



**St Helens Borough Local Plan 2020-2035 (Submission Draft)
Representation (i.e. Comment) Form**

Ref: LPSD

(For official use only)

Please also read the **Representation Form Guidance Note** that is available with this form, or online at www.sthelens.gov.uk/localplan.

Please ensure the form is returned to us **by no later than 5pm on Wednesday 13th March 2019**. **Any comments received after this deadline cannot be accepted.**

This form has two parts;

Part A – Personal Details

Part B – Your Representation(s).

PART A – YOUR DETAILS

Please note that you must complete Parts A and B of this form.

| 1. Your Details | 2. Your Agent's Details (if applicable) (we will correspond via your agent) |
|---|---|
| Title: Ms | Title: |
| First Name: Jackie | First name: |
| Last Name: Copley MRTPI MA BA(Hons) PgCert | Last Name: |
| Organisation/company: CPRE Lancashire | Organisation/company: |
| Address: PO Box 1386, PRESTON, | Address: |
| Postcode: PR2 0WU | Postcode: |
| Tel No: 07718070750 | Tel No: |
| Mobile No: 07718070750 | Mobile No: |
| Email: jackie.copley@cprelancashire.org.uk | Email: |

Signature:

Date:

13 March 2019

Please be aware that anonymous forms cannot be accepted and that in order for your comments to be considered you **MUST** include your details above.

Would you like to be kept updated of future stages of the St Helens Borough Local Plan 2020-2035? (namely submission of the Plan for examination, publication of the Inspector's recommendations and adoption of the Plan)

Yes (Via Email)

No

Please note - e-mail is the Council's preferred method of communication. If no e-mail address is provided, we will contact you by your postal address.

RETURN DETAILS

Please return your completed form to us **by no later than 5pm on Wednesday 13th March 2019** by:

post to: **Local Plan
St.Helens Council
Town Hall
Victoria Square
St.Helens
Merseyside
WA10 1HP**

or by hand delivery to: Ground Floor Reception, St.Helens Town Hall (open Monday-Friday 8:30am – 5:15pm)

or by e-mail to: planningpolicy@sthelens.gov.uk

Please note we are unable to accept faxed copies of this form.

FURTHER INFORMATION

If you require further information please see the FAQs on our website at www.sthelens.gov.uk/localplan. If you still need assistance, you can contact us via:

Email: planningpolicy@sthelens.gov.uk
Telephone: 01744 676190

NEXT STEPS

The Council intends to submit the St.Helens Borough Local Plan 2020-2035 Submission Draft to the Government's Planning Inspectorate for Examination. All representations made will be forwarded to the Planning Inspectorate for consideration during the Examination.

DATA PROTECTION

We process personal data as part of our public task to prepare a Local Plan, and will retain this in line with our Information and Records Management Policy. For more information on what we do and on your rights please see the data protection information on our website at www.sthelens.gov.uk/localplan.

Many thanks for taking the time to fill out this form; your co-operation is gratefully received.

Now please complete PART B of this form, setting out your representation/comment.

Please use a separate copy of Part B for each separate comment/representation.

PART B – YOUR REPRESENTATION

Please use a separate form Part B for each representation, and supply together with Part A so we know who has made the comment. Please also read the Guidance Note that accompanies this form before you complete it.

| 3. To which part of the Local Plan does this representation relate? | | | | | | | | | |
|---|--|-----------------------------|--|--------------|--|--|--|--------------------------------|--|
| Policy | | Paragraph / diagram / table | | Policies Map | | Sustainability Appraisal/ Strategic Environmental Assessment | | Habitats Regulation Assessment | |
| Other documents (please name document and relevant part/section) | | | | | | | | | |

| 4. Do you consider the St Helens Borough Local Plan 2020-2035 is: <i>Please read the Guidance note for explanations of Legal Compliance and the Tests of Soundness</i> | | |
|---|------------------------------|--|
| Legally Compliant? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Sound? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> ✓ |
| Complies with the Duty to Cooperate | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> ✓ |

Please tick as appropriate

| 5. If you consider the Local Plan is <u>unsound</u> , is it because it is not: <i>Please read the Guidance note for explanations of the Tests of Soundness</i> | |
|---|-------------------------------------|
| Positively Prepared? | <input type="checkbox"/> |
| Justified? | <input checked="" type="checkbox"/> |
| Effective? | <input checked="" type="checkbox"/> |
| Consistent with National Policy? | <input checked="" type="checkbox"/> |

6. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan, please also use this box to set out your comments

CPRE Lancashire recognises the efforts of the local planning team, especially in the context of changing National Planning Policy Framework.

We hope that the Local Plan will progress towards adoption. In our experience, greenfield land in the countryside, particularly Green Belt, is more vulnerable to development without the protection of an up to date, adopted local plan steering development to the most sustainable locations.

That said, the Submission Draft, in some policy areas, fails to meet the tests of soundness as set out in paragraph 35 of the National Planning Policy Framework (February 2019) (NPPF):

a) Positively prepared – on the whole the local plan is positively prepared, in fact too positive, leading to over-planning for jobs and housing;

- b) Justified – jobs and housing numbers are over estimated and more brownfield reuse is possible, these combined would erode ‘exceptional circumstances’;
- c) Effective – the policies would be more effective if the site allocations were based on a brownfield preference; and
- d) Consistent with national policy – there are some policies in conflict with the NPPF, 2018 such as Section 11: Making the most effective use of land.

See specific policy reference below.

Please continue on a separate sheet if necessary

7. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the matter you have identified at 6. above where this relates to soundness (NB please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

LPA01 Presumption in Favour of Sustainable Development

We strongly support Policy LPA01 Presumption in Favour of Sustainable Development, as this is what CPRE campaigns to achieve, to ensure development is directed to the right places, for the right reasons to ensure minimum harm to our beloved rural land. There is so much benefit from our countryside for everyone, that we should not sacrifice it so easily.

CPRE is not a NIMBY (Not in My Back-Yard) organisation. We hope that the Local Plan will bring a wide range of benefits, such as planning for sufficient and suitable jobs and homes for local people, particularly for to the needs of more vulnerable groups like the elderly, and importantly for rural communities too. However, we previously recommended a definition of sustainable development be included in LPA01. We continue to urge for a definition to be included to make sense of what actually is ‘sustainable development’. We recommend the Brundtland Report 1987 definition: *“Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs”. It contains two key concepts:*

- *the concept of “needs”, in particular the essential needs of the world’s poor, to which overriding priority should be given; and*
- *the idea of limitations imposed by the state of technology and social organization on the environment’s ability to meet present and future needs.”*

We also recommend the deletion of the wording of *“The Council will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible”* as this form of wording will limit the development management function of the Council in the future. This is because if a developer challenges a decision to refuse, the Council will be in a position where the onus is on it to show it has worked proactively with developers at appeal. Given the limited resources of the planning department, CPRE Lancashire is concerned that the planning team will not have the capacity to do this sufficiently and as a result it will be more difficult to resist appeals from developers, and consequently they will be more likely to be allowed against local wishes.

In addition to planning for needed development, St Helens should have suitable policies and allocations to best protect the countryside and other natural spaces over the period from 2020 to 2035. Protecting the health of our natural environment, especially land near to large conurbations with large populations, protected by Green Belt designation, will consequently protect the health of large numbers of people. Yet, we are concerned that some policies in the local plan will not support Policy LPA01, such as over-planning for jobs and homes based on flawed assumptions and evidence that is not just. We explain the planning reasons more fully under appropriate policy headings.

Policy LPA02: Spatial Strategy

We are pleased to read the re-use of previously developed land in Key Settlements will remain a key Priority in local plan Policy LPA02: Spatial Strategy, as we too strongly advocate a brownfield preference approach, which is supported by the Government in Section 11 of the National Planning Policy Framework (NPPF), and the introduction of the Town and Country Planning (Brownfield Land Registers) Regulations 2017. We acknowledge in Local Plan paragraph 4.6.19 it says "As a priority, the Council will continue to work to support the redevelopment of brownfield sites in the urban area." However, observe that the use of the phrase "as far as practicable" will make LPA02 ineffective as it will be open to wide-interpretation by developers, and thus allow them to more successfully challenge the Council should it refuse development that is contrary to the local plan in the future. Therefore we strongly urge for this phrase to be deleted, or LPA02 will remain ineffective, if other unjustified policies in the local plan lead to the over-planning of jobs and homes.

CPRE Lancashire strongly opposes Green Belt release. We consider the estimates for jobs and housing to be too high, and if more suitable brownfield land was identified, and therefore in combination, there is not the exceptional circumstance to justify the release of Green Belt land.

The countryside is loved by many, and has real economic, social and environmental value. The benefit of all land in the countryside needs to be fully recognised in terms of jobs, added value to the economy, space to walk, ride a bike and for nature to have a home.

The negative impacts of losing land also need to be understood. Although delivering housing has benefit, it needs to be directed to places of assessed need, not just because a developer has an interest in low value farmland being consented for residential use and having responded to the call for sites. Many developers chase land value rises from farmland being allowed for residential use, and they aren't in the least bit bothered about issues such as sustainability, ecology, rural economic sectors. If the developer's land is in a 'sustainable' location and it would constitute 'sustainable development' this would be mutually beneficial to both developer and wider society, but if the land is in a place that is 'unsustainable' then it would be at a cost to society and it should not be allowed.

The Council on behalf of its electorate has a responsibility to look after the countryside for the benefit of all of us, and for future generations. Understandably, the loss of Green Belt stirs up strong emotions and CPRE tenaciously defends it. A pre-cautionary approach would avoid the unnecessary release of valued Green Belt land full stop. But, safeguarding, will mean that the local plan updates in the future, can refine the jobs and housing figures, and ensure for a contingency albeit we recommend at a more radically reduced reasonable scale.

CPRE Lancashire supports the policy intention that says: "The quality of life, health and wellbeing of St Helens Borough's residents, workers and visitors and the quality of the natural environment will be supported by:" and we applaud the text in the five supporting bullet points.

Policy LPA03: Development Principles

CPRE Lancashire also generally supports Policy LPA03: Development Principles, as we agree places should be inclusive and that deprivation should be alleviated in the future. Similar to our comments to LPA01 and LPA02 we are greatly concerned that by including unjustified, unrealistic jobs and housing requirements it will not be able to fulfil this policy. The Government's NPPF penalises Councils in cases where they are deemed to have failed to meet "Objectively Assessed Needs". Therefore it is imperative St Helens is not saddled with unreasonably high jobs or housing requirements.

Policy LPA04 Strategic Employment Sites

CPRE Lancashire is strongly opposed to Green Belt land release for employment use. The Council has identified that at least 215.4 hectares of new employment land should be developed in St Helens, which we regard as unjustly excessive. We believe realism must be applied and the use of up to date data is recommended. The projections for job growth across office (B1), manufacturing (B2) and warehousing/distribution (B8) are unlikely to bear out in reality. This would cause an over-supply of

employment property and have an adverse effect on the property market. It would lead to widespread vacancy. We think the data in Tables 4.2, 4.3 and 4.4 is inaccurate.

Our view is supported by the expert opinion of economist Dr. Glenn Athey, who was commissioned by St Helens Green Belt Association (an umbrella residents group opposed to Green Belt loss). In his report, Dr Athey concludes that there is a lack of transparency over the process that the Oxford Economics Forecasts has used when determining both the joint Liverpool City Region Combined Authority (LCRCA) and St Helens borough (St Helens) planning policies. Documentation would suggest that these forecasts are 'policy-led' and not 'objectively assessed', and are, in any case out of date – along with a number of other assumptions underpinning employment land policies, including forecasts of port freight. In light of Dr Athey's expert opinion, CPRE Lancashire calls for the Council to review the evidence as it is in the public interest to see a proper and transparent process for identifying objectively assessed need has been used. The continuing global uncertainties, exacerbated by Brexit, and more pessimistic medium and long term scenarios should be factored in properly. CPRE Lancashire calls for the economic data, analysis to be corrected.

This is particularly the case when considering the fact that all surrounding geography in Liverpool City Region, Greater Manchester, Cheshire and West Lancashire is simultaneously planning for growth. There is no obvious source of people to take up the jobs in St Helens. Table 2.1 Labour Market Indicators in St Helens Borough shows unemployment in St Helens is low when compared to the rest of the North West and England, at only at 3.6% compared to 5.1% and 4.3% respectively. Workers are returning to European countries and the Government is not allowing for an increase in immigration from non-EU countries, so it does remain puzzling as to where the employees for the jobs would come from.

It would be grossly negligent for the Council to allocate too much farmland for development, which is important for future food security, and is currently protected by Green Belt designation on the basis of economic analysis that is flawed and consequently not fully justified. Some of the land so allocated is among the most versatile in the country. Furthermore, it would be contrary to the Council's intention to "support proposals to help diversify the rural economy, including through the re-use of suitable buildings in rural areas for appropriate employment uses, subject to other policies in the Plan", which is supported. CPRE Lancashire is concerned about the negative impacts to the local rural economic sectors, and not least the gross value added to the entire North West Region as the food and drink sector is a growth sector and involves many businesses, and jobs directly, and indirectly.

In any case, what is the local benefit of B8 Warehousing formats with new technology replacing human resources resulting in very low density employment formats, causing great harm to Green Belt purpose? We think there has already been considerable B8 development achieved speculatively at Florida Farm and Haydock Park, and in neighbouring authorities, and question the need for such an excessive amount in the countryside. The duty to cooperate has not been complied with on the cumulative harm from such big intrusions in Green Belt in neighbouring authorities, resulting in sprawl along the M6, M61 and M62 motorways. Despite calls for action to the Secretary of State from local MPs, the harm has not been addressed by the Ministry for Housing, Communities and Local Government. CPRE Lancashire believes local planning of large warehousing formats should be in accordance with promises by Government to protect Green Belt.

Policy LPA04.1: Strategic Employment Sites

CPRE Lancashire is opposed to needless release of Green Belt land for employment uses. Previously we raised concern over 2EA, 4EA, 7EA, and 8EA (LPA10), but we reserve the right to comment on other employment sites included in LPA04.1 at the examination.

It is supported that planning applications for development within a Strategic Employment Site must be supported by a comprehensive masterplan covering the whole Site, which must set out details of at least a) to j).

Policy LPA05: Meeting St.Helens Borough's Housing Needs

In recent years, CPRE has undertaken considerable research to show that housing assessments

produced by local authorities (SHMAs) are inaccurate, inflated and unreliable. The housing figures produced by SHMAs are not being balanced with sensible planning for infrastructure, consideration of environmental constraints, and realistic assessments of what housebuilders will be able to deliver. <https://www.cpre.org.uk/resources/housing-and-planning/housing/item/4158-set-up-to-fail-why-housing-targets-based-on-flawed-numbers-threaten-our-countryside>.

The Government in July, 2018 introduced stringent Housing Delivery Tests, which Councils are to be assessed against. If they fail, it results in yet more countryside land being approved for development. So, now it is even more incumbent on councils not to plan for one single house too many. If the housing industry lacks capacity, or stops building due to poor market conditions, the public will be penalised if the council is assessed as having failed, with the consequence of more beloved countryside being lost to development. Government repeats brownfield “first encouragement”, and promises continued Green Belt protection, so we urge the Council to support this.

The Government has a growth policy for housing, and in National Planning Policy Framework Section 5 it sets out local planning authorities “to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for...”

We note the Andy Burnham, the Mayor of Greater Manchester, was reported by the Manchester Evening News, in February, as taking issue with Kit Malthouse the Minister for Housing, over which set of housing projections Greater Manchester should use. Mr. Burnham maintained that Greater Manchester were told by senior civil servants in the MHCLG how they must calculate their figures and pointed to official government guidance. However, Mr. Malthouse denied that the government’s targets were mandatory. Speaking in a parliamentary debate, Mr. Malthouse stated that any planning inspector will accept a “properly evidenced and assessed variation” from the target, adding “If, for example, you have constraints like areas of outstanding natural beauty or Green Belt or whatever it might be, and you can justify a lower number, then an inspector should accept that”. These words from the Minister should allow St Helens, with its important Green Belt setting, to evidence exceptional circumstances and make a strong case for lower housing numbers.

We rubbish the Government’s standard approach, as the process for the estimation of local housing demand is deeply flawed. In our response to the Government’s consultation that closed in December 2018 on its proposal to retain the use of the 2014-based household projections we said it “is a fudge of staggering ineptitude”. We maintain this view as whilst the Government is entitled to its policies, it should “play with a straight bat”. In accordance with Government’s own best practice, it should rely on relevant and up to date evidence. Indeed it sets this out as a general requirement of national planning policy, as explicitly stated in NPPF, 2018, paragraph 31 that the “preparation and review of all policies should be underpinned by relevant and up-to-date evidence”. The Government ought not to cheat on the growth projections more recently identified based on actual statistical data. In essence the Government is requiring local authorities to plan for excessive housing numbers, but then falsely claiming local authorities are to blame for the release of Green Belt, which is a blatant attempt to deceive the public. .

Expert demographer Mr Piers Elias, (commissioned by St Helens Green Belt Association) demonstrates that the 2016-based data would yield a much reduced figure of 360 dwellings per year. If on the basis of the opinion of expert economist Dr Athey, that the employment projections should be further adjusted downwards to reflect up to date data and realistic assumptions, relating to the current economic realities, then it follows that the housing requirement also should be further adjusted downwards. Whereas, the submission local plan identifies a need for at least 9,234 new dwellings (at an average of at least 486 new dwellings per year) to be completed between 2016 and 2035. If allowance is made for expected completions before 2020, this figure for need translates to a minimum of 7,245 dwellings within the Plan period from 1 April 2020 to 31 March 2035, a significantly lower figure.

We note that the SHLAA identifies enough housing land to accommodate 7,817 dwellings, and we are pleased to see that a windfall allocation is included. The Brownfield Register 2017 identified enough

land to accommodate 5,818 dwellings, therefore only 1,427 homes on greenfield (at an average build out rate of 40 per hectare this equates to 35 hectares) should be required. However we think that there may be more brownfield sites to be recorded as “suitable” on the Brownfield Register, than is currently the case.

CPRE Lancashire believes there are likely to be sites assessed as unsuitable for the Brownfield Register that could in fact be considered as suitable, meaning more brownfield land is in reality available for development. We hope to engage community members to help identify more brownfield sites in the next few months, and we have developed a Toolkit to support people to engage better with the Council’s planners. www.cprelancashire.org.uk/resources/housing-and-planning/planning/item/2483-cpre-lancashire-brownfield-land-register-toolkit?highlight=WyJ0b29sa2l0l10=

We therefore think Table 4.6 should be up dated, to evidence a lower housing requirement figure, to show a brownfield land figure, and to reduce the amount of housing being allocated in existing Green Belt. We also recommend the Council introduces a brownfield target, to focus activity in regard to a brownfield preference. Table 4.7 shows a range of annual requirements with the highest identified of 78 dwellings in the year 2025/26, which is unfathomably high. St Helens would struggle to achieve such a high figure, and it is doubtful that the private sector, even if supported by public sector development could achieve such an impossible figure. For three decades St Helens has had a declining population, only in 2007 did a modest 0.2% growth happen. The gratuitous ambitious targets bear no resemblance to the facts.

We also query whether the minimum density should be increased to at least 35 dwellings per hectare (dph) as 30 dph could be deemed as contrary to Section 11 of the NPPF by not making effective use of land.

CPRE agrees that adequate affordable, or low cost housing should be provided to cater for lower income households.

The Council needs to adopt a more precautionary approach to countryside loss. The countryside is loved by many and has benefit to us all. A pre-cautionary approach would avoid the unnecessary release of valued Green Belt land. Local plan updates in the future would mean that jobs and housing figures can be revised upwards or downwards on the basis of robust analysis at the relevant time.

Policy LPA05.1: Strategic Housing Sites

CPRE Lancashire is opposed to needless release of Green Belt land for housing, we reserve the right to comment on all the housing sites included in LPA05.1 at the examination.

Policy LPA06: Safeguarded Land

St Helens Council is really going for a “slash and burn” approach to the Green Belt. CPRE Lancashire is strongly opposed to the notion that changes in Green Belt should endure well beyond 2035, avoiding the need for another Green Belt review for a substantial period, based on flawed assumptions. As stated the Council needs to adopt a more precautionary approach to countryside loss. This approach is all the more relevant in view of the historically large amounts of land within the Borough which have been despoiled by mining and heavy industry, and the need to place emphasis on saving what remains of the unspoiled land for the benefit of young people and future generations.

CPRE accepts that safeguarded land can be a useful tool, however proposing 85.88 hectares for employment (equal to 39.9% of employment land), and 114.19 hectares for housing (equal to 28.6% of housing land), is hugely excessive. .

CPRE Lancashire is concerned that if too much land is allocated all at once, then developers will target that which is most profitable, which tends to be rural fringe sites with high values. This leaves other areas bereft of investment, often poorer areas whose community is most in need of it, in the case of St Helens large tracts of land to the south east need rejuvenation. Planning policy should encourage sustainable development, and not development in rural places, which is comparatively least sustainable.

Safeguarding too much land now, means that the principle for future development will be established now, and we are of the view that it is more prudent to decide development principles on a much smaller amount of land at the current time. Locations for development in the future may not accord with decisions taken now, and should be deferred to a later date with the benefit of future up-to-date knowledge. The need to avoid this excessive amount of safeguarded land is all the more relevant in view of the highly aspirational employment and housing figures used in the plan, as large areas of agricultural land will have development blight over them, and will fall victim to development under the next plan, even though on future needs assessments they may not be required..

Policy LPA07: Transport and Travel

This policy should insist on all new development, especially for employment and housing to be reliant on public transport and it should discourage motor based development. St Helens road network is already heavily used and investment in public transport has been woefully inadequate.

CPRE recommends that development is focused around integrated transport hubs and that developer contributions are forthcoming for public transport improvements, and for sustainable travel modes such as walking and cycling.

Given 26.7% of residents of St Helens do not have access to private car transport it is imperative that places are better connected through modes other than private car transport via other modes of transport..

CPRE Lancashire is critical that the expanded Liverpool Super Port only has capacity for 2% of freight on rail compared to 40% for its London counterpart. It is an unsustainable development that should not be supported. More freight needs to be rail based. Questions of Government need to be asked. Why is it that the north is such a poor relation when it comes to strategic rail transport infrastructure? How can the Northern Powerhouse ever be an effective market geography if rail investment is so limited. CPRE urges St Helens Council to lobby Government for much more support in this regard.

CPRE Lancashire queries whether there ought not to be recognition that the use of rural sites for what would be mostly executive housing, the far side of the Borough from the employment areas, would not meet the housing and travel needs of predominantly low-paid workers employed in warehousing and logistics

Please continue on a separate sheet if necessary

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support / justify the representation and suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at the publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

8. If your representation is seeking a modification; do you consider it necessary to participate at the oral part of the examination? (the hearings in public)

| | |
|--|--|
| <p>No, I do not wish to participate at the oral examination</p> | <p>Yes, I wish to participate at the oral examination</p> |
|--|--|

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

CPRE Lancashire represents the views of its members, and can give guidance to local residents and other interests groups to engage positively with the examination. We can also provide an alternative viewpoint to developer representations to make sure the process is balanced.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination

**Thank you for taking the time to complete and return this response form.
Please keep a copy for future reference.**