

STATEMENT OF COMMON GROUND

PLANNING MATTERS

APPEAL REFERENCE: APP/H4315/W/20/3256871

LPA REFERENCE: P/2017/0254/OUP

DATE OF INQUIRY: 9 February 2021

SITE ADDRESS:

Land to the north east of the A580 East Lancashire Road / A49 Lodge Lane,
Haydock, St Helens.

DESCRIPTION OF DEVELOPMENT:

Outline planning application with all matters other than access reserved for the development of the site for up to 167,225 sq m of B8/B2 (up to 20% B2 floorspace) ancillary office and associated site facilities floorspace, car parking, landscaping, site profiling and transport, drainage and utilities infrastructure.

APPELLANT: Peel L&P Developments Ltd

LOCAL PLANNING AUTHORITY: St Helens Borough Council

1. Description of the Site and Surrounding Area

- 1.1. The Site is irregularly shaped and comprises 42.3ha of mainly agricultural land. It is predominantly open and flat but rises towards the north-western corner. A drainage ditch, an electricity line and water main run east-west through the centre of the Site. The site is within the Green Belt.
- 1.2. The Site contains a limited number of hedges following field boundaries, and a small number of trees, towards the site boundaries. The Site is generally flat and open. The Site is within the private ownership of the Appellant and there are no Public Rights of Way running through it.
- 1.3. Access to the Site is provided from the A49 (Lodge Lane) via a single width hardcore track. The Site has a significant frontage to both the A580 (to the south) and A49 (to the west).
- 1.4. An aerial photograph illustrating the site boundary is at Figure 1 below.



Figure 1: Aerial view of site

Site Location

- 1.5. The Site is located approximately 7.5km to the north east of the town centre of St Helens. It is separated from the settlement of Haydock/Blackbrook by the M6 Motorway. Haydock/Blackbrook arguably extends north east from the main urban area of St Helens. The central point of Haydock/Blackbrook is approximately 3km to the south west. This settlement does not contact a town or district centre. It contains a Local Centre at Clipsley Lane approximately 3.5km to the south west of the Site.

The A580 runs in an east-west direction through the northern part of Haydock and Blackbrook.

- 1.6. The site is separated from the Haydock Industrial Estate by the M6 Motorway. The St Helens Core Strategy (2012) (paragraph 10.7) states: "*Haydock Industrial Estate is the largest industrial estate in the Borough, covering some 126 hectares, and is well located in relation to the M6 motorway. Approximately 4,500 people are employed there.*"
- 1.7. Recently completed developments at Florida Farm North and Penny Lane for B8 uses have extended Haydock Industrial Estate to the east and west.
- 1.8. The Site is located approximately 350 m from the southern boundary of the settlement of Ashton in Makerfield located within Wigan and approximately 620m from the western boundary of the settlement of Golborne also within Wigan. The Site is located entirely within the administrative boundary of St Helens Borough Council but is immediately adjacent to that of Wigan Council to the north and east.
- 1.9. The Site is in a highly accessible location on the highway network, occupying the north-eastern quadrant formed by the M6 motorway / A49 (Lodge Lane), both of which run north-south adjacent to the western site boundary, and the A580 (East Lancashire Road) which runs east-west along its southern boundary. The A580 provides a connection to St Helens, Liverpool and the Port of Liverpool to the west and Wigan and other Local Authorities within Greater Manchester to the east. The remaining site boundaries are formed by agricultural land to the north-west, Haydock Park Racecourse to the north and woodland to the east
- 1.10. Junction 23 of the M6 (Haydock Island) is located immediately adjacent to the Site to the south west. This can be described as gateway to St Helens and provides the Site with a direct connection to the strategic road network providing access to rest of the north, and key settlements within it, and the wider UK.
- 1.11. Notable features surrounding the site include the M6 motorway to the west of the Site which crosses the A580 at Junction 23 at an elevated level. This is visible and audible within the site and within the wider area. Other land uses include Haydock Industrial Estate, a mixed employment area located to the west of the M6 (north west quadrant) and which forms part of the Haydock built up area; and two hotels one located at the edge of Haydock to the west of the motorway, the other to the north of the site adjacent to Ashton-in-Makerfield, the racecourse and blocks of woodland.; There are residential areas within the Haydock to the west of the motorway, Golborne to the east and Ashton-in-Makerfield to the north. The nearest concentration of housing is located approximately 350m to the north-west of the Site in Ashton-in-Makerfield. There are no residential uses immediately adjacent to the Site. A specialist care residential facility lies to the south beyond the A580.

- 1.12. The Site is located wholly within the designated Merseyside Green Belt between Haydock, Golborne, Newton-le-Willows and Ashton-in-Makerfield.

Accessibility

- 1.13. The A49, Lodge Lane, adjoining the Site to the west is a bus route. Services on this route are the No.320 (Wigan to St Helens). Connecting bus services are available in Ashton town centre approximately 1.2km to the north of the site. Services from Ashton run to Newton-le-Willows, Garswood and Earlestown. Further details are provided within the Highways Statement of Common Ground.
- 1.14. Lodge Lane has a footway on both sides on the route between the Site and Ashton-in-Makerfield to the north. This is in a good condition and appropriately lit. The A599 (Penny Lane), which runs westwards from Lodge Lane towards Haydock, via the A580 and through the south eastern part of Haydock Industrial Estate has a footway and street lighting on both sides. This provides the Site with pedestrian accessibility to key locations surrounding the Site, including Ashton-in-Makerfield, Haydock Industrial Estate and the A580.
- 1.15. On the southern boundary of the Site the A580, East Lancashire Road has a footway and cycleway adjacent to the southern carriageway. There is no footway adjacent to the northern carriageway on the southern boundary to the Site. There is a pedestrian crossing point at Junction 23. Sandy Lane to the east of the site is a public right of way.
- 1.16. The nearest train stations to the site are located approximately 2.8km to the north at Bryn and 2.2km to the south at Newton-le-Willows.

2. Planning History of Site and Other Relevant Decisions

- 2.1. The following is a summary of the planning history of the Appeal Site:
- August 2000: Planning application for the drilling of a gas well and 6-month testing period on land to the east of Lodge Lane – approved (LPA Ref. P/OO/0349);
 - November 2001: Methane gas extraction and the generation of electricity on land to the east of Lodge Lane – refused but allowed on appeal in 2002 (LPA Ref. 01/0597). This permission has not been implemented;
 - February 2009 - a 54km buried pipeline connecting Prescott Reservoir in Knowsley to Woodgate Hill Reservoir in Bury – approved (LPA Ref. 2008/0872). This pipeline runs through the centre of the site and along its western boundary.
 - November 2015: Standby electricity generation plant with individual soundproof containers, hardstanding, storage containers, kiosk, control and

switch rooms and transformers – refused on grounds of conflict with Green Belt policy (LPA Ref. 2015/0701/FUL)

- 2.2. The parties agree that this planning history is of limited relevance to the determination of the appeal.
- 2.3. The north eastern quadrant of the junction of the motorway and the A580 is known to be the Site of a proposal for a regional shopping centre in the 1960's called the Haydock Park Centre. An appeal was dismissed by the Minister of Housing and Local Government in July 1965. This decision is prior to the land being designated Green Belt. Limited details of the proposal are available. It has limited relevance to the determination of this appeal.

Other Relevant Planning Decisions

- 2.4. The following planning permissions for logistics development have been approved by the Council on land designated Green Belt:
 - September 2016 – Land at Penny Lane, A hybrid application by Morley Estates on land to the north west of the site, to the north of Penny Lane and the west of the M6, for the erection of a 11,689 square metres B8 warehouse (full) and a 35,653 square metres B8 warehouse (outline) along with associated works (LPA Ref. 2015/0571); and
 - April 2017 - Land west of Haydock Industrial Estate (Florida Farm North), a hybrid application by Bericote Properties Ltd for the erection of up to 135,000 square metres of B2/ B8 development (LPA Ref. 2016/0608).
- 2.5. In both cases, having regard to the development plan and other material considerations, the Council considered there were Very Special Circumstances to justify granting planning permission for development within Green Belt. The determinations involved a site-specific consideration of (amongst other things) the impact on the openness of the Green Belt, the impact on the purposes of the Green Belt, and the landscape and visual impact of the proposals of those sites and immediate area and weighed against relevant 'other considerations' which were also specific to the proposals in question.
- 2.6. In December 2019 the Council resolved to grant planning permission for an outline planning application by Parkside Regeneration Ltd on land at the former Parkside Colliery for the erection of up to 92,900 sqm of B8/B1(a) floorspace (LPA Ref. P/2018/0048/OUP). Parkside is located within Green Belt. The application has been "called-in" by the Secretary of State on 20 May 2020 (PINS Ref. APP/H4315/V/20/3253194). In this case, having regard to the development plan and other material considerations, the Council considered there were Very Special Circumstances to justify granting planning permission for development within Green Belt.
- 2.7. The Council and the Appellant do not agree as to the extent to which the Council's decision was based on the Development Plan aspiration to secure the delivery of a

Strategy Rail Freight Interchange (SFRI) at this site as set out in the Core Strategy. The fact that the site is a former colliery, the impact on the openness of the Green Belt, the impact on the purposes of the Green Belt, and the landscape and visual impact of the proposal on the immediate area were considered by the Council in their determination of this application.

- 2.8. In October 2019 the Council resolved to grant permission for a hybrid planning application by Omega St Helens Ltd/T J Morris on land to the west of Omega South and south of the M62, Bold for the erection of up to 205,500 sqm of B8 floorspace (LPA Ref. P/2020/0061/HYBR). This site is located in the Green Belt. Following its referral to the Secretary of State, this application has now been called-in as of 16th December 2020 and will be subject to a public inquiry, the dates for which are to be confirmed.
- 2.9. In this case, having regard to the development plan and other material considerations, the Council considered there were very special circumstances to justify granting planning permission for development within Green Belt. The Council's determination of this scheme involved a site-specific consideration of (amongst other things) the impact on the openness of the Green Belt, the impact on the purposes of the green belt, and the landscape and visual impact of the proposal on immediate area weighed against 'other considerations' which were also specific to the scheme in question.
- 2.10. In all of the above cases, the Council's decision that Very Special Circumstances exist to justify granting planning permission took account of the need for the development of large scale B8 buildings having regard to prevailing employment land and market evidence and the absence of a viable supply of land non-Green Belt land which could meet this need. The economic and employment benefits which these developments would deliver were central considerations in the Council's determination of these applications and conclusion that Very Special Circumstances existed. However, whilst there are issues which are common to each of these schemes, particularly in respect of the need for the developments, each proposal was considered on its own merits especially regarding the particular impacts on the Green Belt including openness, the purposes of including land with then Green Belt and other harm as well as 'other considerations' which are weighed in the planning balance.
- 2.11. It is an agreed position between the Council and Appellant that the prevailing need for large scale B8 development in the Borough remains unmet. The proposed development at Haydock Point was not refused by the Council on the grounds of an absence of need for the development.
- 2.12. Applications for logistics development on Green Belt sites in Wigan and Bolton were "called-in" by the Secretary of State on 20 May 2020:
- The Symmetry Park scheme close to M6 Junction 25, is a hybrid application by DB Symmetry Limited for a total of 133,966 square metres B8 with ancillary B1(a) floorspace. Wigan Council resolved to grant planning permission on 14 January 2020 (Wigan Council Ref.

A/18/85947/MAJES); and

- At Wingates Industrial Estate within Bolton, the application proposes 100,000 square metres of B1(c)/B2; B8; B1(b) (ancillary B1(a)); D1 and ancillary A3/A4/A5 floorspace. Bolton resolved to grant permission on 16 January 2020 (Bolton Council Ref. 04766/18).

Haydock Racecourse

2.13. Various planning permissions for development at Haydock Racecourse have been approved. A brief summary of which is provided below:

- **P/2000/0587** - Demolition of lavatory block and existing owners & trainers pavilion and erection of two storey building to accommodate jockey weighing-in & changing facilities & hospital with owners & trainers dining facility above.
- **P/2001/1152** - Side extension (orangery) to the Tommy Whittle stand.
- **P/2001/0758** - Replacement Lattice Tower 22.5m high.
- **P/2001/0514** - Prior notification under part 24 of the Town & Country Planning (General Permitted Development) Order 1995 for the installation of a replacement 22.5m mast, equipment cabin and extension to existing compound.
- **P/2002/0006** - Replacement 22.5m high lattice tower.
- **P/2005/0780** - Two storey extension and alterations to the steps and associated external works to the centenary stand.
- **P/2005/1019** - Realignment of bend in the track involving engineering / earthworks / drainage and landscaping.
- **P/2006/0863** - Realignment of east bend of racetrack and widening of sprint track including: clearance of trees, shrubs and vehicular entrance: engineering, earth works, drainage and landscaping. New vehicular entrance including walls. Pier and Gates; road widening and surface/edge improvements including tree removal.
- **P/2007/0118** - Realignment/widening of the existing race track to create 2 flat courses and a chase/hurdle course on the inside, including realignment of canter down and access track, engineering works to the east bend, earthworks, drainage and landscaping.
- **P/2011/0050** - The erection of a single storey extension to form a corporate entertainment facility.
- **P/2011/0284** - The erection of a single storey extension to form a corporate entertainment facility.

3. The Appeal Application

- 3.1. Pre application engagement with Officers of the Council regarding the Proposed Development commenced in November 2016.
- 3.2. The proposal falls within the scope of the Environmental Impact Assessment Regulations 2011 (as was). An EIA Scoping Report was submitted to the Council on 25 November 2016. The Council provided its response to the Scoping Report in January 2017.
- 3.3. The application was submitted to the Council on 13 March 2017 and was registered on 21 March 2017. The Application comprised those documents provided at Core Documents 15.1 to 15.104.
- 3.4. The Environmental Statement was completed in accordance with the Scoping Opinion issued by the Council in January 2017.
- 3.5. The description of the development is as follows:

Outline planning application with all matters other than access reserved for the development of the site for up to 167,225 sqm of B8/B2 (up to 20% B2 floorspace) ancillary office and associated site facilities floorspace, car parking, landscaping, site profiling and transport, drainage and utilities infrastructure.

- 3.6. The application seeks outline planning permission for the form of development described above. The form of development for which planning permission is sought is reflected in the submitted Parameter Plan and Green Infrastructure Mitigation Plan with which future applications for the approval of reserved matters will need to comply. This will be controlled through conditions attached to the planning permission. The Parameter Plan and Green Infrastructure Mitigation Plan define, *inter alia*, the principal points of access to the Site, the development areas (including separate 'No Vertical Build Zones'), areas of structural landscaping, including woodland planting and areas of bunding, an ecological protection zone, the maximum height of individual buildings and the maximum total floorspace
- 3.7. The Proposed Development comprises the following elements:
 - Up to 1.8 m sqft (c167,225 sqm) of employment floorspace comprised B8 and B2 uses alongside ancillary uses including office accommodation and welfare facilities
 - The diversion of the northern arm of the A49 (Lodge Lane) through the development site
 - HGV, car, cycle and motorcycle parking
 - Internal road and traffic circulation areas

- Site re-profiling (i.e. changes to ground levels in some areas) including the development of bunding to visually screen the proposed development
- Provision for inclusion of acoustic fencing
- Creation of Sustainable Urban Drainage Systems and habitat areas
- Hard and soft landscaping, including areas of woodland planting
- Off-site highway works including works to junction 23 of the M6 and to the A580

January 2018 amendments

3.8. The application was amended in response to comments by statutory consultees and third parties, including the owners of Haydock Park Racecourse in January 2018. The revisions were submitted to the Council on 14 January 2018. The amendments to the scheme were:

- An increase in the depth of the 'No Vertical Build Zone' within the south western part of the Site to create a greater level of separation between the A580 and the area permitted to accommodate B2/B8 floorspace
- An increase in the depth of the 'No Vertical Build Zone' within the northern part of the Site to create a greater level of separation between the northern boundary of the Site and the area permitted to accommodate B2/B8 floorspace
- The inclusion of a defined easement zone along the route of the water main that crosses the Site to confirm that no development parcel will cross into that zone.
- The inclusion of an acoustic fence along the northern boundary of the Site
- The amendments to the application entailed the submission of additional and amended documents which are provided at CD 16.1 to CD 16.35.

May 2020 amendments

3.9. Further revisions to the application were submitted to the Council on 29th May 2020 following extensive discussions with the Council, the Local Highway Authority and Highways England during 2019 and 2020. These amendments comprised changes to the Site access strategy to accommodate the diversion of the A49 through the Site as an alternative to the previously proposed arrangement. This meant the Site would be served by two points of vehicular access off the existing A49 and the A580, with the link between the two becoming the diverted A49. A revised suite of offsite highway works to the A580 and Junction 23 of the M6 were also submitted arising from this change to the scheme. Design parameters for the diverted A49 were added to the Parameter Plan.

- 3.10. This amendment necessitated the submission of additional and amended documents, with the resubmission material provided at CD 17.1 to 17.29.
- 3.11. An appeal against the failure of the Council to determine the application was lodged on 24 July 2020. However, at the time the Local Planning Authority were still within the consultation period on the revised EIA submission of May 2020.
- 3.12. On 24th November 2020 the Council determined that it would have refused the planning application had it remained the determining authority. This determination was made against Officer recommendation that the Council should support the application although the merits of the proposal were noted by Officers as being finely balanced (CD21.1). Such recommendations are agreed not to be binding on the Local Planning Authority.
- 3.13. The following reason was given by the Council's Planning Committee:

'There would be landscape and visual harm caused to the character and appearance of the area that outweighs the economic benefits including jobs and investment in the planning balance. Very special circumstances do not exist to outweigh harm to the Green Belt. The development would be contrary to saved Policy GB1 of the St Helens Unitary Development Plan and paragraphs 143 and 144 of the National Planning Policy Framework which states that when considering any planning application, local planning authorities should ensure substantial weight is given to any harm to the Green Belt. 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'

December 2020 amendments

- 3.14. The Appellant held discussions with the Council on 10th December 2020 regarding potential changes to the scheme in response to the issues presented in the reasons for refusal. The Appellant wrote to the Planning Inspector on 15th December 2020 outlining a series of minor amendments it proposed to make focusing principally on strengthening and widening woodland belts around the Site and the introduction of bunding with a request that the proposed amendments be permitted to be made and that the appeal be determined on the basis of revised plans which reflected these changes. The Inspector issued a direction dated 16th December 2020 confirming that the appeal could be determined on the basis of the amendments, having regard to the Wheatcroft principle, and that a four week consultation on the amended plans should commence around 18th December 2020.
- 3.15. The amended Parameter Plan and Green Infrastructure Mitigation Plan were submitted to the Planning Inspectorate and the Council on 23rd December 2020 and a four week consultation on these commenced on 24th December 2020. The plans were accompanied by a briefing note outlining the changes and providing commentary on the implications of these for the Environmental Statement (and its associated Addenda) previously submitted and confirming that the conclusions of this are unaffected by the changes to the Proposed Development.

- 3.16. The Appellant has notified statutory consultees of the changes and advertised these by way of site notices, a notice in the St Helen Star on 24th December 2020 and notifying residential and business premises local to the site through a postal letter. The Appellant has maintained a website where the amended plans and associated materials can be viewed and provided appropriate means of submitting comments by post or email.
- 3.17. The consultation undertaken by the Appellant meets the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as they relate to the Appeal.
- 3.18. In summary, the Proposed Development which will be considered through the appeal process varies compared to the Proposed Development which was considered by the Council at its Planning Committee meeting of 24th November 2020 in respect of the following:
- Landscape zone increased, particularly to the south by approx. 15m and southwest by approx. 15m
 - Development parcel reduced/ vertical no build zone increased to northern boundary of Unit 1 by approx. 32m
 - Development parcel reduced/ vertical no build zone increased to southern boundary of Units 2 & 3 by approx. 35m
 - Development parcel reduced to north of Unit 3 to enable additional structural landscape by approx. 22m
 - Increased greening alongside A49 route
 - Overall internal floor area remains unchanged through greater use of mezzanines
 - Access points remain unchanged
 - Structural woodland planting increased along each boundary with the addition of bunding at a maximum height of 5m where appropriate to assist with screening of the units.
 - Additional structural planting alongside the diverted A49 to provide a green corridor.
 - Swale in south-western corner moved to achieve increased structural woodland planting on the south-west corner of the site.
- 3.19. Those plans provided at CD 28.1 comprise the plans for which planning permission is sought and which are before the Secretary of State. The Core Documents List also identifies documents previously submitted to the Council as part of the application but which are now superseded.

4. The Development Plan and Other Relevant Policy

The Development Plan

4.1. The development plan relevant to the appeal site comprises:

- The “saved” policies of the St Helens Unitary Development Plan (1998) (“the UDP”);
- The St Helens Core Strategy Local Plan (2012) (“the Core Strategy”); and
- The Joint Merseyside and Halton Waste Local Plan (2017) (“the Waste Local Plan”)

4.2. The appeal site is on land designated Green Belt by the UDP and the Core Strategy. Within the Core Strategy the site is located within Rural St Helens as defined by Policy CAS 5 and Figure 11.1 of the Core Strategy.

4.3. The UDP “saved” policies of relevance are as follows:

- S1: Green Belt
- GEN12: Lighting and Security Apparatus
- GB1: General Criteria for Development Control in the Green Belt
- GB2: General Criteria for Development Control in the Green Belt
- ENV4: Statutory Site Protection
- ENV5: Sites of Community Wildlife Interest and Local Nature Reserves
- ENV12A: Development Affecting Trees
- ENV13: New Tree Planting on Development Sites
- ENV21: Environmental Improvements Within Transport Corridors
- ENV23: Archaeology
- ENV26: Contaminated Land
- ENV30: Drainage
- REC6: Key Recreation Areas

4.4. The parts of the Core Strategy and policies of the Core Strategy of relevance are as follows:

- Spatial Vision
- Strategic Objectives: SO1.1, SO2.1, SO2.2, SO2.3, SO 3.1, SO5.1
- CSS1: Overall Spatial Strategy
- CIN1: Meeting St. Helens' Infrastructure Needs
- CSD1: National Planning Policy Framework - Presumption in Favour of Sustainable Development
- CAS3.1: Newton le Willows and Earlstown Strategy
- CAS3.2: Development of a strategic Rail Freight Interchange (SRFI) at the former Parkside Colliery
- CAS4: Haydock and Blackbrook Strategy
- CAS5: Rural St Helens
- CP1: Ensuring Quality Development in St. Helens

- CP2: Creating an Accessible St. Helens
- CE1: A Strong and Sustainable Economy
- CQL2: Trees and Woodlands
- CQL3: Biodiversity and Geological Conservation
- CQL4: Heritage and Landscape
- CR2: Waste

4.5. The Waste Local Plan policies of relevance are as follows:

- WM8: Waste Prevention and Resource Management
- WM9: Sustainable Waste Management Design and Layout of New Development

The Emerging Local Plan

4.6. The St Helens Borough Local Plan 2020-2035 ("the emerging local plan"), was submitted to the Secretary of State for examination on 29 October 2020. The version of the submission Local Plan submitted for examination is dated January 2019. A Schedule of Changes is dated October 2020. The hearing sessions forming part of the examination process are provisionally arranged to commence on 25 May 2021.

4.7. The emerging Local Plan proposes removal of the majority of the appeal site and some adjoining land from the Green Belt and to safeguard it for employment purposes for development beyond the plan period. The plan period is 2020 to 2035.

4.8. The Site was proposed to be released from the Green Belt and allocated for development during the plan period within the Preferred Options Local Plan (2017). The Council's Employment Land Need and Supply Background Paper (October 2020) (CD 22.19) explains the decision to subject the Site to a safeguarded designation, having previously been proposed as a plan period allocation as follows:

'The timing, form and extent of any development that may be acceptable in the future on these (safeguarded) sites is likely to be influenced by the need to ensure a phased approach to meeting overall employment needs and the extent to which current constraints affecting these sites have been overcome....In the case of site 2ES (the Appeal Site), the form and extent of any development that may be acceptable in the future is likely to be influenced by its interrelationship with Junction 23 of the M6 where a need for substantial improvements to enhance junction capacity within the Plan period has been identified (See Policy LPA07)¹

'This reduction in the proposed employment land requirement included a key change compared to the Preferred Options consultation proposals relating to land to the north east of Junction 23 of the M6 (Site 2ES) (the Appeal Site). Whereas the Preferred

¹ Employment Land Need and Supply Background Paper (October 2020) (CD 22.19) Paragraph 3.40) page 24-25

Options document proposed that this site be allocated for employment development before 2033, the Local Plan Submission Draft proposed that it be removed from the Green Belt but safeguarded to meeting potential employment needs after 2035. It was considered that this change of approach will have the benefit of avoiding narrowing down the options for the development of a scheme to improve Junction 23 of the M6. The significant improvement of this junction is identified as a key infrastructure priority within the Plan, which would bring substantial benefits to the Borough and wider transport network. The need for this new approach is also evidenced by the St Helens Council Transport Impact Assessment 2018. This confirms that Junction 23 currently experiences queues and delays during peak periods and that this situation is likely to substantially worsen as the Plan period progresses without effective mitigation being undertaken. It is also not considered essential for the land north east of Junction 23 to be developed before 2035 to meet evidenced needs for employment development within that period.’²

- 4.9. Draft Policy LPA06: Safeguarded Land relates to land proposed to be removed from the Green Belt in order to meet longer term development needs. It states that planning permission for development on such sites will only be granted following a future local plan review. The emerging Local Plan does not indicate the type of employment development that may be appropriate, the amount of floorspace, the scale of development, or the arrangement of development on the site.
- 4.10. Junction 23 is identified as a “pressure point” and a Study was commissioned by the Council, Wigan Council and Highways England to explore options for the future enhancement of the junction to address pre-existing congestion at the junction and to ensure it is able to accommodate the growth requirements of the emerging Local Plan (as identified by the prevailing evidence base) as a key part of the road network in the Borough. Improvements to Junction 23 and the A580 corridor are needed in order to deliver the level and type of development proposed through the Local Plan as confirmed within the Council’s Infrastructure Delivery Plan (2018) (CD 22.21). The Infrastructure Development Plan is part of the published evidence base for the new Local Plan.
- 4.11. The Appellant was provided with the Junction 23 Study in September 2020. In November 2020, Council Officers made a recommendation to the Council Planning Committee that it should support the Proposed Development for the reasons set out in the Committee Report (CD 21.1).
- 4.12. Representations have been made to the draft Local Plan, including those objecting to the employment land requirement and the proposed designation in which the appeal site partly falls. The emerging Local Plan is not at a stage where material weight can be attached to it in the determination of this appeal
- 4.13. The evidence base for the emerging local plan is a material consideration in the

^{2 2} Employment Land Need and Supply Background Paper (October 2020) (CD 22.19)
Paragraph 3.11 page 27)

determination of this appeal. This includes but is not limited to:

- Infrastructure Delivery Plan (2018)
- Green Belt Review (2018)
- Employment Land Need Assessment – addendum report (2019)
- Employment Land Need and Supply Background Paper (2020)
- M6 Junction 23 Haydock Island Capacity Feasibility Study (2019)

The evidence base indicates that Part 1 of Core Strategy Policy CE1: A Strong and Sustainable Economy is out of date considering the quantum of economic development required over the Core Strategy plan period (2012 to 2027).

5. Material Considerations

National Policy

- 5.1. The National Planning Policy Framework (2019), (“the NPPF”), and the Planning Practice Guidance (“the PPG”), are material considerations. Substantial weight should be given to the NPPF in the determination of the appeal.

Other Approved Policy

- 5.2. The following Supplementary Planning Documents (“SPDs”) are relevant to the appeal:

- Ensuring a Choice of Travel (June 2010)
- Biodiversity (June 2011)
- Local Economy (November 2013)
- Design and Crime SPD (2009)
- Trees and Development SPD (2008)

Other evidence based documents

- 5.3. The following are also relevant to the determination of the appeal:

- The UK Industrial Strategy (2017)
- The Northern Powerhouse Strategy (2016)
- Transport for the North Strategic Transport Plan (2019)
- Northern Freight and Logistics Report (2016) (Transport for the North)
- The Liverpool City Region Growth Strategy (2016)
- Draft Local Industrial Strategy (Liverpool City Region Combined Authority)
- St Helens Growth Strategy (2015)
- St Helens City Growth Plan (2008)

6. Main Planning Issues

- 6.1. The main planning issues in the determination of this appeal are:
- a. The effect of the proposal on the openness of the Green Belt
 - b. The effect of the proposal on the purposes of the Green Belt
 - c. The weight to be applied to any landscape and visual harm arising from the proposal
 - d. Whether there is any other harm resulting from the proposal
 - e. The need for employment land in St Helens and the wider logistics market area within which the site is located and the supply of suitable available sites taking account of cross-boundary issues
 - f. The environmental effects of the proposal including ecology, trees and net biodiversity gain and air quality
 - g. The socio-economic effects of the proposal
 - h. The traffic and transport effects of the proposal
 - i. Whether the harm to the Green Belt by reason of inappropriateness (to which substantial weight is given by NPPF paragraph 144), together with other harm resulting from the proposal is clearly outweighed by other considerations.

7. Other Matters Agreed

- 7.1. There is a significant need for new employment land in St Helens, of which the need for large scale logistics is a major component. It is agreed that the proposed development is well placed to meet this need having regard to the form of development proposed and the locational qualities of the site, including its strategic location in relation to the highway network. Significant weight should be applied to this in the context of the NPPF (including paragraphs 8, 11 and 80) and the development plan
- 7.2. The market for employment land has changed significantly since the adoption of the Core Strategy in 2012 to the extent that Part 1 of Policy CE1 is out of date, insofar as it refers to a requirement for employment land which is not reflective of the objectively assessed need for development of this type. Part 1 of Policy CE1 should accordingly be afforded no material weight.
- 7.3. To meet the requirement for new employment development, and in particular the need to accommodate large scale logistics development, land will need to be released from the Green Belt. There are no suitable and viable alternative sites located outside

of the Green Belt which can accommodate the proposal. There are also no suitable and viable sites within the urban area which can accommodate the proposal in a disaggregated form based on the smallest single unit proposed.

- 7.4. The Site will be attractive to its target market having regard to its size and location in relation to the M6 and A580 and the proposed developments deliverability. There is no reliance on residential road network in order to access the Site which will also be attractive to the market.
- 7.5. The Appellant considers that the Proposed Development is the only one out of the four proposals at Inquiry which can deliver a single unit of 92,900 square metres and therefore which is capable of meeting the demand for units of this scale. The Council acknowledges that if planning permission for the Proposed Development is granted then a unit of 92,900 sqm can be provided on site. An occupier for the proposed development has not been identified.
- 7.6. The proposal is inappropriate development within the Green Belt. Substantial weight should be given to the harm by reason of this inappropriateness.
- 7.7. The proposal would have an adverse impact on /cause harm to the openness of the Green Belt. The Council considers this impact to be significant, the Appellant considers this impact to be moderate-significant.
- 7.8. The proposal will cause harm to/conflict with the following Green Belt purposes:
- checking the sprawl of a large built-up area; (the Appellant assesses this to be moderate-significant; the Council considers it to be significant)
 - preventing neighbouring towns from merging into one another; (the Appellant assesses this to be moderate-significant the Council considers it to be significant)
 - and safeguarding the countryside from encroachment (the Appellant assesses this to be moderate; the Council considers it to be significant)
- 7.9. The proposal will cause no harm to the Green Belt purpose relating to historic towns.
- 7.10. The Appellant considers there to be no conflict with the purpose relating to assisting in urban regeneration. The Council considers there to be a modest benefit.
- 7.11. Substantial weight is attached to the harm to the Green Belt by reason of inappropriateness and substantial harm to openness and substantial harm to the purposes as identified in accordance with NPPF paragraph 144.

7.12. The proposal will result in other harms within the meaning of paragraph 144 of the NPPF:

- An adverse impact effect on the immediate surrounding landscape, and on certain views. The Council considers the proposal will have a significant adverse landscape and visual impact. The Appellant considers there will be no significant adverse effects on the wider landscape or on views.
- Limited harm caused by the loss of approximately 23 ha of Grade 3a agricultural land.

7.13. The Council considers there to be other harms, as dealt with in the following section.

7.14. Development on the site would support economic growth and productivity and (subject to the final form of development approved at reserved matters), has the potential to create significant levels of employment and investment in the local economy that would be of significant benefit, both during the construction and operational phases, particularly having regard to prevailing, and increasing, levels of multiple deprivation in the Borough. There is a synergy between the types of jobs which the development will provide and the skill set of those in need of employment. Significant weight should be placed on these benefits in accordance with NPPF paragraphs 8a and 80 and in the context of the Core Strategy Spatial Vision, Parts 2ii and 2iv of Policy CSS1 of the Core Strategy, Part 5ii of Policy CAS4 of the Core Strategy and Part 4 of Policy CE1 of the Core Strategy.

7.15. The proposed Employment Strategy forms an appropriate means of optimising the local employment benefits of the Proposed Development, and its implementation can be secured through a planning obligation. The accessibility of the site and the further enhancements proposed by the Appellant (to be secured by planning obligation) will also enhance the benefit of the Proposed Development by connecting job opportunities with those who need them most.

7.16. The Site can be made to be highly accessible by public transport, walking and cycling and this can be achieved by the proposed bus service to be funded by the development and secured through the Section 106 Agreement and through improvements to the local cycle path network along the A580

7.17. In overall terms, the proposed development complies with the following Development Plan policies (subject to the imposition of conditions and the approval of reserved matters):

7.18. Saved UDP:

- GEN12: Lighting and Security Apparatus
- ENV4: Statutory Site Protection
- ENV5: Sites of Community Wildlife Interest and Local Nature Reserves
- ENV12A: Development Affecting Trees
- ENV13: New Tree Planting on Development Sites
- ENV23: Archaeology

- ENV26: Contaminated Land
- ENV30: Drainage
- REC6: Key Recreation Areas

7.19. Core Strategy:

- Strategic Objectives: SO1.1, , SO2.2, SO2.3, SO3.1, SO5.1
- CE1: A Strong and Sustainable Economy
- CQL2: Trees and Woodlands
- CQL3: Biodiversity and Geological Conservation
- CR2: Waste

7.20. The Council considers there is conflict with Part vii of Policy CSS1 on account of the Site being in the Green Belt. Green Belt boundaries should be accorded full weight but the absence of alternative sites for employment development may amount to Very Special Circumstances to justify development within the Green Belt. The appellant considers that there will be no conflict with Policy CSS 1 on account of the outcome of the Very Special Circumstances assessment and as Policy CSS 1 (Part 1ix) is permissive of development in the Green Belt where Very Special Circumstances are proven.

7.21. The parties agree that the proposals comply with and make a positive contribution to those parts of Policy CSS1 which support the regeneration of the Borough including Parts 2ii, iii and iv.

7.22. The parties agree that the proposals do not conflict with those parts of CE1: A Strong and Sustainable Economy to which weight can be applied. The parties agree that no weight should be given to Part 1 of CE1 given that in respect of the stated employment land needs, it is out of date.

7.23. The parties agree that the proposals will make a positive contribution to achieving Strategic Objectives SO 1.1, SO 3.1 and SO 5.1 of the Core Strategy. The parties agree that the proposed development complies with significant parts of other development plan policies, including those dealing with multiple topics (such as Core Strategy CP1). Non-compliance with such policies is limited to matters of landscape and visual harm.

7.24. To this end, the parties agree that the proposals will result in some conflict with Strategic Objective SO 6.2 and Policies CP1, CAS 5 and CQL4 of the Core Strategy but are not in agreement as to the extent of conflict. If Very Special Circumstances are not demonstrated the proposals are in conflict with UDP policies GB1 and GB2.

8. Matters that are not agreed

8.1. The landscape and visual impact of the proposal is not agreed. See the Landscape SoCG and Supplementary Landscape SoCG for details.

- 8.2. The Council considers the following harms should be weighed in the balance in determining whether very special circumstances exist, and in determining the appeal:
- Limited harm to ecology caused by the loss of habitat, to be afforded limited weight given that the Council considers the proposal to be in accordance with Policy CQL3.
 - Harm caused to air quality in certain locations, to be given very limited weight given there would be no conflict with the relevant part of Policy CP1 of the Core Strategy or paragraph 181 of the NPPF because impacts have been minimised and would be mitigated.
 - Some harm caused by additional noise, but to be given limited weight as the proposals would not have a significant effect on the amenity of residents, subject to identified mitigation, and the relevant part of Core Strategy Policy CP1 is satisfied.
- 8.3. The Appellant disagrees that these are harms that should weigh against the proposals, even to the limited degree suggested by the Council, given the agreed accordance with the relevant Policies of the Development Plan in each instance. The Appellant considers that rather than causing harm to ecology, there is a beneficial impact which is to be afforded some weight. Reference should be made to the separate SOCGs dealing with Noise, Air Quality and Ecology.
- 8.4. The parties disagree on the degree of harm that the proposal will cause to the landscape and visually, and the weight this carries in the determination of the appeal. The parties also disagree on the extent of conflict with relevant parts of Strategic Objective 6.2 and Policies CP1 and CQL4 which result from the degree of harm to the landscape and visually.
- 8.5. The appellant considers that the Proposed Development does not conflict with the following policies / part policies of the development plan whilst the Council considers that some level of conflict with these policies will result from the development:
- UDP Policy ENV 21
 - Core Strategy Policies:
 - CIN 1
 - CP 2
 - SO 2.1
 - CSS Parts 1v, 1vi and 1ix
- 8.6. The Appellant considers that Policy CAS 4 (Haydock and Blackbrook) is relevant to the Proposed Development. The Council considers this policy not to be relevant on account of the Site being located outside of the defined settlement boundary.
- 8.7. The Appellant asserts that the proposal accords with the principal Green Belt policy in the Development Plan (Policy GB1 of the UDP) as Very Special Circumstances are

proven and that compliance with Policy GB2 is also achieved as a result. As the Council does not consider that the benefits of the proposals clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harm, the council considers that the proposal is in conflict with Policy GB1 and Policy GB2 and so does not comply with the development plan.

- 8.8. On account that the Appellant considers that Very Special Circumstances exists, it considers that overall compliance with the development plan is achieved, notwithstanding some limited areas of conflict. The Council accepts that if the benefits arising from the proposal clearly outweigh the identified harms such that very special circumstances are demonstrated, the claimed conflict with Policies GB1 and GB2 falls away and overall compliance with the development plan would be achieved.
- 8.9. The Appellant considers that the presumption in favour of sustainable development as expressed in paragraph 11 of the NPPF applies to the proposal on account of overall compliance with the Development Plan and the absence of material considerations to indicate a decision contrary to the Development Plan. The Council disagrees because it considers there is conflict with the Development Plan (in the application of the Green Belt policy) and Green Belt policy in the NPPF, which means that footnote 6 is engaged.

9. Declaration

This Statement has been certified as a Statement of Common Ground and is agreed by the main Parties to the Appeal as follows:

Signed on behalf of the Appellant by:



Name: Andrew Bickerdike
Position: Director
Date: 5 February 2021

Signed on behalf of St Helens Metropolitan Borough Council

ALYN NICHOLLS

Alyn Nicholls, Chartered Town Planner
On Behalf of St Helens Borough Council
5 February 2021