41. The application of Green Belt policy in this case requires a judgement about whether there are very special circumstances to justify development. If very special circumstances can be demonstrated the proposal will be compliant with Green Belt policy within the Development Plan. A key consideration in this context is the impact of the appeal on the openness of the Green Belt, the impact of the proposal on the purposes of the Green Belt and the landscape impact of the appeal scheme.

4. NATIONAL POLICY

- 4.1. In addressing the appeal against National Policy, I focus on the main issues of the economy, and Green Belt. The NPPF sets out the purpose of the planning system, to contribute towards a sustainable pattern of development⁸³. Three overarching objectives are identified: an economic objective; a social objective; and an environmental objective. The intention is that these should be delivered through plan making and decision taking to guide development to sustainable solutions taking account of local circumstances and reflecting the character, needs and opportunities of each area⁸⁴.
- 4.2. NPPF paragraph 11 sets out the presumption in favour of sustainable development. This raises the question of whether the most important policies of the development plan are up to date.

Building a Strong Competitive Economy

- 4.3. The chapter of the NPPF dealing with the economy places at its forefront the role of planning decisions in creating the conditions in which businesses can invest, expand, and adapt. It adds that significant weight should be placed on the need to support economic growth and productivity, taking account of local business needs and wider opportunities⁸⁵. It refers to areas building on their strengths and addressing challenges for the future. The location of St Helens and Warrington Boroughs is a strength but there is a challenge to meet the needs of logistics and distribution in a post Brexit and Covid-19 scenario. The importance placed on supporting growth, meeting the needs of existing businesses and taking opportunities when they arise is clear.
- 4.4. In respect of policy making, the NPPF paragraph 81 says that plans should positively and proactively encourage sustainable growth; identify sites to meet anticipated needs; address potential barriers to investment; and respond to changing economic conditions. This is consistent with NPPF 20, which the LPA are addressing through the emerging Local Plan. This must have greater emphasis in a time of recession and having regard to the Prime Minister's *Build, Build, Build* Speech of 30 June and the "levelling-up" agenda to support investment in the North. The strong emphasis must be on sustainable economic growth. Of course, sustainable economic growth is economic growth which complies also with Green Belt policy, otherwise such growth cannot be considered to be sustainable development.

⁸³ NPPF paragraph 7

⁸⁴ NPPF paragraph 9

⁸⁵ NPPF paragraph 80.

4.5. For decision taking, NPPF paragraph 82 states that there should be recognition of the specific locational requirements of different sectors and decisions should respond to those requirements. Specific reference is made to meeting the needs of storage and distribution operations at a variety of scales and in suitably accessible locations. I have explained that the Proposed Development would comprise a logical and natural extension to an existing successful strategic location for investment and job creation which is (effectively at capacity), accessible to the M62 Motorway. In addition, through co-operation between St Helens and Warrington Council's it has been agreed that St Helens will assist in meeting the employment land requirement arising within Warrington because⁸⁶:

- the proposed allocation at Omega West is an obvious extension to an established strategic employment location;
- land currently in the Green Belt will need to be released in order to meet employment land requirements in both St Helens and Warrington;
- An extension of Omega provides an opportunity to improve the accessibility of job opportunities at Omega generally to residents of St Helens.

4.6. Furthermore, the specific requirements of Home Bargains regarding the location and the scale and form of development cannot be accommodated on another site (outside the Green Belt or at all). The Application responds to the locational and design requirements and is consistent with the direction in which policy from St Helens and Warrington is travelling.

4.7. Section 9 of the NPPF promotes sustainable transport. Paragraph 102 sets out priorities which include the realisation of opportunities from existing or proposed transport infrastructure and changing transport usage. Paragraph 103 refers to the planning system actively managing patterns of growth to support the priorities and that significant development should be focussed on locations which are or can be made sustainable, and where there is a genuine choice of transport modes. Priorities of planning policies are set out in paragraph 104 and indicate the needs to identify and protect sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development, and to provide for any large-scale transport facilities and the infrastructure and wider development required to support their operation and contribution to the wider economy.

⁸⁶ See CD 43.4

4.8. The need to meet the needs of the logistics industry is also set out in the PPG which makes the following points⁸⁷:

- The logistics industry plays a critical role in enabling an efficient, sustainable, and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities, and has distinct locational requirements.
- Strategic facilities serving national or regional markets are likely to require significant amounts of land, good access to strategic transport networks, sufficient power capacity and access to appropriately skilled local labour.

4.9. National policy for economic development in terms of plan making and decision taking provides very strong support for the proposal, provided it comprises sustainable economic growth.

Green Belt

4.10. The NPPF states that the Government attaches great importance to Green Belts. It emphasises that the fundamental aim is to prevent urban sprawl and that an essential character of Green Belts are openness and permanence⁸⁸. The five purposes of the Green Belt are in summary, as follows⁸⁹:

- to check urban sprawl;
- to avoid towns merging;
- to safeguard countryside;
- to preserve the setting of historic towns; and
- to assist in urban regeneration.

4.11. The NPPF emphasises the permanence of Green Belt and that once established, they should only be altered where exceptional circumstances are fully evidenced and justified.

4.12. With regard to development proposals affecting the Green Belt, NPPF paragraph 143 states that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. Paragraph 144 goes on to say that when

⁸⁷ Paragraph: 031 Reference ID: 2a-031-20190722

⁸⁸ NPPF paragraph 133

⁸⁹ NPPF paragraph 134

considering any application, substantial weight should be given to any harm to the Green Belt and the very special circumstances will not exist 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. The Judgement of **Boot v Elmbridge**⁹⁰ clarified paragraph 144 in that any harm to the Green Belt, even limited, triggers the need to demonstrate very special circumstances before planning permission for development may be granted.

4.13. It is agreed that the proposal is inappropriate development within the Green Belt⁹¹. It follows that it must be demonstrated that very special circumstances arise to clearly outweigh the harm to the Green Belt and any other harm, before planning permission may be granted. The matters relevant in judging the impact of the proposal on the Green Belt are:

- The impact on the openness and permanence of the appeal site as part of the Green Belt;
- The impact on the five purposes of including land within the Green Belt; and
- Any other harm arising from the proposal.

4.14. Of the five purposes of including land within the Green Belt, the purpose of preserving the special character of an historic town does not apply in this case.

4.15. The PPG provides guidance on the application and implementation of Green Belt policy. Regarding the impact on openness, it states that an assessment of a proposal requires a judgment based on the circumstances of the case⁹². It notes that the Courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal could be relevant, as could its volume;
- the duration of the development; and
- the degree of activity likely to be generated, such as traffic generation.

⁹⁰ Boot v Elmbridge DC [2017] EWHC 12 (Admin) (CD 6.3)

⁹¹ See SoCG paragraph 8.7 (CD 37.1)

⁹² Paragraph: 001 Reference ID: 64-001-20190722

- 4.16. The approach to determining applications where there is impact on the openness of the Green Belt has been clarified further by the Supreme Court in ***Samuel Smiths Brewery v North Yorkshire County Council***⁹³. The issue central to this case was the meaning of the word “openness”. The case affirms that the matters relevant to openness in any particular case are a matter of planning judgement, not the law.

Harm to Openness

- 4.17. I have referred to the Green Belt Review⁹⁴. The application site falls across two areas identified for the assessment. However, for both areas, the Green Belt to the west of Omega is open and free from development. The mitigating factors such as the presence of the Motorway and recent logistics development at Omega do not alter the open character of the site itself. The development of an 81,560 square metre building at a maximum height of 41.6 metres and an outline development of 123,930 square metre building with heights of up to 19 metres along with the associated hard-standing, infrastructure and associated movement, would have a significant adverse impact on the spatial and visual openness of the Green Belt, it would be permanent development and it would generate significant activity.
- 4.18. This is the inevitable impact of large-scale logistics development which (in this case) must take place on greenfield/Green Belt land in order to meet the requirement of the proposed occupier and to meet the identified need for further employment land in Warrington, co-located adjacent to the Omega business park.

To check the unrestricted sprawl of large built-up areas

- 4.19. The Green Belt Review assessed that part of the application site that is proposed to be allocated in the emerging Local Plan has a “medium” role in checking the unrestricted sprawl of a large built-up area. The assessment refers to the presence of the M62, the large warehouse development at Omega South, areas of woodland to the west and south, and the Mersey Valley Golf Club to the south west. It states that the sub-parcel as a whole is therefore well contained to the north, east and in part the south and west. The western part of the site is assessed as having a “high” role in checking the unrestricted sprawl of a large built-up area. Despite the sub-parcel’s strong boundaries on three sides, it states that because of the size of the area, and absence of strong boundaries within it, the assessment refers to development being likely to lead to unrestricted sprawl.
- 4.20. This application proposes development outside of the urban area in St Helens and would lead to the expansion of the Warrington urban area. The site is bounded by the physical

⁹³ Samuel Smiths Old Brewery (Tadcaster) v North Yorkshire CC [2020] UKSC 3 (CD 6.4)

⁹⁴ CD 3.5

boundaries of the M62 to the north and Omega Industrial Estate to the east. However, the Application is a logical and obvious extension to Omega there being no physical constraint, and in respect of Phase 1, no barrier or even a definitive physical boundary that would be breached. The proposed 'green wedge' mitigation to the north and existing Booths Wood along with the diverted Whittle Brook along the western boundary, would, to a degree, contain the extent of the development preventing urban sprawl. However, the extent of the site would compromise substantially the Green Belt purpose of checking unrestricted urban sprawl. This is the inevitable consequence of large-scale logistics development, which must be located in the Green Belt, if the "critical" need in PPG is to be met.

To prevent neighbouring towns from merging into each other

- 4.21. Both areas of the application site within the Green Belt Review are considered to have a "medium" role in preventing towns from merging. Whilst the areas are described as being partially within a strategic gap between the towns of Warrington and St. Helens, and Halton and St Helens, and the gap would be reduced, there would remain a clear separation⁹⁵. The Committee Report for the application concluded that the application would not cause towns to merge into one another and therefore there was no conflict with this purpose⁹⁶. I disagree because I do not accept there would be "no conflict". In my view the proposal would compromise the degree of separation between the western part of the Warrington built-up area and the southern part of St Helens to a small extent. The scale of the development, its' location and visibility, is likely to give a perception of St Helens and Warrington moving closer together particularly when travelling along the M6. I consider that there would be slight harm to this Green Belt purpose.

To assist in safeguarding the countryside from encroachment

- 4.22. The Green Belt Review considered the area proposed to be allocated for development has a "medium" role in safeguarding the countryside from encroachment. It refers to the presence of the large-scale built development at Omega South and the M62 and concludes that the area has only a moderate countryside character. On the other hand, the area to the west within which part of the application site falls, has a "high" role in safeguarding the countryside from encroachment. It describes the area as retaining a relatively strong sense of countryside character and openness. It refers to the M62 to the north, A569 to the east and Bold Heath and the A49 to the south, which have some impact on countryside character, but as you move away from these roads the area retains a strong sense of openness. There is a distinction to be drawn between the

⁹⁵ See Plan B.05 and the point is also plain from Plans B.06 (the adopted St Helens Proposals Map), and B.07 (the emerging Local Plan Proposals Map)

⁹⁶ CD 35.1, paragraph 7.145

application site and the sub-parcel identified for the purpose of analysis within the Green Belt Review. The application site borders the M62 which invariably impacts on the countryside character of the land. Nevertheless, the assessment in the Committee Report concluded that the proposal would result in encroachment into the countryside the scale of which significant⁹⁷. I agree but understand that such an impact is the inevitable consequence of delivering large scale logistics development on Green Belt sites.

To preserve the setting and special character of historic towns

4.23. This purpose is not relevant to the application.

To assist in urban regeneration

4.24. The Committee Report noted that the Proposal did not assist in urban regeneration by encouraging the recycling of derelict and other urban land. Notwithstanding the fact that there are no sites within the urban area that can accommodate this development, it concluded there was conflict with this purpose⁹⁸. I take a different view (consistent with my evidence at Parkside and Haydock Point). In the absence of any suitable sites within the urban area, the application site cannot serve the Green Belt purpose of assisting urban regeneration.

Summary of Impacts on the Green Belt

4.25. The proposal is by definition inappropriate development in the Green Belt. Phase 1 of the Application in particular would have a significant impact on the openness of the Green Belt having regard to the facts that the site is presently undeveloped, predominantly open farmland, the scale of the Proposal in visual and physical terms, the permanence of the development and the activity that would be associated with it. The Proposal would be contrary to three of the five purposes of Green Belt to varying degrees. Accordingly, substantial weight should be given to the harm by way of inappropriateness, together with substantial harm caused to the openness of the Green Belt and conflict with the purposes of including land within the Green Belt.

Heritage

4.26 Heritage policy is set out in Section 16 of the NPPF. The general duty to have special regard to the desirability of preserving the building or its setting applies in relation to the Listed Buildings⁹⁹, but not the Registered Battlefield. However, the impact of development on the Battlefield falls within the scope of NPPF heritage policy. The courts

⁹⁷ CD 35.1, paragraph 7.146

⁹⁸ CD 35.1 paragraph 7.148

⁹⁹ Section 66(1) Planning (Listed Buildings and Conservation Areas) Act 1990.

have determined that the application of relevant policy contained within the NPPF¹⁰⁰ ensures that the general duty is met¹⁰¹.

- 4.27 In short, when a proposal affects a heritage asset, the NPPF requires an assessment of the significance of the heritage asset¹⁰², followed by an assessment of the impact of a proposal on the matters identified as being of significance. The NPPF places great weight on the conservation of the heritage asset¹⁰³ and that any harm to or loss of significance should require clear and convincing justification¹⁰⁴.

¹⁰⁰ Paragraphs 189 to 196

¹⁰¹ Jones v Mordue [2015] EWCA Civ 1243 (CD 6.5)

¹⁰² NPPF paragraph 189

¹⁰³ NPPF paragraph 193

¹⁰⁴ NPPF paragraph 194

5. OTHER MATTERS

5.1. NPPF paragraph 88 requires “other harm” to be considered in an assessment of whether there are very special circumstances to justify granting planning permission in the Green Belt. In this section I address other harm arising from consultation responses which are identified in the Committee Report. The evidence of Edward Mellor is about traffic and highways and separate written statements have been prepared to address the following matters:

- Landscape and visual impact;
- Ecology;
- Heritage;
- Noise;
- Climate Change;
- Air Quality;
- Loss of agricultural land;
- Residential amenity; and
- Highways and transport

5.2. I summarise the conclusions in respect of each topic below.

Landscape and Visual Impact

5.3. I have referred to the LCA undertaken in 2006 to support the formulation of the Core Strategy¹⁰⁵. The landscape evaluation assessed the landscape sensitivity of the area as being medium to high. The visual sensitivity of the area was assessed as being medium. The judgement within the LCA about potential to accommodate development was that 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. It stated that development could encroach upon the interplay of open to enclosed space and create a visually and physically ‘cluttered’ landscape fragmenting the large scale. It goes on to say that 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.

5.4. I have noted that the development of Omega within Warrington has resulted in an edge to the landscape area and the application site which is large scale warehouse buildings. The context has altered materially from the time when the LCA was undertaken. In

¹⁰⁵ CD 4.143.

addition, the LCA did not contemplate a planned extension of Warrington built-up area into part of the area. The aerial photos demonstrate the significant changes which have occurred since the LCA was published in 2006.

- 5.5. The residual effects of the Proposal on the landscape would be significant and adverse. The direct effects on the local landscape character of Bold Hall landscape area¹⁰⁶ is likely to be significant and adverse. Due to the scale and height of the Proposal, indirect effects to the north are also expected to be significant and adverse. However, the effects on visual amenity are likely to be limited due to the relative absence of settlement in the defined landscape area and the wooded structure of the estate landscape. That said: significant adverse effects are expected relating to properties at Lindley Green, from the PRoW and from the M62.
- 5.6. The significant planting in the western “triangle” of the site, planting along the northern boundary adjacent to the motorway and the existing woodland outside the Application Site to the south of Phase 1 and the west of Phase 2, would serve to reduce the visual impact of the Application as far as practical. However, the Committee Report concluded that with regards to the proposed mitigation planting, even once fully matured it would have limited impact on mitigating the major/adverse effects of the development due to the sheer scale of the development for both full and outline elements for the scheme¹⁰⁷.
- 5.7. The Proposal would result in a major change from the current condition/character of the site/area through the introduction of a large built industrial form that would completely change the landscape character. However, the harm is not as great as it would have been if the context remained as described in the LCA. Nevertheless, the development would be a dominating feature that could not be mitigated by landscaping. The harm caused to the landscape character even after the proposed landscape is matured would be significant harm contrary to policy CQL4 in the Core Strategy and Bold Forest Park Area Action Plan.

Ecology

- 5.8. The Council’s position on the application in the context of ecology is set out in detail in the Ecology and Biodiversity Topic Paper. Several ecological surveys have been submitted in support of the application and are set out within the Environmental Statement. The proposal will cause habitat loss, habitat fragmentation, pollution, and disturbance of important species along with permanent loss of woodland and tree cover and damage to trees covered by Tree Preservation Orders

¹⁰⁶ Bold Hall Landscape Area is WFE4.

¹⁰⁷ CD 35.1 paragraph 7.309

- 5.9. The Application provides mitigation planting and tree protection. A substantial woodland area would be created within the north west of the site. Mitigation measures also include additional ponds and attenuation features, replacement hedgerow and bat and bird boxes. The proposed landscape strategy, lighting strategy and sustainable drainage systems take account of mitigation measures to compensate for habitat loss.
- 5.10. The Merseyside Environmental Advisory Service (“MEAS”) have advised the Council about the impact of the Proposal on ecology and biodiversity. MEAS describe the Application Site as comprising arable fields, intersected by a network of woodland, hedgerows, ponds, and ditches. They note that the development would result in the loss of these habitats. They describe the network linking to Booths Wood LWS and to Mersey Valley Golf Course LWS to the south (both offsite). MEAS say this network of habitats provides wildlife corridors through the wider arable landscape. MEAS accepted that pond and hedgerow losses will be mitigated through replacement hedgerow and habitats. Whilst replacement woodland is proposed, additional off site woodland creation would be required to fully mitigate for the loss. In addition, timescales in any woodland planting reaching maturity are considerable.
- 5.11. The Council’s assessment¹⁰⁸ based on all of the evidence submitted and advice from MEAS is that the Application would cause a significant loss of natural habitat for both protected and Local and UK Priority Species which is harmful and does not accord with policies CQL2, CQL3 and BFP ENV2. Whilst mitigation is proposed to compensate for the loss, the key point is that it will take a significant period of time to mature to become of equivalent value to the habitats which are lost. Further, based on the DEFRA metric, there would be a shortfall in the mitigation to be proposed and as a consequence, in accordance with paragraph 175 of the NPPF, as a last resort, a compensatory figure has been secured through a planning obligation. There would, nevertheless, be some harm in the planning balance because of the time for mitigation to mature.

Heritage

- 5.12. The following designated heritage assets have been identified as being key sensitive receptors in the context of the application:
- Old Bold Hall moated site, Bold (a scheduled monument)
 - Old Bold Hall bridge and gate piers (Grade II Listed)
 - Bold Hall Estate Farmhouse (Grade II Listed)
 - Bold Hall Estate outbuilding formerly stables (Grade II Listed)

¹⁰⁸ Set out in the Committee Report at paragraphs 7.242 to 7.267 (CD 35.1)

- 5.13. The recorded non-designated assets relate to a mix of above and below ground assets identified within the Historic Environment Desk-based Assessment (“HEBDA”) submitted to support the Application. The key sensitive receptors are the Site of Medieval and Post-Medieval Park and sites of potential archaeological interest were Booth’s Wood, possible ancient woodland, site of “Big Dam” and an area of former ridge and furrow.
- 5.14. The ‘Old Bold Hall’ moated site (a scheduled monument) is the closest designated asset, located around 300m to the west of the application site. The monument comprises a moated site, the island of which is now partially occupied by a 20th century farmhouse and garden. It was formerly occupied by Old Bold Hall. The moat is dry and has been partially in-filled but the site retains a bridge and gate piers which are grade II listed. Old Bold Hall moated site has a group value in terms of setting as it sits within the site of the Medieval and Post-Medieval Park within which lies Booth’s Wood, both of which are non-designated assets.
- 5.15. The present setting of this asset has been encroached upon by the construction of the M62 to the north, the Mersey Valley Golf and Country Club to the south and the Omega development from the east. Furthermore, trees now cover much of the northeast of the asset, which afford some screening.
- 5.16. The contribution of the setting of the cultural heritage asset to its significance would be reduced as a result of the Proposal. The removal of parts of Duck Wood, and other landscape features that form part of the Medieval and Post Medieval Park would create indirect impacts to the setting of the asset, by not only removing a feature of the former parkland, but also removing an area of woodland presently screening views to the east. The maximum height of the development, unit 1 at 41.6 metres and up to 19 metres with the outline units would be clearly visible. The proposal does involve the retention of part of Duck Wood along the eastern boundary and a landscape mitigation area to the north west. However, the level of harm caused by the proposed development on the setting has been identified as adverse as relevant setting characteristics can still be appreciated but less readily.
- 5.17. The Environment Statement states there would be a moderate adverse residual effect (significant) during the construction phase and during operation a moderate adverse residual effect (significant) following the implementation of mitigation measures which is landscaping.

- 5.18. The impact would therefore be significant such that great weight should be ascribed (applying the statutory tests, NPPF 194 and judgements such as **Barnwell Manor**¹⁰⁹, **Forge Field**¹¹⁰, **Mordue**¹¹¹ and most recently **Bramshill**¹¹²).
- 5.19. The Farmhouse and Farm outbuilding, formerly Stables, at Former Bold Hall Estate are Grade II listed. They are located to the north of the application site and date from the early-mid 18th century. They have been assessed together as they were all formerly part of or connected to the now demolished Bold Hall. The landscape setting of these assets has changed through the amalgamation of fields, construction of the M62 motorway and existing Omega site within Warrington, however, views south and south-east still look on mostly open fields. The application would cause further adverse harm to the setting as the height and scale of the proposed development will dominate the view.
- 5.20. The Environmental Statement indicates there would be a moderate adverse residual effect (significant) during the construction phase and during operation a minor adverse residual effect (not significant) following the implementation of mitigation measures which is landscaping along the northern boundary.
- 5.21. The Council's Conservation Officer generally agrees with the assessment supporting the application regarding the contribution made by setting and the level of harm caused to designated assets by the proposed development. In terms of harm to Old Bold Hall moated site, whilst the buildings would be visible the level of harm to the setting because of the distance will only be minor which is categorised as "less than substantial harm". Overall, the Conservation Officer considers the proposed development would only likely lead to a low level of harm and "less than substantial harm" as identified by paragraph 196 of NPPF.
- 5.22. The recorded non-designated assets relate to a mix of above and below ground assets. The key sensitive receptors are the Site of Medieval and Post-Medieval Park and sites of potential archaeological interest were Booth's Wood, possible ancient woodland, site of "Big Dam" and an area of former ridge and furrow. The Environmental Statement recommended a programme of historic environment field survey (archaeological investigation) to identify any surviving boundary features of the Medieval Park and Booths Wood, and to investigate whether any archaeological features survived in the

¹⁰⁹ Barnwell Manor v East Northants [2014] EWCA Civ 137 (CD 6.8)

¹¹⁰ Forge Field v Sevenoaks [2014] EWHC 1895 (Admin) (CD 6.9)

¹¹¹ Jones v Mordue [2015] EWCA Civ 1243 (CD 6.5)

¹¹² Bramshill v SSHCLG [2021] EWCA Civ 320 (CD 6.13)

others. On the advice of MEAS¹¹³ and Historic England, no further archaeological works are required

- 5.23. Overall, the harm caused to the setting of the listed buildings and the Old Moat would be contrary to policies ENV25, CQL4 and BFP ENV33. There is conflict with Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 because the development would fail to preserve the setting of two listed buildings, which should be afforded great weight (NPPF 194). The harm would be “less than substantial” and NPPF paragraph 196 states that such harm should be weighed against the public benefits of the proposal. Consequently, the harm caused to the setting of the listed buildings is towards the lower end of the spectrum of harm, having regard to the relevant caselaw, it should nevertheless be given significant weight against the proposed development.

Noise

- 5.24. The closest noise sensitive receptors to the application site have been identified as residential dwellings at ‘Old Hall Farm’ in St Helens, residential dwellings at Bembridge Close and ‘The Stepping Stones Children’s Day Nursey’ both of which are in Warrington.
- 5.25. The dwellings at Old Hall Farm would be subjected to construction noise. However, the levels would be low due to the separation distance to the application site which is over 480 metres. The Noise Assessment supporting the application has identified that due to the separation distance to the application site boundary no significant effects would arise as a result of construction vibration. There would also be industrial / commercial noise from the development once operational, but levels would be dependent upon the nature and intensity of operations undertaken as well as the final layout design for the outline planning application site.
- 5.26. A negligible (not significant) impact on residential amenity is identified. For chilled goods operations, the noise levels would be 2.4 dB above the daytime background sound level, and 4.4 dB above the night-time background sound level. For the daytime this would not be significant, however, in the night-time there would be significant effects on amenity. The proposed mitigation measures involve a series of noise barriers of varying heights. It would not eradicate the noise altogether so there would still be a minor adverse, not significant effect to these residents.
- 5.27. Appropriate limits have been determined for noise from any future fixed/mechanical plant. Compliance with these limits could be ensured through the use of a planning condition.

¹¹³ Merseyside Environmental Advisory Service

- 5.28. The dwellings at Bembridge Close would be subject to construction noise, however, the levels would be low due to the separation distance to the application site which is over 342 metres. The Noise Assessment supporting the application identified that due to the separation distance to the application site boundary no significant effects would arise as a result of construction vibration. Regarding industrial / commercial noise from the development once operational, levels would be dependent upon the nature and intensity of operations undertaken as well as the final layout design for the outline planning application site.
- 5.29. It has been identified that noise levels generated for ambient goods operations would have a negligible (not significant) effect on amenity. For chilled goods operations, the noise levels would be 0.3 dB above the daytime background sound level, and 5.3 dB above the night-time background sound level. For the daytime, the effect is minor (not significant), however in the night-time the increase would result in a significant effect on amenity. The proposed mitigation measures to reduce operational noise levels at this receptor include a 3m high noise barrier south of units 3 and 4 with chilled goods prohibited from using or accessing the eastern side of Unit 3.
- 5.30. There is likely to be a direct, permanent, local, long-term, minor adverse effect on the dwellings at Bembridge Close. This is not considered to be significant. There are no requirements for additional monitoring at this receptor.
- 5.31. The Children's nursery would be subject to construction noise. There is potential for disturbance during any periods when particularly intensive works are required immediately adjacent to the application site boundary closest to the nursery. Measures can be secured through a condition for the outline element of the application to minimise harm to an acceptable level. The nursery would also be subject to ground borne vibration as a result of works associated with the construction programme. The potential for significant effects is only identified for driven piling works. Dependant on the type of piling method used for the construction of the outline application a further review of methods and any appropriate mitigation will be determined through a condition.
- 5.32. The nursery would be subject to industrial / commercial noise from the development once operational, but the specific levels will be dependent upon the nature and intensity of operations undertaken as well as the final layout design that is brought forward for the outline planning application site. The proposed mitigation measure for ambient operations is a 1.4 metre high noise barrier along the east of unit 3. To reduce chilled goods operational noise levels, a 3 metre high acoustic fence along the eastern side of unit 3 is required, along with a condition that prohibits chilled goods using or accessing the eastern side of Unit 3. This is along with various sized noise barriers

around the remaining units. The Environmental Statement concluded that there would be a minor adverse, non-significant impact caused.

- 5.33. Overall, subject to the recommended conditions, the noise effects of the proposed development would not have a significant effect on the amenity of the residents at the nearest residential properties and other sensitive noise receptors, in accordance with Policy CP1. However, it is acknowledged that some harm would be caused by additional noise and this should weigh against the proposed development.

Climate Change

- 5.34. The Council's position on the application in the context of climate change is set out in the Climate Change Topic Paper. National, and local policy planning policy supports economic growth in the light of the Paris Agreement. It specifically supports development for logistics in the right locations. Further, the Application would be a logical extension to an established strategic employment site, representing a sustainable form of development providing jobs and other benefits and contribute towards more sustainable travel. It is not the policy of this Government to seek to resist logistics development because of the impact on the climate change agenda. Rather, the Government is actively seeking to decarbonise transport.
- 5.35. The Climate Change Topic Paper refers to the ES which states the magnitude of change arising from embodied carbon, construction transport, operational building and operational transport associated with the proposed development, would be negligible¹¹⁴. There is likely to be a minor adverse residual effect on climate (not significant) following the implementation of mitigation measures. The mitigation measures proposed include less energy intensive materials, use of local suppliers to minimise transport-related emissions, a CEMP designed to minimise impacts of the proposed construction work such as a waste management plan, the use of renewable technologies and a travel plan. The ES also identifies enhancement opportunities which include electric vehicle charging points for freight vehicles. The proposed elevations do not show any solar panels on the buildings, although this is indicated as a goal within the ES. The scheme proposes a sustainable drainage scheme proposing surface water runoff to existing watercourses. The Topic Paper notes that the Proposal will incorporate energy saving measures however there would nonetheless be an adverse impact on climate change which has to be considered in the planning balance.

¹¹⁴ Climate Change Topic paper paragraph 7.6

Air Quality

- 5.36. The Council's evidence regarding air quality is set out in a Topic Paper. Regarding the potential impacts. During the construction phase of the development most of the receptors affected are classed as medium sensitivity, as they are designated as 'places of work'. However, there is one highly sensitive receptor identified, which is 'Stepping Stones Day Nursery' which is to the eastern boundary. With mitigation, the dust risks could be temporary and not significant. The Council's Air Quality Officer has reviewed the submission and has raised no objections. At the operational stage, there would be a small and negligible change in air quality. Only one receptor would experience an adverse impact rated at "moderate". This is the Travelodge located at Charon Way to the east of the site, just beyond Junction 8 of the Motorway. Given the nature of the property (a hotel), occupants are unlikely to be exposed over an annual averaging period. The cumulative effects of the Proposal have also been addressed in the Environmental Statement supporting the Application, the Committee Report¹¹⁵ and reiterated in the Topic Paper
- 5.37. The conclusion of the Council is that proposed development would cause some harm to air quality in certain locations, which must be weighed against the proposed development. However, the proposed development would not cause any exceedances of standards set out in DEFRA guidance or have a significant effect overall. There would be no conflict with policy CP1 or paragraph 181 of the NPPF because impacts have been minimised and mitigated. However, the harm caused should be given very limited weight against the proposed development.

Loss of Best and Most Versatile Agricultural Land

NPPF paragraph 112 and Core Strategy Policy CP1 have the aim of minimising the loss of the best and most versatile agricultural land. The Proposal would result in a permanent loss of 69.5 ha of agricultural land, of which 47.2 ha is Grade 3b, 17.5 ha is Grade 3a and the remaining area is Grade 4 (poor quality)¹¹⁶. The best and most versatile agricultural land ("BMV"), is Grade 3a and above. This therefore amounts to 17.5 ha out of a total site area of 75 ha, of which agricultural land is 69.5ha. BMV is 25% of the agricultural land on the Application Site and 23% of the total site area.

- 5.38. The Environmental Statement says that the sensitivity of Grade 3a, best and most versatile ("BMV"), agricultural land as medium, and the magnitude of change, following mitigation, is small. Therefore, there will be a direct, permanent, long-term minor to moderate adverse residual effect on BMV agricultural land which is not significant. This

¹¹⁵ CD 35.1

¹¹⁶ CD 35.1, paragraph 7.172

is because of the implementation of mitigation measures which include the re-use as much of the surplus resources on site in the detailed design of the green infrastructure.

- 5.39. Natural England has reviewed the proposals and have raised no objections. It is not considered that the proposed development would cause significant harm to high quality soils. Nonetheless, the loss of agricultural land is still an adverse impact to weigh in the balance.

Residential Amenity

- 5.40. A benefit of the Application Site is that it is remote from any substantive residential areas. Impacts relating to noise and air quality are addressed above. In terms of visual impact, harm is likely to be experienced by the occupants of Warrington Road, Old Bold Hall Farm, Lingley Green and Home Farm to the north. The Report to Committee analyses the impact on each. The conclusions are that harm would be caused to the visual amenity of residents within the vicinity of the site both within St Helens and Warrington. There would be significant harm caused to over 20 properties at the construction phases and over 21 at the operation stage¹¹⁷. The harm caused to amenity would be contrary to the requirements of policy CP1 and should weigh against the proposed development. There would be harm caused through construction although it would be temporary. The harm caused during the operational stage would be a permanent effect and the establishment of landscaping would only provide minimal impact in mitigating the harm caused. The harm caused should be given significant weight against the proposed development.
- 5.41. Regarding the physical relationship between the Proposal on homes, bearing in mind the scale of the scheme, subject to appropriate conditions, a development could be delivered on the site that does not cause harm to residential amenity through overshadowing, undue dominance, privacy, or the effects of light pollution. In this respect the proposed development complies with Policy CP1.

Traffic and Transport

- 5.42. Mr Mellor provides technical evidence on highway matters. The Committee Report concluded on transport and traffic that the Proposal would introduce additional vehicles onto the road network¹¹⁸. However, it states that it has been demonstrated that there is capacity within the network and junctions, subject to mitigation measures for J8 of the M62. It adds that additional public transport commitments will be required to ensure

¹¹⁷ See Committee Report paragraph 7.286 (CD 35.1)

¹¹⁸ CD 35.1 paragraph 7.270

appropriate access to and from St Helens to ensure that opportunities for improving sustainable transport to the site are enhanced. Limited harm is likely to arise.

Summary of Other Matters

5.43. The conclusions on other matters relevant to the determination of the appeal can be summarised as follows:

- Significant harm would be caused to landscape character and visual amenity to be weighed against the Application in the overall planning balance. The Application would not accord with Core Strategy Policy CQL4 and the Bold Forest Park Area Action Plan;
- The application would cause a significant loss of natural habitat. On-site mitigation proposed. However, this will take time to mature to a point when it provides equivalent habitats to those presently on the site. Further, on site mitigation would not be adequate to compensate for the losses and a financial compensation is necessary having regard to NPPF paragraph 175. The loss of habitat would nevertheless be harmful to a moderate degree, particularly in the shorter term, and must be weighed in the planning balance;
- Regarding heritage, there would be harm caused to the setting of two listed buildings and the Old Moat. The harm would be “less than substantial” and NPPF paragraph 196 states that such harm should be weighed against the public benefits of the proposal. Consequently, whilst the harm caused to the setting of the listed buildings is towards the lower end of the spectrum of harm, it should nevertheless be given significant weight against the proposed development;
- Subject to the recommend conditions, the noise effects of the proposed development would not have a significant effect on the amenity of the residents at the nearest residential properties and other sensitive noise receptors. However, it is acknowledged that some modest harm would be caused by additional noise and this should weigh against the proposed development;
- There would be no material harm to climate change;
- Regarding air quality, there would be no exceedances of standards set out in DEFRA guidance or have a significant effect overall. However, whilst the

development would be policy compliant, there would be some harm that should be given very limited weight against the proposed development;

- The Application would result in a loss of 17.5 ha of BMV agricultural land, it is not considered that the proposed development would cause significant harm to high quality soils. Nonetheless, the loss of agricultural land is still an adverse impact to weigh in the balance;
- There is no harm to residential amenity by virtue of overshadowing, undue dominance, privacy, or the effects of light pollution; and
- The Application would add additional traffic onto local roads. Limited harm is likely to arise to be weighed against the Application.

6. THE PLANNING BALANCE

- 6.1. As with proposals at Parkside and Haydock Point, the acceptability of the proposal in principle rests the question of whether there are very special circumstances to justify inappropriate development in the Green Belt. Additionally, as with Parkside there is the question of whether the public benefits arising from the development outweigh the harm that the proposal would cause to heritage assets.
- 6.2. I have referred to National Policy for the economy and economic development that places significant weight on the need to support economic growth and productivity. Specific reference is made to meeting the needs of storage and distribution operations at a variety of scales and in suitably accessible locations. Guidance in the PPG refers to the logistics industry stating that it has a critical role in enabling an efficient, sustainable, and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities. The NPPF refers to areas building on their strengths and addressing challenges for the future. St Helens and Warrington Boroughs are in a strategic location to meet the need for logistics and distribution development. St Helens has agreed to meet some of the need arising in Warrington to facilitate a logical and obvious extension of an existing strategic location for employment at Omega South.
- 6.3. I rely on Mr Meulman's evidence which demonstrates the significant and substantial need for land to meet the requirements of the logistics industry in St Helens and Warrington. Mr Meulman also demonstrates the absence of suitable employment land and premises available that could accommodate the large-scale logistics buildings proposed by this application outside the Green Belt. Further, all other potential sites to accommodate the need in St Helens and Warrington are located in Green Belt.
- 6.4. The proposed development is in the first instance to meet the requirements of Home Bargains. This is the only application for logistics development in St Helens where there the end user is identified. The Application Site is a natural extension to Omega South with no physical or visual boundary to separate the existing development from Phase 1 of the Application. The Application has infrastructure in place, including an access road and servicing and would be deliverable following the grant of planning permission. The site would meet a specific business requirement and it would make a significant contribution to the need for employment land in Warrington Borough as agreed in the Statement of Common Ground prepared in the context of the plan making process. This should carry significant weight in favour of the proposed development.
- 6.5. Omega is an established strategic location for employment development. It has been the principal location for investment in Warrington. Omega has been a focus for investment in strategic planning policy. This is a significant point of distinction between

this Application Site and the Barleycastle Lane site where and appeal relating to proposed employment development was dismissed by the Secretary of State in November 2020¹¹⁹. Warrington are not in a position to meet employment needs within existing Green Belt boundaries. Green Belt land must be released. An extension of Omega across the administrative boundary into St Helens is a logical and natural expansion of the existing employment area. It also provides an opportunity to ensure the whole of Omega and the employment opportunities it provides is accessible to St Helens residents.

- 6.6. The proposal would offer substantial socio-economic benefits through the creation of employment of a significant scale, in a contextually appropriate manner, in a location where there is a particular need (both for the development for the economic benefits it would deliver). It is estimated that the Home Bargains component of the Application would generate circa 1,130 jobs during construction and circa 1,210 jobs at the operational stage. The outline element of the Application is estimated to generate in the order of 360 construction jobs and 2,679 when the development is operating. The total job creation is likely to be very substantial. Furthermore, the Home Bargains component of the scheme would provide a range of jobs from security, cleaning and building maintenance and canteen staff to engineering and training¹²⁰. The Home Bargains development is estimated to contribute about £34 million into the local economy by way of wages and salaries when fully operational.
- 6.7. The site falls within one of the most deprived areas ranked in the national indices of multiple deprivation. However, geographically the area to the west in St Helens is predominantly rural with no direct access by public transport to the residential areas where the multiple deprivation arises. Whilst the proposal should create skills and job opportunities in the locality, a challenge is to ensure that St Helens residents have access to the job opportunities at the Application site and Omega generally. By improving bus links between St Helens and the Application Site, the Application secures the benefit of opening up access to the whole of Omega and the employment opportunities that it provides for St Helens' residents. The proximity of areas of multiple deprivation in St Helens and the provision of public transport is highly relevant in this context. The benefit of providing public transport links between the Site and St Helens is a factor to which substantial weight should be attached. It is another point of distinction between the Application and the circumstances arising at Barleycastle Lane. It was no part of the Appellants case at Barleycastle Lane that the proposal would have

¹¹⁹ The Barleycastle Lane decision by the Secretary of State is CD 3.16

¹²⁰ The full range of jobs to be provided is set out in the T J Morris Operator Statement forming part of the Application. This also provides an indication of salaries and wages arising from employment at Home Bargains.

socio-economic benefits or that the scheme would improve access to employment opportunities for those living in areas of multiple deprivation.

- 6.8. The issues of deprivation are part of a wider need for regeneration and cannot be fully overcome by this development alone. Nevertheless, jobs will be created, the site and Omega more generally will be made accessible to areas of multiple deprivation through providing accessibility by public transport, the Section 106 contributions, and a planning condition to require that recruitment be directed towards local people in deprived areas. There is therefore a real prospect of the development making an important contribution to tackling deprivation in the Borough, through either direct, indirect, or catalytic economic impacts. This should be given very significant weight in favour of the proposals. The Committee Report expresses the view that modest weight should be attached to this benefit. My view is that greater weight is appropriate because the development will provide employment opportunities in an area of the highest need, expressly in accordance with the provisions of Core Strategy, and through the provision of public transport links, make the Omega strategic employment area as a whole accessible to St Helens' residents, including those living in areas of multiple deprivation.

Whether there are Very Special Circumstances to Justify Development within Green Belt?

- 6.9. There is a very strong argument in favour of granting planning permission because of the need for the proposal and the economic and social benefits that would arise from the development, which simply cannot be met on a site outside the Green Belt. Consideration of whether this need, the socio economic benefits and other benefits arising amount to very special circumstances requires an assessment of the impact of the proposal on the openness of the Green Belt; an assessment of the proposal against the purposes of including land within the Green Belt; and consideration of other harm likely to arise if planning permission was granted.
- 6.10. The Application site enables a logical and obvious extension of the Omega employment area. There is no physical constraint or boundary to cross. Services and infrastructure, including an access road are available. However, the amount of development proposed and the scale, height, and massing of Phase 1 in particular would have a significant adverse impact on the openness of the Green Belt, notwithstanding the proposed mitigation. The scale of the buildings proposed would be visible and the amount of development proposed is substantial. The levels of activity around the development, traffic generation and the introduction of noise and lighting would also lead to a substantial impact on the openness of the Green Belt.
- 6.11. In my opinion, the proposal would conflict with three of the five purposes of including land within Green Belt: checking the sprawl of a large built-up area; preventing

neighbouring towns from merging together; and safeguarding the countryside from encroachment. Regarding the checking of sprawl, the application would compromise substantially this purpose. There would be slight harm to the purpose of preventing the merger of towns but the encroachment into the countryside would give rise to significant harm.

6.12. I have identified other harm as:

- Significant harm would be caused to landscape character and visual amenity and the Proposal would not accord with Core Strategy CQL4 and the Bold Forest Park Area Action Plan
- The impact on ecology and biodiversity would be harmful to a moderate degree in the short to medium term and this must weigh in the planning balance;
- Regarding heritage, harm to listed would be “less than substantial” towards the lower end of the spectrum of “less than substantial” but nevertheless the harm should be given significant weight against the proposed development;
- Noise would generate modest harm to weigh against the proposed development;
- Regarding air quality, there would be some harm that should be given very limited weight against the proposed development;
- The Application would result in a loss of 17.5 ha of BMV agricultural land, the loss of agricultural land is still an adverse impact which carries limited weigh in the balance;
- The Application would add additional traffic onto local roads. Limited harm is likely to arise to be weighed against the Application.

6.13. The balance is on one side substantial weight attaching to economic and social benefits of the development, taking into account that they could not be delivered elsewhere without encroaching into Green Belt; the locational advantages of the site because it would comprise a logical extension to an established and successful strategic location for employment development; the provision in the Application to make the Site (and Omega), more generally accessible by public transport from which areas of social need would benefit and regional and local policy support for the proposal, against the substantial weight attached to harm to the Green Belt and other harm arising from the proposal. **In my view, the Proposal, and the benefits it provides, taken as a whole, are in the best interests of St Helens and Warrington Boroughs and clearly outweigh the**

harm likely to arise from the development. My view is that there are very special circumstances to justify the development of this Green Belt site. Indeed, this is precisely the position which the Council is advancing through its emerging Local Plan process.

6.14. Having regard to my assessment, the Proposal does not accord with Core Strategy Policy CQL4 and it is not consistent with the Bold Forest Area Action Plan. On the other hand, the Application is consistent with the primary objective of the Core Strategy which is the regeneration of the Borough. It accords with Core Strategy Policies CCS 1 and CE 1, and through the demonstration of very special circumstances, it accords with Policy CAS 5 and UDP Policies GB 1 and GB 2. My view is that the Application accords with the development plan taken as a whole.

Whether the Public Benefits Arising from The Development Outweigh the Harm to Heritage Assets?

6.15. The impact on Listed Buildings would be “less than substantial” harm. NPPF paragraph 196 requires this harm to be weighed against the public benefits of the proposal.

6.16. The public benefits can be summarised as follows:

- The creation of employment and training opportunities;
- A positive impact on parts of the Borough which are disadvantaged and score highly on the national index of deprivation through job creation and improving access to job opportunities at Omega;
- A significant need to deliver employment sites in to meet a requirement for logistics development, in this case in Warrington;
- A significant need to meet the needs of Home Bargains;
- Direct, indirect, and catalytic economic benefits of the proposal;

6.17. NPPF paragraph 193 states that “great weight” should be given to the conservation of heritage assets, irrespective of whether harm is assessed to be “substantial” or “less than substantial” and that the more important the asset, the greater the weight should be. Section 66(1) of the 1990 Act requires special regard to be had to preserving a listed building or its setting. The public benefits of the proposal are formidable, particularly when account is taken of the absence of alternatives which are not Green Belt. Having regard to the policy and statutory requirements, weighing the public benefits of the

development against the harm to heritage assets, the balance falls in favour of granting planning permission.

- 6.18. Therefore, on balance, the application complies with the development plan and material considerations further support the grant of planning permission.

7. SUMMARY AND CONCLUSIONS

- 7.1. My evidence has set out an assessment of the overall planning balance for the proposed employment development on land to the west of Omega South and south of the M62 Motorway at Bold, St Helens. The application seeks full planning permission for the erection of a B8 logistics warehouse, with ancillary offices, of 81,570 square metres floorspace with associated car parking, infrastructure, and landscaping, covering a site area of 35 hectares. (“Phase 1”); and outline planning permission for manufacturing (B2) and logistics (B8) development with ancillary offices and associated access infrastructure works (detailed matters of appearance, landscaping, layout, and scale are reserved for subsequent approval). The outline element of the proposal will be capable of accommodating up to 123,930 square metres floorspace. (“Phase 2”).
- 7.2. Phase 1 has been designed to meet the specific needs of T.J. Morris/Home Bargains and it is intended they would be the end user. The Application does not seek a personal planning permission, but the Local Planning Authority accept on balance it is likely to be occupied by Home Bargains. This is not to be secured by the planning permission. Whilst the particular requirements of Home Bargains have determined the form and scale of the proposal, the application needs to be assessed outside confines of Homes Bargains occupation.
- 7.3. The application site comprises land, largely in agricultural use, located immediately adjacent to the Omega South employment area in Warrington Borough. It is also located adjacent to the M62 Motorway. Omega North employment area is to the north of the Motorway. The Application has access to the Motorway at Junction 8, which is about 1.7 km to the east of the Application Site via Catalina Approach and an existing access road through Omega South which extends to the boundary of the Application Site. The Site is immediately adjacent to a strategic location for economic growth where large-scale logistics development has taken place. The Application would comprise an extension to the existing strategic employment location.
- 7.4. The LCA undertaken to inform the St Helens Core Strategy referred to the area in which the application site is located as having a strong, open horizontal landform character and as rural area with no developed edge. The LCA assesses the landscape sensitivity of the area as being medium to high. However, the context of the application site has fundamentally changed with the development of Omega on the eastern boundary.
- 7.5. The Council’s Green Belt Review 2016 forms part of the evidence for the emerging Local Plan. The application site falls within Parcel GBP_076 which is an extensive area and is subdivided into 5 parts. Part of the Site proposed to be allocated as a Strategic Employment Site is assessed to have a “medium” role overall having regard to Green

Belt purposes. Whilst the land contains no inappropriate development and there are open views across it, the Site is boarded by large scale development at Omega South and the M62. As a consequence, the area proposed to be removed from the Green Belt is considered to have only a moderate countryside character.

- 7.6. The Application Site also includes the north eastern part of area GBP_76_B, which is a more extensive open area. The overall assessment of the significance of the wider area to the Green Belt purposes by the Green Belt Review is that it has a “high+” role overall. It states that despite the area’s strong boundaries on three sides, because the area was so large in size and lacks strong boundaries within it, development of the sub-parcel would likely lead to unrestricted sprawl. The Preferred Options Draft of the emerging Local Plan proposed to designate the western part of the Application Site as safeguarded land. The Green Belt Review considered that area GBP_076_B continued to make a strong contribution to the purposes of the Green Belt, and it was discounted from further stages of the Green Belt Review and the proposed designation was not carried forward to the Submission draft Plan. I consider later in my evidence whether this conclusion reached on area GBP_076_B applies to the Application Site.
- 7.7. The conclusion of the Green Belt Review in respect of the land proposed to be released from the Green Belt and allocated as a Strategic Employment Site noted that the site was located within 1km of an area within the 20% most deprived population in the UK, and that its development for employment uses would help to reduce poverty and social exclusion. St Helens Borough is ranked as the 26th most derived local authority in England out of a total of 317. The Site is within LSOA St Helens 022A which is ranked in the top 20% of deprived areas. This LSOA includes Bold and part of Clock Face. To the north of LSOA St Helens 022A are LSOAs St Helens 022C and 022D. These LSOAs include neighbourhoods at Four Acre Lane/Clock Face which is ranked in the top 10% of deprived areas. These areas are approximately 2.5km from the application site.
- 7.8. In relative terms, deprivation has increased between 2015 and 2019 for LSOAs 022A and 022D and for St Helens Borough as a whole.
- 7.9. Warrington Borough is not as disadvantaged as St Helens. However, there are significant pockets of deprivation within Chapelford and Old Hall Ward, about 3.5km to the east of the application site which ranks in the top 20% most deprived neighbourhoods. Bewsay and Whitecross and Orford Wards contain LSOAs which are ranked within the top 10% most deprived LSOAs in England. The challenge is to deliver such new employment development on appropriate sites, such that the positive impacts can be delivered acceptably.

- 7.10. The public transport improvements arising from the Proposal would make the Application Site accessible to St Helens' residents, including the areas of multiple deprivation. Significantly, there would be a wider benefit of public transport improvements opening up the whole of the Omega employment site and the job opportunities arising there to people living in St Helens. The Proposal would also improve the accessibility of Omega by public transport to residents of Warrington.
- 7.11. The emerging St Helens Local Plan proposes to remove land from the Green Belt and to allocate it as a Strategic Employment Site. This proposed allocation is intended to meet needs arising within Warrington. The emerging Warrington Local Plan reflects the intention that the extension to the Omega employment area into St Helens Borough would meet needs arising in Warrington.
- 7.12. Regarding the development plan, the social and economic regeneration of the Borough is at its' the heart. The appeal would be consistent with and contribute towards the delivery of the overarching objectives in a location close to an area of need. Policy CE 1 is positive and places no limitation on the amount of economic development. However, circumstances have changed because the identified employment land requirement is out of date by a substantial margin. The support for economic development and regeneration from this policy remains very relevant, but the aspiration of the policy for the quantum of employment land to be developed has been overtaken and is out of date. This is significant because it raises the question of the need to release land from the Green Belt to meet needs and the overarching objective of social and economic regeneration. Policy CSS 1 states that development will be restricted to existing settlement boundaries, unless it complies with Green Belt policy. This policy is informed by Policy CE 1. The implication is that settlement boundaries are out of date and proposals outside settlement limits must be addressed on a site-specific basis. In this case, the application is consistent with the broad development plan policy for St Helens and as I explain later, Warrington, objective of securing economic development.
- 7.13. Compliance with Core Strategy Policy CAS 5: Rural St Helens is dependent on whether the proposal can be justified in terms of very special circumstances to allow development tin the Green Belt.
- 7.14. The application of Green Belt policy in this case requires a judgement about whether there are very special circumstances to justify development. If very special circumstances can be demonstrated the proposal will be compliant with Green Belt policy within the Development Plan. A key consideration in this context is the impact of the appeal on the openness of the Green Belt, the impact of the proposal on the purposes of the Green Belt and the landscape impact of the appeal scheme.

7.15. Regarding “other harm”, the conclusions on other matters relevant to the determination of the appeal can be summarised as follows:

- Significant harm would be caused to landscape character and visual amenity to be weighed against the Application in the overall planning balance. The Application would not accord with Core Strategy Policy CQL4 and the Bold Forest Park Area Action Plan;
- The application would cause a significant loss of natural habitat. On-site mitigation proposed. However, this will take time to mature to a point when it provides equivalent habitats to those presently on the site. Further, on site mitigation would not be adequate to compensate for the losses and a financial compensation is necessary having regard to NPPF paragraph 175. The loss of habitat would nevertheless be harmful to a moderate degree, particularly in the shorter term, and must be weighed in the planning balance;
- Regarding heritage, there would be harm caused to the setting of two listed buildings and the Old Moat. The harm would be “less than substantial” and NPPF paragraph 196 states that such harm should be weighed against the public benefits of the proposal. Consequently, whilst the harm caused to the setting of the listed buildings is towards the lower end of the spectrum of harm, it should nevertheless be given significant weight against the proposed development;
- Subject to the recommend conditions, the noise effects of the proposed development would not have a significant effect on the amenity of the residents at the nearest residential properties and other sensitive noise receptors. However, it is acknowledged that some modest harm would be caused by additional noise and this should weigh against the proposed development;
- There would be no material harm to climate change;
- Regarding air quality, there would be no exceedances of standards set out in DEFRA guidance or have a significant effect overall. However, whilst the development would be policy compliant, there would be some harm that should be given very limited weight against the proposed development;

- The Application would result in a loss of 17.5 ha of BMV agricultural land, it is not considered that the proposed development would cause significant harm to high quality soils. Nonetheless, the loss of agricultural land is still an adverse impact to weigh in the balance;
- There is no harm to residential amenity by virtue of overshadowing, undue dominance, privacy, or the effects of light pollution; and
- The Application would add additional traffic onto local roads. Limited harm is likely to arise to be weighed against the Application.

7.16. The balance is on one side substantial weight attaching to economic and social benefits of the development, taking into account that they could not be delivered elsewhere without encroaching into Green Belt; the locational advantages of the site because it would comprise a logical extension to an established and successful strategic location for employment development; the provision in the Application to make the Site (and Omega), more generally accessible by public transport from which areas of social need would benefit and regional and local policy support for the proposal, against the substantial weight attached to harm to the Green Belt and other harm arising from the proposal. **In my view, the Proposal, and the benefits it provides, taken as a whole, are in the best interests of St Helens and Warrington Boroughs and clearly outweigh the harm likely to arise from the development. My view is that there are very special circumstances to justify the development of this Green Belt site. Indeed, this is precisely the position which the Council is advancing through its emerging Local Plan process.**

7.17. Having regard to my assessment, the Proposal does not accord with Core Strategy Policy CQL4 and it is not consistent with the Bold Forest Area Action Plan. On the other hand, the Application is consistent with the primary objective of the Core Strategy which is the regeneration of the Borough. It accords with Core Strategy Policies CCS 1 and CE 1, and through the demonstration of very special circumstances, it accords with Policy CAS 5 and UDP Policies GB 1 and GB 2. My view is that the Application accords with the development plan taken as a whole.

7.18. Having regard to the duty arising from Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the impact of development on the setting of Listed Buildings, the impact on Listed Buildings affected would be “less than substantial” harm. NPPF paragraph 196 requires this harm to be weighed against the public benefits of the proposal, giving substantial weight to the harm caused.

7.19. The public benefits can be summarised as follows:

- The creation of employment and training opportunities;

- A positive impact on parts of the Borough which are disadvantaged and score highly on the national index of deprivation through job creation and improving access to job opportunities at Omega;
- A significant need to deliver employment sites in to meet a requirement for logistics development, in this case in Warrington;
- A significant need to meet the needs of Home Bargains;
- Direct, indirect, and catalytic economic benefits of the proposal;

7.20. NPPF paragraph 193 states that “great weight” should be given to the conservation of heritage assets, irrespective of whether harm is assessed to be “substantial” or “less than substantial” and that the more important the asset, the greater the weight should be. The public benefits of the proposal are formidable, particularly when account is taken of the absence of alternatives which are not Green Belt. Having regard to the policy and statutory requirements, weighing the public benefits of the development against the harm to heritage assets, the balance clearly falls in favour of granting planning permission.

7.21. Therefore, on balance, the application complies with the development plan and material considerations further support the grant of planning permission. This Application should be granted planning permission.