

OMEGA ST HELENS LIMITED / T.J. MORRIS LIMITED

**LAND TO THE WEST OF OMEGA SOUTH & SOUTH OF THE M62, BOLD,
ST HELENS, MERSEYSIDE**

**STATEMENT OF CASE
ON BEHALF OF THE APPLICANT
PINS REF: APP/H4315/V/20/3265899
LPA REF: P/2020/0061/HYBR**

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1 Introduction

- 1.1 This is the statement of case submitted on behalf of the Applicant, being Omega St Helens Limited and TJ Morris Limited (collectively) in relation to a public inquiry requested by the Secretary of State for Housing, Communities and Local Government, ("**Secretary of State**"), pursuant to Section 77 of the Town and Country Planning Act 1990, ("**Act**") and in accordance with the Town and Country Planning (Inquiries Procedure) (England) Rules 2000, in respect of a planning application ("**Application**"), which, by letter dated 18 December 2020, the Secretary of State has called in for his own determination. This followed a resolution by the LPA's Planning Committee on 27 October 2020, to grant planning permission for development of land to the west of Omega South and south of the M62 at Bold, St Helens ("**Application Site**"), subject to planning conditions and the completion of a planning obligation pursuant to section 106 of the Act.
- 1.2 The local planning authority is St Helens Council ("**LPA**").
- 1.3 The Application was lodged by the Applicant on 21 January 2020 (under ref: P/2020/0061/HYBR) and comprised a hybrid planning application for the following development ("**Proposed Development**"):
- (a) Full planning permission for the erection of a B8 logistics warehouse, with ancillary offices, associated car parking, infrastructure and landscaping; and
 - (b) 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)
- 1.4 The call-in letter sets out at paragraph 7 the matters about which the Secretary of State particularly wishes to be informed for the purposes of his consideration of the Application. These are:
- (a) *The extent to which the proposed development is consistent with Government policies for protecting Green Belt land (NPPF Chapter 13);*
 - (b) *The extent to which the proposed development is consistent with Government policies for building a strong, competitive economy (NPPF Chapter 6);*
 - (c) *the extent to which the proposed development is consistent with the development plan for the area;*
 - (d) *and any other matters the Inspector considers relevant.*
- 1.5 This statement outlines the case for the Applicant in support of the Application, in respect of the matters identified in 1.4(a) – (d) above, and all other matters relevant to the assessment of the Application which it is anticipated that the Secretary of State (and the Inspector) may consider relevant.

2 Background

The Applicant

- 2.1 The Applicant is Omega St Helens Limited and T J Morris Limited (collectively). Omega St Helens Limited is the company established by M2 Group Limited ("**M2**") to facilitate the Proposed Development on the Application Site. M2, through Omega Warrington Limited, has already brought forward the major development site known as Omega located on part of the former RAF and USAF Burtonwood Airbase at Junction 8 of the M62.
- 2.2 Omega is a mixed use development adjacent to the Application Site and lies in the administrative boundary of Warrington Borough Council. It comprises over 6m sq.ft of manufacturing and logistics development together with permission for up to 1400 residential units and a mixed-use zone, all set within a high quality environment. It is now a substantially developed strategic employment site within the Warrington area identified for a mix of uses including large-scale B2/B8 logistics development. Current occupiers include Brakes, Hermes, Travis Perkins, ASDA, Amazon, the Hut Group and Plastic Omnium. The Proposed Development is projected as a natural extension to the existing Omega site, which is nearing capacity particularly for large-floorplate logistics development.
- 2.3 T J Morris Limited ("**TJM**") is the contracted to be the occupier/operator (subject to planning permission being granted) for Unit 1, the detailed/full element of the Application for the Proposed Development. As will be more particularly set out in evidence to the inquiry, TJM, trading as Home Bargains, is one of the UK's fastest growing privately owned discount retailers, established over 40 years ago in Merseyside and presently operating over 575 stores across the UK.
- 2.4 TJM is a forward thinking ambitious company with expansion plans underway to grow to 1,000 stores, employing over 40,000 staff. The Proposed Development and Unit 1 in particular, is a key component to these growth plans and will meet an identified need for logistics development and deliver meaningful economic and social benefits to both St Helens and Warrington Boroughs. It is one of Merseyside's biggest employers and the new investment at Omega West will allow it to invest locally and throughout the UK as it expands its store portfolio.

The Application Site

- 2.5 The Application Site is located within St Helens Council authority boundary, albeit the Application Site adjoins the authority boundary of Warrington Borough Council to the east. The Application Site covers an area of approximately 75.3ha located approximately 4 miles to the south east of St Helens town centre and 3.3 miles to the north west of Warrington town centre. The Application Site is bounded by the Omega development to the east with Lingley Mere Business Park (occupiers include United Utilities, North West Fire Control and Royal Mail) to the south east.

- 2.6 To the south and west of the Application Site is Green Belt agricultural land, beyond which is an established residential area at Lingley Green, the Mersey Valley Golf & Country Club and large areas of deciduous woodlands and ponds.
- 2.7 The Application Site is bound by the M62 motorway to the north, beyond which is Omega North which includes existing occupiers such as Travis Perkins, Hermes and Brakes. Further north is Green Belt agricultural land.
- 2.8 The Application Site is located wholly within the Green Belt. The built element of the Proposed Development, if permitted, would be located on 47.2ha of grade 3b, 4.8ha of grade 4 (poor quality) and 17.2ha of grade 3a (best and most versatile) agricultural land.
- 2.9 The whole of the Application Site sits within the Bold Forest Park Boundary (as designated by the Bold Forest Park AAP). There are no statutory ecological sites within the Application Site and it is not a valued landscape. The Local Wildlife Site of Booth's Wood adjoins the western boundary of the Application Site.
- 2.10 There are several groups of trees covered by Tree Preservation Orders that fall either partly or wholly within the Site (ref. W5, W6, W7, W8, W16 & W17).

The Application

- 2.11 The Application had been informed by pre-application discussions with LPA officers consistent with the LPA's pre-application meeting guidelines.
- 2.12 The Application received no objections from Environmental Health: Contaminated Land, Historic England, Merseyside Environmental Advisory Service (MEAS), Forestry Commission, Environment Agency, United Utilities, Environmental Health Noise, Air Quality, Design and Conservation, Scottish Power, Highways England, Fire and Rescue Service, Natural England, Lead Local Flood Authority, Merseytravel subject to the imposition of appropriate planning conditions and/or securing suitable mitigation.
- 2.13 The Health and Safety Executive did not advise against the approval of the Application.
- 2.14 No comments were received from Defra, Mersey Forest, National Grid or Electricity North West.
- 2.15 The Application Site does not fall within an area of issue to the Coal Authority.
- 2.16 Warrington Borough Council as adjacent authority consultee resolved to offer no objections to the Application subject to particular requirements.
- 2.17 Moreover the LPA did not object to the Proposed Development but recommended the Application be approved subject to certain conditions and the completion of a S106 agreement.

3 Statement of common ground

- 3.1 In accordance with PINS guidance, a comprehensive statement of common ground ("**SoCG**") is being agreed with the LPA.

- 3.2 Amongst other matters, the SoCG describes the following background material:
- (a) The Application Site and location including details of the immediate context, the surrounding area;
 - (b) The Application and description of development including a list of the full suite of plans submitted as part of and subsequent to the Application submission;
 - (c) The planning history of the Application Site; and
 - (d) The agreed planning conditions and draft planning obligation;
- 3.3 The above matters are not set out further in this statement of case.

4 Principal issues

- 4.1 At the forthcoming inquiry, in addition to evidence from M2 in respect of its track record in bringing forward the wider Omega site and from TJM in respect of operational need, the Applicant will call expert evidence on planning policy (including Green Belt), economic need and benefits and other matters that have arisen during the determination of the Application including ecology, landscape and visual impact and highways. The Applicant may also call evidence of other matters taking into account anything raised by the Inspector at the Case Management Conference on 8 March.
- 4.2 The purpose of such evidence will be to address the following principal matters as set out in the Secretary of State's call-in letter:
- Matter (a): The extent to which the proposed development is consistent with Government policies for protecting Green Belt land (NPPF Chapter 13)**
- 4.3 The proposed buildings and ancillary areas would comprise inappropriate development in the Green Belt. The harm arising must be given substantial weight (paragraph 144 of the NPPF). The Applicant will demonstrate that very special circumstances exist to justify the identified harm, by reason of inappropriate development in the Green Belt and other harm, and this is clearly outweighed by other considerations.
- 4.4 It is accepted that there will be harm to the openness of the Green Belt taking into account spatial and visual aspects. It is also accepted that the proposals will cause harm overall to the purposes of designating the Green Belt as set out in paragraph 134 of the NPPF. This harm will be considered alongside other potential harm, the topics for which are listed in the LPA committee report and include the impact on agricultural land, climate change, heritage, air quality, transport, traffic and highway safety, noise and vibration, ecology and landscape character.
- 4.5 Evidence will show that the harm identified will be clearly outweighed by:
- (a) The need for the development now, particularly the need to meet the investment requirements of TJM, who are one of the largest employers in Merseyside.

- (b) The significant need for new employment land including for large scale logistics in this location consistent with the evidence base for the draft St Helens Local Plan, the Liverpool City Region and draft Warrington Local Plan.
- (c) The appropriateness of the site and the fact that it is suitable, available, viable and deliverable.
- (d) The lack of alternative sites to meet the need (see below).
- (e) The socio-economic benefits, both during the construction and operational phases of the development. The construction of the detailed application site is expected support an average of 845 workers onsite. Each unit of the outline application site is anticipated to support an average of just under 150 construction workers onsite with a peak of just over 300 (i.e. 900 in total). The Proposed Development (both outline and full application site) is expected to support 3,909 jobs on site once operational. The proposals will also help to facilitate economic benefits in the economy more generally. The TJM element will create opportunities for new store investment and jobs in different parts of the UK.

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

- 4.6 One of the key objectives of the Framework, as set out in paragraph 8, is to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right place and at the right time to support growth, innovation and improved productivity.
- 4.7 In addition, Chapter 6 paragraph 80 of the Framework requires that planning decisions should help to create the conditions in which businesses can invest, expand and adapt. The evidence the Applicant will bring forward at the inquiry will highlight the significant and positive economic benefits of the Proposed Development, as noted in the assessment in the LPA committee report This notes, in respect of economic impact, the beneficial impacts of both the construction phase employment and the permanent employment increases, all of which assist in creating an improved environment for business investment and operation. None of these benefits nor their consistency with the requirements of Chapter 6 of the Framework appears to be in serious issue.
- 4.8 Paragraph 80 of the Framework also states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Evidence will show how the proposals directly respond to these imperatives and:
 - (a) Allow for the expansion of the Omega Business Park which has successfully created investment and jobs for the local area.
 - (b) Respond to very high forecast employment demands for employment and logistics development.

- (c) Allow for economic growth to take place in St Helens which has underperformed historically on jobs and skills.
- (d) Take advantage of the site's strategic location on the motorway network and critical mass of employment development at the existing Omega Site.
- (e) Enable TJM to invest and expand. The TJM unit includes bespoke fully automated storage and racking systems which are planned to boost productivity and enable the company to operate much more efficiently than traditional warehouse buildings.

4.9 Paragraph 82 of the Framework states that planning decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for, inter alia, high technology industries and for storage and distribution operations at a variety of scales and in suitably accessible locations. The Applicant will present evidence confirming that the location of the Proposed Development is one which needs investment and employment opportunities and is one which is buoyed by national as well as regional (Liverpool City Region) in addition to development plan support.

4.10 Evidence will highlight that overall, the proposal will significantly enhance the strength and competitiveness of the economy. Very significant weight should to be given to such an enhancement and the Applicant will adduce evidence outlining the economic benefits of the Proposed Development together with evidence from the intended operator of Unit 1, TJM regarding its business model, its network of current operational distribution centres and their capacity, as well as the need for the Proposed Development to come forward in the scale proposed and in a timely fashion to support its supply chain.

Matter (c): The extent to which the proposed development is consistent with the development plan for the area

4.11 Section 38(6) of the Planning and Compulsory Purchase Act requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. This is acknowledged in paragraphs 2, 12 and 47 of the Framework whilst paragraph 48 of the Framework allows weight to be given to relevant policies in emerging plans according to three tests.

4.12 The planning policy background to the Proposed Development is to be agreed with the LPA and set out in the SoCG. This identifies the adopted development plan and confirms the policies relevant to the determination of the Application. A list of the planning policies relevant to the Proposed Development is also to be provided in the submitted SoCG agreed with the LPA.

4.13 The Applicant considers that the proposals accord with the up to date policies of the adopted development plan when read as a whole. This was the view also reached by the LPA and underpinned the reasoning for its resolution to grant planning permission. In reaching this decision the LPA acknowledged that there may be instances where the proposed development does not accord with individual policies. The Applicant will

present its own analysis of the consistency with policies and flag where there are any differences to the LPA.

- 4.14 Even if it is concluded that the proposal does not accord with the development plan as a whole, material considerations (such as the Framework) can outweigh any perceived conflict with the development plan.
- 4.15 Little weight can currently be given to the Submission Draft St Helens Local Plan 2019 which allocated 31.22 hectares of the Application Site for employment and seeks to remove it from the Green Belt (draft policy LPA04). The evidence base for the local plan, particularly in respect of employment land and Green Belt are, nevertheless, important material considerations.
- 4.16 The evidence will explain why the proposals would not be premature in light of the LPA's emerging development plan, consistent with paragraph 49 of the NPPF. The proposals will only deliver part of the employment needs for both St Helens and Warrington and will not undermine the strategies in both authorities' emerging local plans.

Matter (d): Any other matters the Inspector considers relevant

- 4.17 In the absence of a pre-inquiry meeting or note from the Inspector prior to submission of this statement, there has been no specific instruction or advice from the Inspector as to what other matters need to be addressed in evidence.
- 4.18 It is envisaged that evidence consistent with that already produced for the Application will be given on matters such as noise, air quality, transport and other issues. This will be updated as appropriate and included within the SoCG, or to an agreed timetable following the case management conference scheduled for 8 March 2020.

5 Statement of case

- 5.1 The Applicant will demonstrate that planning permission should be granted for the Proposed Development in so far as:
 - (a) The Proposed Development, taking into account the mitigation measures which can be secured by way of a suitable planning condition or obligation as already accepted by the LPA and the wider benefits of the Proposed Development, is compliant with relevant national planning guidance and the development plan for the area;
 - (b) There are no concerns which may exist regarding the suitability of the Site for the Proposed Development;
 - (c) There is a clear and compelling need for employment space of the type proposed by the Application, with the region as well as within St Helens, to which significant weight should be ascribed;
 - (d) There is no alternative site available to meet the need for the Proposed Development;

- (e) The Proposed Development is deliverable and will deliver significant economic and social benefits;
- (f) There are very special circumstances why the Proposed Development should be permitted, thus outweighing any harm to the Green Belt and any other harm;
- (g) The Proposed Development will have a negative impact on biodiversity; substantial mitigation is proposed in accordance with the mitigation hierarchy and policy, avoiding impacts where possible, providing on-site mitigation through both landscaping and ancillary habitat creation, in addition to providing biodiversity offsetting through financial compensation;
- (h) There is no adverse impact in terms of traffic and highway safety. No objections on this matter were received from Highways England and the Local Highway Authority (Warrington Council);
- (i) There would only be some low level (slight) harm (less than substantial harm) to the scheduled monument and listed structures at the Old Bold Hall moated site due to the visibility of the proposed buildings;
- (j) The Proposed Development has limited impact on the best and most versatile agricultural land. No objections on this matter were received from Natural England;
- (k) There are mitigation measures which can be enforced by condition which will ensure that any potential impact of the development is not harmful to ecological interests.

5.2 The Applicant's case is that planning permission should be granted, to the extent required, for the development of the Application Site and the Applicant considers that planning permission ought to, and can, be granted subject, if necessary, to appropriate conditions to regulate the Proposed Development and to overcome any valid objections to it.

5.3 There are no alternative sites (within the identified area of search) that offer a suitable, available and/or deliverable alternative to accommodate a logistics development of this scale that meets the identified need and is deliverable in the required timescale (which is immediate). Evidence will explain the bespoke requirements of the TJM operation how this manifests itself in the location, layout and scale of the buildings proposed.

6 List of documents

6.1 At the forthcoming inquiry, the Applicant will refer to the following key documents:

National documents

- (a) National Planning Policy Framework
- (b) National Planning Policy Guidance

Local documents

- (c) St Helens Local Plan Core Strategy (adopted 2012);
- (d) St Helens Unitary Development Plan (UDP) (adopted 1998) (saved policies);
- (e) Joint Merseyside and Halton Waste Local Plan (adopted 2013); and
- (f) Bold Forest Area Action Plan (adopted July 2017)
- (g) Emerging Local Plan comprising the St Helens Borough Local Plan 2020 – 2035 Submission Draft (2019) and related documents
- (h) Supplementary Planning Documents including:
 - (i) Local Economy (2013)
 - (ii) Ensuring a Choice of Travel (2010)
 - (iii) Biodiversity (2011)
- (i) St Helens green Belt Review (December 2018)
- (j) Economic Evidence Base Paper, Aecom, September 2015 (EEBP)
- (k) Employment Land Needs Study, BE Group, October 2015 (ELNS)
- (l) Draft Strategic Housing and Employment Land Market Assessment, GL Hearn, January 2017 (SHELMA)
- (m) Addendum Report to the ELNS, BE Group, October 2017 – Amended January 2019 (ARELNS)
- (n) Strategic Housing and Employment Land Market Assessment (SHELMA) 2018
- (o) Liverpool City Region Assessment of the Supply of Large-Scale B8 sites (ASLCB8) June 2018
- (p) Liverpool City Region Assessment of the Supply of Large-Scale B8 sites (ASLCB8) June 2018 and Addendum Sheet, November 2019

Application documents

- (q) Planning application pack for the Application including:
 - (i) Planning Statement
 - (ii) Design & Access Statement
 - (iii) Alternative Sites Assessment Study
 - (iv) Environmental Statement Non-Technical Summary

(v) Environmental Statement

(vi) Amendments to Environment Statement

6.2 A comprehensive draft list of Core Documents that will be referred to during the course of the inquiry will be agreed with the LPA and appended to the SoCG. These documents may be added to by the Applicant or the LPA prior to the commencement of the inquiry.

7 Conclusion

7.1 For the above reasons, the Applicant respectfully requests that Planning Permission be granted.

7.2 The Applicant reserves the right to add to, vary or substitute this statement of case.