

Secretary of State (SoS)  
for  
Ministry of Housing Communities and Local Government (MHCLG)

# **PARKSIDE**

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# **INQUIRY**

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**CLOSING STATEMENT**  
**Mr D TYAS, BEng (Hons), CO-CHAIR PAG**

**PARKSIDE ACTION GROUP**



**PARKSIDE LINK ROAD (PLR)**  
Planning Inspectorate References  
St Helens BC : APP/H4315/V/20/**3253230**  
Warrington BC : APP/MO655/V/20/**3253232**  
St Helens BC (SHBC) Planning Application Reference : **P/2018/2049/FUL**  
Warrington BC (WBC) Planning Application Reference:  
**2018/32514 & 2019/34719**

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## **Town and Country Planning Act 1990**

### **Local Inquiry:**

Application for the formation of a new link road between A49 Winwick Road and M6 Junction 22 including the re-alignment of Parkside Road and other associated works on land between A49 Winwick Road to A573 Parkside Road (Application no: P/2018/0249/FUL).

## **1 Introduction**

- 1.1 This closing statement is made on behalf of Parkside Action Group (PAG) and relates to proposals for the former Parkside Colliery site in Winwick Road, to the east of Newton-le-Willows, Lancashire. Our case relates to the proposed Parkside Link Road. The Link Road is intended to create access to multiple sites (Parkside Phases 2 and 3).
- 1.2 From the start, PAG would like to make clear that we are not anti-development and fully support the need for investment and the creation of economic opportunity. Our opposition is specific to the two schemes before this inquiry related to general road based B8 distribution, which are unsustainable and cause social, economic and environmental harm.
- 1.3 For purposes of clarification PAG written technical papers previously submitted in the Phase 1 part of the inquiry also apply to the PLR application.

## **2 About the Author**

2.1 I am a professional IT infrastructure engineer with 40 years' experience working in the industry. In my current role as Operations Manager, I manage a team of 80 engineers delivering Microsoft cloud infrastructure services to a number of large companies in the UK some also with global presence. As part of my work, I am comfortable with working with technical documentation. My engineering background and experience provides sound discipline for assessing planning information and policy. I have represented PAG at the North West Regional Spatial Strategy Examination in Public in 2008, the Newton Park Farm Public Inquiry in 2008, and the St Helens Core Strategy Examination in Public in 2012. I have lived in Newton-le-Willows for the last 20 years and contribute to other community and resident groups in the area. I am Co-Chairman of PAG.

## **3 About PAG**

3.1 PAG was formed in 2006 to protect the land around the site of the former colliery from unsuitable development and has represented the local community at various planning consultations and inquiries. PAG comprises residents working in a voluntary capacity.

3.2 At the inquiry PAG is representing the following resident and community groups:

- Newton-le-Willows Resident Association
- Golborne Residents Association
- Lane Head South Residents Group (LHSRG)
- Lowton East Neighbourhood Development Forum (LENDF)
- Our Local Voice
- Croft & Culcheth Residents

## **4 Executive Summary**

- 4.1 The Phase 1 and the Link Road are inappropriate development in the Green Belt.
- 4.2 The economic case for a general Use Class B8 road-based distribution scheme has not been made. Indeed, PAG has argued that the scheme represents an opportunity cost and would cause economic harm, locking the area into a cycle of narrow and low-skill, low value economic opportunity.
- 4.3 It is very clear that there are no very special circumstances to justify inappropriate development in the Green Belt. The Link Road is intended to support Phase 1, but also Phases 2 and 3. So approval of the road would imply the outcome of future applications, despite them being contrary to national policy. This is a very uncomfortable situation.
- 4.4 The proposals cause a multitude of harmful impacts. These include impacts on the local environment, landscape, and heritage. There are also traffic impacts on an already congested highway network and associated harmful impacts on air quality and amenity (through noise and disturbance).
- 4.5 Those promoting the schemes appear to have the view that climate change is just something that happens to other people, rather than one of the key challenges facing us all.
- 4.6 Many of PAG's volunteers work in business. We are very used to relying on robust data and analysis to support commercial decisions. We are therefore concerned over the robustness of some of the evidence and analysis used to support the schemes, including on economic need, traffic, air-quality, heritage, ecology and other matters.
- 4.7 The harm to the purposes of the Green Belt is accepted in the round, economic harm and other very substantial harms in terms of traffic, amenity and

environment far outweigh the marginal direct benefits and questionable claimed indirect benefits of the schemes.

- 4.8 The schemes are contrary to NPPF policies relating to Green Belt, economy, healthy and safe communities, sustainable transport, climate change, and the natural and historic environments. The road-based schemes are also contrary to policies in the adopted Local Plan, specifically Core Strategy CAS 3.2 Development of a Strategic Rail Freight Interchange (SRFI) at the Former Parkside Colliery, which is specifically focused on rail-freight, and seek to pre-empt the emerging Local Plan, before it is properly examined in public.
- 4.9 The applicant alleges that the need outweighs the harm the Link Road and future development would cause. PAG disputes this and suggests that the harm would be too great to grant approval.
- 4.10 The applicant alleges that the proposal is compliant with current planning policy. PAG disputes this on several counts including non-compliance with specific policies derived through rigorous planning processes, failure to meet the very special circumstances for Green Belt release, lack of alignment with long-term strategic planning policy guidance (rail first), and lack of alignment with UK Government strategic initiatives on air quality and climate change.

## **5 Inquiry Topics**

The following sections summarise the key points and concerns raised by PAG for the individual topics governed by the inquiry agenda.

## **6 Green Belt**

- 6.1 The road scheme, which is entirely within Green Belt designated land of national significance, is intended to enable development on land in the Green Belt (Phase 1 and also Phases 2 and 3). The Green Belt was established in 1983 and it has performed well. The road and development of these sites constitutes inappropriate development in the Green Belt within the terms of Chapter 13 of the National Planning Policy Framework 2019 (NPPF). It has been agreed by all concerned that the development would cause definitional, spatial, and visual harm to openness and permanence.
- 6.2 The road, in itself, and the further sites it would enable to be developed would cause unrestricted sprawl, cause the merging of distinct areas, and cause built forms to encroach into the rural area, rather than supporting regeneration of nearby urban areas.
- 6.3 The level of activity that would be induced is very large with a 24-hour operation causing a very high adverse impact to the openness of the Green Belt with a magnitude of change that has not been fully represented. It is clear that the extent of harm to Green Belt purpose of maintaining land permanently open is significant and substantial.
- 6.4 There are proposals to amend the Green Belt through review of the St Helens Local Plan, but this is being contested, and it is still yet to be examined in public, with proper scrutiny of environmental impacts and sustainability. An emerging local plan can only be given limited weight. It certainly is not a basis for ignoring or bypassing national policy on Green Belts.



- 6.5 Warrington's Submission Local Plan Regulation 19 consultation took place in June 2019. There is no proposal for the PLR in the Plan and no proposal for release of Green Belt land in Warrington, which is the subject of the application.
- 6.6 There are no very exceptional circumstances to justify approval of the road and associated schemes within the Green Belt. The economic need has not been established and, in the current period of uncertainty, cannot be established.
- 6.7 It should be noted that earlier consultation by the developer included all three phases of development. Approval of the link road would imply approval of future planning applications for these sites. At this stage, the impacts of these future schemes are unknown.
- 6.8 The road enables a 'general' road based B8 development, harming the potential for a more ambitious multi-modal facility to be achieved on the West.
- 6.9 A Green Belt Review (December 2018) to inform the emerging St. Helens Borough Local Plan assessed the contribution of the sites to the purposes of the Green Belt. This gave land to the east of the M6 a high+ score and land to the west of the M6 a medium score. This further highlights the level of harm to the purpose of the Green Belt that the proposed schemes would cause.
- 6.10 In accordance with Paragraph 144 of the NPPF, harm to the Green Belt must be given substantial weight. The scheme harms two of the purposes of the Green Belt: a) check unrestricted sprawl and b) assist in safeguarding the countryside from encroachment.
- 6.11 There are clear threats in releasing Green Belt through incremental, speculative planning applications, rather than through strategic or local plan processes. The latter would include proper consideration of strategic alternatives and also would be subject to Sustainability Appraisal.
- 6.12 The economic case to justify very special circumstances is based on subjective aspiration and is strongly contested. Indeed, PAG considers that the scheme

causes economic harm, together with social and environmental harm. I will return to this issue.

6.13 Indeed, there is a high opportunity cost from such low-value regeneration. This embeds further low value economic land use and in reality, will fail to address the needs of the area and its population. It is notable that there has been little engagement with the local people. Regeneration is being done to the local community, rather than with buy-in from the local community.

6.14 The link road would be contrary to national policy on Green Belts and to the policies of the adopted St Helens Local Plan and Warrington Local Plan.

## **7 Building a strong competitive economy**

7.1 PAG strongly supports the need for a strong, competitive and diverse economy, as set out in Chapter 6 of the NPPF.

7.2 Many of the employment land allocations in the emerging Local Plan comprise logistics. The LCR Local Industrial Strategy highlights the lack of complexity of the St Helens economy. The narrow focus on logistics, which is typically low value, would be exacerbated by the current proposals, which would fail to create diverse economic opportunity or support a prosperous rural economy.

7.3 The loss of high-grade agricultural land for development would further narrow the economic base of the area and harm the prospects of the rural economy, specifically farming in the future. This is afforded too little weight by the applicant.

7.4 It is contended that only a limited proportion of the jobs will find their way to deprived areas (based on experience of recent similar nearby schemes). The real need of the area is for more skilled and high-density employment. People seeking a career outside of logistics are currently forced to commute to other areas.

- 7.5 As mentioned earlier, the proposed developments compromise the potential for a strategic rail freight interchange being realised, as proposed in the adopted Local Plan. However, locally there is concern that contrary to adopted policy the site is being progressed for 'general' road-based distribution, in advance of being prioritised for rail. It is the rail-based freight that would be more sustainable.
- 7.6 Development proposed associated with the Link Road is almost entirely 'could be anywhere' B8 orientated. The applicant has failed to demonstrate that recent local B8 schemes in the area such as Omega at Warrington have made any impact on deprivation in the local area. Deprivation has actually increased since such schemes have become operational. The local community has no confidence that further large scale B8 development is the solution.
- 7.7 When taken into consideration with other committed B8 developments and proposals in the area like Florida Farm, various Haydock sites, Haydock Point, Omega South, Warrington Omega, and Wigan J26, a saturation of the blanket same type of development is unlikely to stimulate the right mix of skills needed to lift the capabilities of the future workforce and economy. It makes the local economy extremely vulnerable to economic shocks.

## **8 Employment Need**

It is understood that at the national and regional scale logistics is viewed as an important economic sector, and in recent years take-up has been buoyant, however there is concern at the unplanned speculative surge in warehousing at a scale that is causing economic harm based on low value employment. This is in addition to the environmental harm described elsewhere in this statement.

- 8.1 Current employment need has not yet been tested through the Local Plan process. Previous estimates of employment need have been critically appraised to be over-optimistic. This has been asserted by an independent economist and others, who have questioned the credibility of the City Region wide Strategic Housing and Employment Market Assessment, which has fed into the Council's own projections.

- 8.2 The impacts of COVID-19 and Brexit on distribution and office needs are unknown at present. Many large retail concerns have gone into administrations with their wholesale premises in out-of-town locations, and high street outlets becoming vacant.
- 8.3 The economic case put forward by the applicant is based on very shaky and shifting foundations, whatever the level of expertise of those putting them forward.
- 8.4 Need and demand for employment land need to be considered through a more rigorous and strategic plan-making process than is possible with individual planning applications. The applications pre-empt this process. There is a clear risk that making decisions on planning applications on such an incremental and ad-hoc basis will have consequence of longer-term harm to the local economy and environment. PAG's view is that there is insufficient information and analysis to allow proper consideration of the proposals, especially given the wider implications of the link road on developing other sites. Poor decisions at this time will have adverse consequence to the local economy.

## **9 Highways**

- 9.1 The link road will enable additional sites to be developed (Parkside Phases 2 and 3), and will induce more traffic, and is not designed to address existing traffic problems associated with congestion and air quality. In addition, there are in-combination impacts from Phase 1.
- 9.2 The additional HGV and employee traffic generated by the development of the various sites has been grossly under-estimated. The worse-case scenario associated with higher-than-expected logistic operation and job densities has not been assessed. The local road infrastructure is already beyond capacity, and is not suitable to deal with the additional traffic that is likely to arise from the proposed developments. Public transport has not been adequately considered.

- 9.3 The application does not properly address sustainable modes of transport or adverse impacts, as required by Chapter 9 of the NPPF.
- 9.4 The applicant acknowledged that the primary case for the Link Road was to support future development and not to alleviate existing traffic issues. The public have been consistently misinformed on this point.
- 9.5 Far from alleviating traffic on local roads, the Link Road facilitates the use of local roads by vehicles from future development. Being distribution-based increases in traffic will be significant also impacting air quality. Some of the increases will be in existing Air Quality Management Areas (AQMA).
- 9.6 PAG recommends that an alternative road scheme as proposed by Prologis in 2008 is a preferred alternative. The Prologis scheme proposed to create a new motorway roundabout on the M6 at the point where Parkside Road crosses the M6 and then retire M6 J22. The Highways Agency approved the new junction proposal in November 2008 (ref. ID 14.43 TR110). The scheme 'ring fenced' Parkside development traffic to use of the motorway, and therefore largely eliminated use of local roads by induced traffic and removed associated air quality impacts from local receptors. The cost of the motorway works required in 2006 was estimated at £22.5M.
- 9.7 An updated TA was submitted by the applicant in October 2020. PAG demonstrated significant errors in the information used as input to the model including:
- (i) Under-estimate of HGV percentages
  - (ii) Failure to assess the potential imminent HGV weight restrictions (see later)
  - (iii) Incorrect route assumptions (longer duration and greater distance than would practically normally be taken)

- (iv) Routing of traffic through carriage ways unsuitable and/or closed to traffic. For example, the inclusion of Main Lane in the PLR Traffic Model and that in the 2016 base year, despite being impassable, carries ~500 vehicles per day and up to more than 2,000 vehicles per day in future years depending on the scenario.
- (v) Significant changes observed in the traffic flows between the 2019 TA and 2020 TA. The applicant claims these were caused by minor changes in Department for Transport parameters. PAG would suggest that significant changes in validated traffic flows from one year to the next cannot be accounted for by minor parameter changes and demonstrate an unstable model.
- (vi) The lax attitude displayed by the applicant as to whether committed developments are specifically included in the traffic modelling (e.g. Florida Farm, Wigan housing) or by suggesting they are simply absorbed into general traffic growth is not an acceptable approach. Committed developments have specific impacts in specific areas and should be modelled as accurately as possible. Continued use of TEMPro growth factors is not an adequate substitute for accurate modelling.

9.8 Reactive HGV weight restrictions have very recently been proposed for certain routes. These include those at Croft and Winwick as confirmed by Mr Taylor and those suggested by Cllr Gomez-Aspron as Chair of the St Helens planning committee in December 2019 (see ID 14.50). There is clear intent on the part NLW councillors to implement a weight restriction on the entrance to A49 junction. Not only has Cllr Gomez Aspron provided a statement to this inquiry but he also stated in the planning committee meeting that he would be seeking to have this implemented if PLR planning was granted. NLW councillors have also publicised this intention via several media channels. Such proposals are clearly a knee-jerk response to clear concerns raised by the public over current and future HGV impacts. Weight restrictions should be included and designed as part a proper traffic study, rather than be applied in such a piece meal fashion moving

the problem from one road point to another. Weight restrictions will not help with the significantly larger volumes of non-HGV traffic generated by future developments. Any intended weight restrictions will naturally alter traffic flows and junction capacity, if this has not been modelled the impacts of the PLR are unknown. This has eroded public confidence in the proper planning of the proposed developments.

- 9.9 PAG demonstrated in their cross-examination of the applicants witnesses that only a 'light touch' audit of the TA had been undertaken. The Full Business Case submission to the LCR CA only included the 2018 Traffic Forecasting Report and none of the other TA documents that make up the assessment. Therefore, the auditors could not have undertaken a thorough review. Neither was the October 2020 TA available at that time. Mr Mellor confirmed he had not examined the data in detail and Mr Taylor acknowledged he had not conducted a forensic review.
- 9.10 PAG would assert for the reasons in the preceding paragraphs the TA model outputs cannot be trusted and reduced weight should be given to the TA evidence.
- 9.11 The TA assessment approach has failed to demonstrate there is sufficient capacity in the local road system to deal with variations in occupancy and job densities generated by future development. The applicant attempted to argue that Tempro was a sufficient mechanism to deal with this, however, Tempro has been designed to deal with and forecast future year growth not anticipated occupier demand from the core part of the development. Given that many local junctions are at, or near, capacity only a small change in demand could cause an exponential change in junction performance. This has been illustrated by the need for the HA to reassess M62 J9 following small changes in flows seen the October 2020 TA leading to concerns over queuing on a slip road. For this reason, a worse case assessment should have been presented in order to the mitigate risk of saturating junctions because of unanticipated demand.

9.12 The October 2020 TA has revealed the stressed nature of local road junctions to North of the site, particularly those inter-connecting with the A580. Lane Head was acknowledged to be at or near capacity. Golborne roundabout was acknowledged to be at capacity but the applicant claimed it would also be used as a primary route for development traffic accepting Lane Head was not an option. The only other primary A road route to the A580 is Newton High Street. The TA model was acknowledged here to show a 30% increase in 2-way Annual Average Daily Traffic (ADDT) flows in 2024 (Phase 1) and 45% in 2034 (Phases 1 thru 3). Newton High Street is an AQMA. No mitigation has been offered by the applicant as a solution to the dilemma.

## **10 Air quality**

- 10.1 The modelling for impacts on air quality are not transparent and not consistent with national or local air quality guidance in many areas. The proposed development will result in increased traffic in two of St Helens AQMA's. The air quality assessments should therefore have evidenced that good modelling practices had been applied. Evidence suggests that good modelling practices have not been applied in all iterations of the air quality assessments.
- 10.2 Given the concerns over modelling, the safety of decision-making is in question. Erroneous modelling means that impacts cannot be as stated. The scheme therefore fails to meet the requirements of the NPPF.
- 10.3 The proposals would have an adverse impact on health, even where predicted increases in NO<sub>2</sub> concentrations are stated to be negligible. The road would also enable Phases 2 and 3 and the nature of proposals for these sites is unclear at present. In addition, the traffic impacts of Phase 1 must be included. The predicted impacts on future Air Quality cannot be accurate, if cumulative impacts are based on vague speculation.
- 10.4 PAG assert that the applicants AQ assessment is deficient in the following areas. These are covered in detail in the paragraphs that follow.



- (i) Failure to correctly apply the quoted Local Air Quality Management (LAQM) Technical Guidance for model verification
- (ii) Lack of transparency in the Air Quality Modelling for the PLR which conflicts with Institute of Air Quality Management ( IAQM) guidance
- (iii) Over optimistic predictions on future year AQ levels given the Covid pandemic.
- (iv) Failure to comply with various authorities Air Quality Action Plan (AQAP) as specified by Defra and therefore failure to demonstrate that air quality will not deteriorate as a result of the development. This aspect was pivotal to the decision taken at the recent Newington Inquiry Appeal.

10.5

In all iterations of the applicant's AQ assessments there has been a failure to correctly apply the quoted LAQM Technical Guidance for model verification. There is a large disagreement between modelled road Nitrogen Dioxide with measured Road Nitrogen Dioxide in the model verification, this large disagreement exists in all iterations of the AQ assessments model verification. LAQM Technical Guidance emphasises the importance of basing model verification on the source contribution of Nitrogen Dioxide. This is clearly outlined in Box 7.15 and 7.16 of LAQM Technical Guidance. There is no evidence in any of the AQ assessments produced by Ramboll that the guidance has been adhered to in this respect. This fundamental issue has been reiterated by Dr Holman, an air quality expert, in her first Technical Note to this inquiry. It was shown during the inquiry that one of the model setup issues may include the fact that NLW High St and other canyon-like roads, included in the modelling locations, have been modelled as though they were roads in open countryside. The results of the assessment cannot be relied upon if modelled locations do not truly represent the urban environment. Consultants WSP, in their final technical note, and local council officers from SHC and Warrington as reviewers of these assessments have failed to highlight these fundamental model verification and model setup issues.

- 10.6 There is evidence of a lack of transparency in the Air Quality Modelling for the PLR which conflicts with IAQM guidance. No information has been provided in all iterations of the air quality assessments of how the traffic consultants converted their traffic data to that required by the air quality consultants. Information is missing on the background Nitrogen Dioxide concentrations inputs used in all iterations of the assessments. No model verification has been carried out on Particulate Matter concentrations. *Furthermore, it is well established that our Air Quality expert requested model files, including the input files, in order to draft the response to Ramboll's Rebuttal. The applicant has refused to provide these.* Despite the applicant's expert's assertions that a large disagreement in model verification Road Nitrogen Dioxide comparison is somehow 'normal', LAQM technical guidance is clear and the model verification is clearly indicating that something is wrong in the model setup. The provision of the model files would have been an opportunity, at the very least, for the applicant to prove the expert's assertions. PAG contends that there is clear evidence of a lack of transparency on the part of the applicant. *PAG believe it follows that very limited weight should be given to the applicant's air quality evidence.*
- 10.7 Ramboll's future air quality predictions are modelled on the assumption that Nitrogen Dioxide emissions are predicted to significantly improve in future 2024 and 2034 scenarios modelled. As Dr Holman notes in her first Technical Note, one of the unknowns for assessing future air quality is what the effect of the Covid-19 pandemic will be, both in terms of changing traffic flows, diurnal variation and the future fleet turnover due to the adverse economic outcomes of the pandemic. DfT statistics on transport mode use during Covid show a significant increase in HGV % on the road in 2020, compared with 2019 levels. Caution should be applied to the AQ assessments optimistic predictions.
- 10.8 NPPF guidance on Air Quality considerations clearly stipulates that a developer must adequately prove that impacts from a development will not breach air quality objectives and they must also not conflict with local AQAP's and the currently adopted Local Plan. Defra guidance stipulates that all AQAP must maintain as its key objective an improvement of air quality in AQMAs. As there is evidence of unexpected inconsistencies and anomalies in the Air Quality

modelling which calls into question the robustness of the assessments, the predicted impacts are unlikely to be as stated. It is PAG's position that the PLR developer has not been able to prove that air pollution will not deteriorate as a result of the development in the AQMA's in Newton-Le-Willows.

- 10.9 This inquiry must also determine if this development is consistent with Wigan's AQAP. Winwick Lane in Wigan presents a problem. The last annualised bias adjusted NO<sub>2</sub> concentration recorded at Winwick Lane junction was 57.7micrograms. 17.7 micrograms above the national objective. Traffic will travel north up Winwick Lane from the new PLR junction. It is well evidenced that Wigan Council are acting to declare this area an AQMA, and the area is currently being managed within the Greater Manchester AQAP. The area is also subject to the directive issued by the Secretary of State requiring Wigan to take decisive action to improve all areas in Wigan where there is an exceedance of the NO<sub>2</sub> objective. In the vacuum of any AQ modelling for this sensitive area this inquiry cannot determine what the air quality impacts of the development will be in this area. It therefore follows that no weight can be given to any assertion by the applicant that the effects of development will not conflict with the objectives of the Greater Manchester AQAP, or that it aligns with the directive of SOS to improve air quality in this area.
- 10.10 Precedent exists in planning law underlining the need for developments to be consistent with local AQAP. In the Newington Inquiry Appeal Decision Inspector Roger Clews, agreed that the essential purpose of the air quality action plan is to improve air quality in the Air Quality Management Areas, development which was likely to worsen air quality, even by a small amount, was inevitably inconsistent with the relevant Air Quality Plans.
- 10.11 The developer has repeated its position, in all 3 iterations of the AQ assessments, that AQ mitigation measures are not deemed necessary. PAG notes that the SHC PLR Planning Consultation report, received by this inquiry on 20th January, suggests that mitigation measures should be considered due to the size and nature of the development. Any mitigation measures need to be scrutinised and the effectiveness of any measures proposed need to be

determined against firm data. The Newington Inquiry Appeal Decision reached by Inspector Roger Clews, - a decision that was upheld by both the High court and later the Appeal Court in 2019 – concluded that there was no firm evidence that mitigation measures, which included EV charging points, the promotion of sustainable transport and a travel plan, were going to be effective in reducing the amount of petrol and diesels cars on the road. The developer's plans were rejected by Inspector Roger Clews on this basis.

The inspector needs to determine if this new development will bring about unacceptable levels of air pollution and it must determine if air quality impacts from the development are likely to have an adverse effect on the health of local residents. The landmark Ella Kissi Debrah case found that death occurred as a result of being exposed to NO<sub>2</sub> in excess of EU limit values and PM concentrations in excess of WHO limit values. WHO Limit values on PM<sub>2.5</sub> is 10 micrograms, and PM<sub>10</sub> is 20 micrograms. The applicants AQ assessment predicts PM<sub>2.5</sub> and PM<sub>10</sub> pollution levels that are in excess of these WHO limit values. The applicant agreed that predicted levels in excess of these limits are stated in the 2020 AQ assessments, they suggest however that there is negligible increase in baseline levels as a result of the development. PAG argues however, that as model verification is showing large under-predictions at sites in NLW High St AQMA there can be little confidence in the applicant's predictions. As these plans will see an exceedance in the local area of WHO PM<sub>2.5</sub> and PM<sub>10</sub> limit values, the development proposals conflict with NPPF 180 which states that planning decisions should ensure new development is appropriate for its location taking into account the likely effects of pollution on health. It also therefore conflicts with NPPF 170 which states that planning decisions should prevent new and existing development from contributing to, being put at unacceptable risk, or being adversely affected by unacceptable levels of air pollution.

- 10.12 Air Quality evidence that is material to this inquiry has not been permitted. Notwithstanding the inspector's reasons for not permitting Dr Holman's Rebuttal Response 'Technical Note 2', given the materiality of the evidence the inspector could have permitted 'Technical Note 2' and given Mr Harker an opportunity to

respond in writing, this would not have necessitated an extra sitting day and therefore incurred extra costs for sitting time. Regardless of the late timing of 'Technical Note 2', given that Dr Holman identifies material errors within the Further Environmental Information, the Inspector is at risk of falling into error and having the appeal decision quashed in a s288 challenge if he fails to admit and consider Dr Holman's further 'Technical Note 2'.

## **11 Landscape, Ecology, Wildlife and Biodiversity**

11.1 The importance of habitats, wildlife corridors, greenery and biodiversity have not been recognised or addressed adequately in the proposals. The scheme would cause considerable harm, regionally and locally, in terms of adverse impacts on ecology, wildlife, biodiversity and eco-system.

11.2 The earlier part of the inquiry identified that the desktop analysis on ecology was based on limited knowledge of the area. Lancashire Wildlife Trust was not approached despite directly operating the management plan for the SSSI.

11.3 The mitigation measures for the Link Road in particular are weak and tokenistic and do not thoroughly address net gain. Tree planting, mainly outside the area, will not replace wildlife or habitats or provide adequate compensation for the local community.

11.4 The proposals would have a huge impact on landscape character to both the west, and particularly the east of the area. The west comprises the former Parkside colliery, which is now naturalised and a tranquil, largely undisturbed, haven for wildlife and a recreational resource for local people. The east is a flat area of high-grade farmland supporting an array of wildlife and many historic and cultural associations. The area of Green Belt between Lowton, Newton-Le-Willows and Winwick is an area wildlife epicentre and the only habitat of its type for many miles around. We have also demonstrated the panoramic scenery of Barrow Lane and Highfield Moss SSSI and the extensive network of public footpaths around leading to a network of footpaths around the wider region as far

as Glazebury and the Manchester Mosses.

- 11.5 It is accepted that there will be significant and permanent loss of visual amenity from dwelling houses nearby and from key viewpoints, including the strategic road network and public rights of way.
- 11.6 This area is enjoyed by around forty thousand local people and is known as an important ornithology site in the North-West region as a whole and enjoyed by local people for relaxation, recreation and leisure, including walking, with associated physical and mental health benefits. The schemes would impact on the quality and amenity of the surrounding area, causing significant detriment to the community value of the area.
- 11.7 It is recognised that a green verge is provided with footway and cycle-lane next to the single and dual carriageway roads. However local people query the resulting user experience, and ecology benefit, given the additional heavy goods traffic that would be passing at all times of the day and night.
- 11.8 The Defra Metric model (PLR.FH1.1 Ecology Appendices) that attempted to demonstrate was produced in November 2020, six weeks before the inquiry and issued to the public four weeks before the inquiry. Unlike traffic or air quality no background data or workings were provided, only output reports. Given the complexity and field data required it would be impossible for even an experienced team of ecologists to validate. The report therefore must be considered invalidated and little weight applied.
- 11.9 The proposal is contrary to Paragraph 92 of the NPPF.

## **12 Noise and Disturbance**

- 12.1 Substantial additional traffic movements would cause significant additional noise and disturbance to residents. This includes additional night-time HGV movements and disturbance.

- 12.2 The scheme would have an adverse impact on tranquillity over a very wide area. There would also be adverse impact in terms of lighting from 10m high columns and lit signage and other road paraphernalia in hours of darkness. The harm cannot be designed out or mitigated. The scale of the road and the development of sites associated with it would have effects of a significant and substantial level.
- 12.3 PAG has cast doubt on the validity of noise models based on the Applicant's Traffic Assessments. Based on actual real time experience of the residents at Lane Head Lowton and Newton High Street the modelled results are not realistic.
- 12.4 Night time noise exposure regularly exceeds 40/45dB on Winwick Lane Noise will increase as drivers take the shortest cheapest route through Lane Head. Currently up to 28% of night time traffic comprises HGV.
- 12.5 Sound levels at the properties to the south of Winwick Lane require mitigation through an acoustic sound barrier. Noise on the High Street in Newton will impact on commercial businesses as well as residents. Winwick Lane is a key route yet was not included in EIA scoping.
- 12.6 Andy Burnham, Mayor of Greater Manchester has made representations to St Helens at all stages of the planning process and has stated that the planning application does not address the concerns raised in relation to the impact of the development on neighbour areas (ID13.23). James Grundy MP has cited similar concerns with congestion at Lane Head as a major problem (ID 14.17). The knock-on effect of which is noise.
- 12.7 Long term health impacts associated with noise and disturbance include increased incidences of heart attack, stroke, dementia and hearing problems.

## **13 Climate Change**

- 13.1 The current proposals are for road-based facilities and not rail-based facilities as set out in the adopted St Helens Core Strategy policy and proposed in the emerging St Helens Local Plan. The main changes since the adoption of the Local Plan are far greater awareness of the impacts of climate change and recognition that there is a climate crisis. The change to a road-based facility is clearly a retrograde step in terms of considering impacts on climate change. The application does little to respond to the climate crisis. Claims that carbon emissions would be reduced are not credible.
- 13.2 During the earlier part of the inquiry, it was inferred that there was no legal requirement to address climate change for a road distribution scheme. This is incorrect. The UK has signed international conventions. These are then translated into legislation, policy and guidance, including the NPPF with its emphasis on sustainable development.
- 13.3 The schemes have negative impacts on air quality, ecology, green landscape, wildlife habitats and biodiversity. Against the context of climate change, it is difficult to justify the proposals.
- 13.4 All three local authorities (Wigan, Warrington, St Helens) need to undergo a paradigm shift in thinking, to take climate change seriously. The recent unprecedented floods highlight the very real impacts of climate change.
- 13.5 For Parkside, the schemes would replace greenery and habitats with hard surfacing, roads and sheds. Aside from the effect on local ecosystems this is a recipe for future flooding.

## **14 Heritage**

- 14.1 The schemes would cause substantial harm to the settings of several designated and non-designated heritage assets, as set out in our background technical



paper. The harmful impact on the Battlefield Winwick Pass is substantial. Battlefield Winwick Pass is acknowledged as being one of the best-preserved battlefields in the country.

- 14.2 The Link Road directly dissects the location of the registered battlefield of Winwick Pass. Interconnected development like Parkside Phase 1 will place 22m high warehouses where Cromwell's army once attacked the Scots and Royalists. It is difficult to comprehend how the applicant can make a case that there will be limited harm to this important heritage asset. Historical artifacts may be lost for ever.
- 14.3 The impact on Winwick Parish Church (listed Grade 1) and its setting, including key views, have not been properly considered, despite the special statutory duty to pay special attention to the desirability of preserving listed buildings and their setting under Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990. The long rural landscape views from the church to and from the settlements to the north and east have not been considered properly.
- 14.4 The spoil heap non-designated heritage asset has not been assessed, despite its obvious heritage value as part of the area's industrial and mining landscape.
- 14.5 The true scale of the cumulative impact on historic assets has not been properly assessed, not least as the spoil heap was excluded from consideration.
- 14.6 The cumulative change proposed with the development of Parkside as a whole and in particular Phase 3 will significantly harm the setting of Winwick church. The dominant nature of the proposed warehousing will harm the rural character of the landscape, its tranquillity and involve light pollution. The long views to and from the north and east will be lost. The harm must therefore be assessed as High Adverse.

## **15 Cumulative Impacts**

- 15.1 We understand that the Environmental Impact Assessment (EIA) for each application deals only with that specific application. However, in considering the proposals, and other proposals being dealt with outside of this inquiry, the cumulative impacts of developments are clearly relevant, including cross-boundary impacts.
- 15.2 This includes impacts on the rural area, rural economy, local environment, heritage, ecology, traffic, air-quality, amenity and other matters.
- 15.3 The link road will enable additional sites to be developed. That is its primary purpose. In the absence of full assessment of in-combination and cumulative effects the application documentation is deficient.

## **16 Conclusion**

- 16.1 In summary, PAG's objections are based on:
- The schemes are not compliant with the adopted local development plan;
  - The schemes are contrary to national and local Green Belt planning policies;
  - Very special circumstances have not been demonstrated to justify development in the Green Belt;
  - The consideration of substantial Green Belt release through ad-hoc planning applications rather than a proper development plan process is unsatisfactory;
  - Approval of the link road would imply release of further sites from the Green Belt, pre-empting future planning applications;
  - The scheme would harm the rural economy and enable develop that would fail to diversify economic opportunity and is of marginal and questionable economic value;
  - Traffic generation would be unsustainable and would cause harm in terms of congestion and also to amenity, especially if worst case scenarios occur;

- The schemes would have a detrimental effect on air quality, which already exceeds limits;
- The air quality modelling is deficient and the argument for an improvement in air quality is implausible;
- The schemes would cause considerable harm to landscape character, visual amenity, ecology, wildlife and biodiversity;
- Mitigation for the loss of the natural environment is inadequate;
- The scheme would harm amenity through noise and disturbance (loss of tranquillity), light, visual impact and loss of recreational facilities.
- The schemes cause substantial harm to several heritage assets (designated and non-designated) and their settings;
- In the case of the spoil heap, the heritage impact has not been understood or considered at all;
- The scheme would have adverse impacts in terms of climate change and based on embedding more road haulage, in advance of the priority rail purpose, it is not sustainable,
- Cumulative impacts with other developments have not been fully assessed.

16.2 PAG is especially concerned over cumulative impacts, including cross-border impacts. The duty to cooperate appears to have not been given priority.

16.3 We don't think the proponents of this scheme have any real understanding of, or commitment to, meaningful community and stakeholder engagement. This is very much a case of planning being done to the community, rather than through an iterative process supporting a positive outcome and local consensus and acceptance of future development. The community ought not to be treated as an irritation or an inconvenience.

16.4 We support the need for sustainable development and regeneration. But this should meet the needs of the area and local economy and be sustainable against the very real and urgent context of climate change. We don't support ill-conceived regeneration which fails to diversify the employment base of the local area, Liverpool City Region and North West. The scheme has numerous negative impacts. This proposal represents harmful, unsustainable development and regeneration. The economic gains are marginal and questionable. The case for very special circumstances has clearly not been made.

16.5 Sustainable development has economic, social and environmental objectives, as set out in Paragraph 8 of the NPPF. The road falls short of all three objectives.

## 17 **Final Comments**

17.1 PAG would like to make clear that at no point (as alleged by the applicant) has PAG purposely attempted to circumvent inquiry process or directives by the inspector. As a volunteer group we have little experience of such process and our endeavours have throughout always been sincere and honest. Our passion has been to make sure the local experience and truth is heard.

17.2 I would like to thank the residents who have volunteered considerable time, taken time-off from work and participated in the various sessions. Inclusion of community concerns in a planning inquiry should be normal and people should feel able to participate without criticism. I am disappointed that a number of you have been subject to criticism, with aggressive comments and questions.

17.3 The PAG inquiry team was formed of members of the public, some from professional backgrounds, but not familiar with planning or environmental disciplines. Public scrutiny of major development proposals that threaten harm to the Green Belt is important. We are seeking to ensure due diligence has been followed and where mistakes or errors are observed it is important for them to be identified for validation purposes. This has been shown in important areas such as traffic assessment and air quality monitoring. It would be perverse to ignore

these issues and assume experts are always right when there are health and environmental risks at stake.

- 17.4 Locally it is considered that there was not adequate time at the St Helens planning meeting in 2019 for local people to raise important matters relevant to the Phase 1 and PLR planning applications. The Council restricted the group to only 4 minutes to make the case for objection for each application. A reasonable of time was spent by members of the committee discussing the type of planting required at the site entrance for one of the applications. It is untrue to say that the applications were 'extensively' discussed.
- 17.5 Planning should be an iterative, and creative, problem-solving, collaborative, placemaking activity. Unfortunately, the current schemes tick none of these boxes. From the post-war period onwards, the clear lessons are that planning with the community held at arms-length often results in failure. Good planning outcomes are achieved by working with the community, stakeholders, partners and businesses. We hope in the future the local planning authority will try to engage with the local community in a positive and constructive manner,
- 17.6 We also thank the Mayor of Manchester Andy Burnham and the MP for Leigh James Grundy for listening to local concerns and for their support. We also thank the inspector for listening to our case and guiding us through some difficult moments.
- 17.7 Finally, on the basis of our evidence and issues raised at the inquiry we respectfully recommend that the Secretary of State refuse the applications on the basis of negative planning balance.