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**TOWN AND COUNTRY PLANNING ACT 1990**

**SECTION 77 / CALL-IN INQUIRY**

**IN RESPECT OF OMEGA ZONE 8, WEST OF OMEGA SOUTH AND SOUTH OF  
THE M62, ST HELENS, MERSEYSIDE, WA8 3TR**

**HYBRID PLANNING APPLICATION COMPRISING:**

- 1) FULL PLANNING PERMISSION FOR THE ERECTION OF A B8  
LOGISTICS WAREHOUSE, WITH ANCILLARY OFFICES,  
ASSOCIATED CAR PARKING INFRASTRUCTURE AND  
LANDSCAPING; AND**
  
- 2) OUTLINE PLANNING PERMISSION FOR MANUFACTURING (B2)  
AND LOGISTICS (B8) DEVELOPMENT WITH ANCILLARY  
OFFICES AND ASSOCIATED ACCESS INFRASTRUCTURE  
WORKS (DETAILED MATTERS OF APPEARANCE,  
LANDSCAPING, LAYOUT AND SCALE ARE RESERVED FOR  
SUBSEQUENT APPROVAL)**

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**CLOSING SUBMISSIONS ON BEHALF OF  
THE APPLICANTS**

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**Appeal Ref: APP/H4315/V/20/3265899  
LPA Ref: P/2020/0061/HYBR**

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## I. INTRODUCTION

1. The application site ('the Site') extends to approximately 75.3ha and lies 4 miles to the south east of St Helens town centre and 3.3 miles to the north west of Warrington town centre. Omega immediately adjoins the eastern boundary, the M62 the northern boundary with Lingley Mere business park to the south east. The Site lies within the St Helens Green Belt with the Mersey Valley Golf Club to the south and the residential area of Lingley Green to the south east.
2. The joint applicants are Omega St Helens Limited ('Omega Limited') and T J Morris Limited ('TJM') who applied to St Helens Council ('SHC') for planning permission for the development of land to the west of the existing Omega development ('Omega') known as Omega West (and also as Omega Zone 8). The 'joint' nature of the Application is of particular import – the proposed Unit 1 is specifically designed for, and to be occupied by, TJM, the largest private employer in Merseyside.
3. The existing Omega development, which the Site adjoins the western boundary of, is a highly successful strategic mixed-use development based, broadly, upon the former RAF / USAF Burtonwood Airbase at J8 of the M62. It comprises some 5.2m sq ft of manufacturing and logistics development which accommodates numerous national and international occupiers along with permission for up to 1,400 residential units<sup>1</sup>.
4. Omega lies within the administrative boundaries of Warrington Borough Council ('WBC'), the Site within the administrative boundaries of SHC.
5. Omega is now reaching its full development potential in terms of B2 / B8 floorspace and has no further capacity for large floorplate warehousing or manufacturing units. In addition to Unit 1 the outline Units 2, 3 and 4 on the Site will provide critically needed new employment space and assist in meeting the needs of both WBC and SHC within the wider Liverpool City Region. This element of the Application being in outline allows for flexibility to meet the specific needs of future occupiers as B2 / B8 operators often have

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<sup>1</sup> c500 of which are completed or under construction

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bespoke requirements. Units 2 and 3 (within Zone 1B) in Omega are the subject of agreed Heads of Terms.

6. The hybrid planning application ('the Application') seeks:
- (i) detailed permission for the TJM element of the scheme ('Unit 1') comprising a 81,570 sqm (878,012 sq ft) B8 unit with associated development; and
  - (ii) outline permission comprising up to 123,930 sqm of B2/B8 floorspace (shown in the Indicative Masterplan<sup>2</sup> as being 3 units)
  - (iii) As identified in draft condition 1<sup>3</sup> (which applies to both the full and outline proposals) there is a split between B2 and B8 floorspace of 30% and 70% respectively.
7. Part of the land within the Site (5.66ha), lying between the proposed Unit 1 and Omega, is intended to provide future expansion land for TJM ('the Expansion Land'). The Expansion Land is not proposed for development as part of the Application as its development requires the diversion of overhead electricity cables. That diversion will involve extensive long-lead times, and furthermore the (Application site) requirement for TJM is immediate. Upon the future development of the Expansion Land, and once those diversions are completed (as explained by James Clarke) the gap between the Omega and the Site will be closed.
8. Importantly, in terms of Unit 1, there is both the identified occupier in the form of TJM (who are under contract subject to planning<sup>4</sup>) and that portion of the Site is ready for immediate development. The proposals have been specifically developed to allow for immediate mobilisation on site following the grant of planning permission.
9. This readiness extends to having already provided long lead time infrastructure (for example power supply, road access), the agreed planning conditions and the agreed s106 obligation. It further extends, in terms of the TJM Unit, to TJM having entered into a

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<sup>2</sup> CD33.187

<sup>3</sup> CD43.71

<sup>4</sup> CD38.7 §7.1.2 and Sean Bashforth's note dated 4.5.21 on TJM's commitment to the site

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contract with WITRON to design and supply the warehouse system at a cost of £150m (total TJM investment £300m)<sup>5</sup>.

10. Unlike many other proposals, the Site is genuinely ‘oven ready’. The development can be built out and occupied, with all of the commensurate benefits, in a comparatively short time frame. Indeed, in terms of Unit 1 it is a specific requirement of TJM that the development comes forward quickly given their immediate operational needs<sup>6</sup>.

11. Subject to the agreed planning conditions and s106 obligation there are no objections from the following statutory consultees:

- (i) SHC Environmental Health (including individual responses on Noise, Air Quality and Lighting);
- (ii) Health and Safety Executive;
- (iii) Historic England;
- (iv) Merseyside Environmental Service;
- (v) Environment Agency;
- (vi) United Utilities;
- (vii) SHC Highways;
- (viii) Highways England;
- (ix) Mersey Travel;
- (x) Fire and Rescue Service;
- (xi) Flood Risk (EA);
- (xii) Natural England;
- (xiii) Electricity Infrastructure providers.

12. Furthermore, WBC not only raise no objection to the proposal (the traffic movements principally falling within WBC) but support the proposal<sup>7</sup>. That position was formalised by the decision of WBC’s Development Management Committee to accept its officer’s recommendation not to raise any objection to the proposal<sup>8</sup>.

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<sup>5</sup> CD38.7 – James Clarke’s evidence, §7.1.4

<sup>6</sup> TJM’s planned business requirement is that a third DC is operational by Autumn 2024.

<sup>7</sup> CD43.72

<sup>8</sup> CD35.3 §10.1 pg 74 (Officer’s Report) and CD 35.5 (Minutes)

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13. Presented to SHC's Planning Committee on 27<sup>th</sup> October 2020 the SHC Officer's Report<sup>9</sup> recommended approval having reached the following conclusions:

- (i) in terms of Green Belt policy the Application accords with the Unitary Development Plan, the Core Strategy and the NPPF;
- (ii) Very Special Circumstances ('VSC') exist such as to clearly outweigh the substantial harm to the Green Belt;
- (iii) the heritage harm, considered to be 'less than substantial harm' and 'slight within the spectrum', is outweighed by the public benefits of the proposal<sup>10</sup>;
- (iv) the proposal is in accord with the development plan; and
- (v) that the other material considerations further support the grant of planning permission.

14. SHC's Planning Committee followed that recommendation and resolved to grant planning permission. That remains the position of SHC, the evidence submitted to this Inquiry affirms the conclusion that VSC exist, the proposal accords with the development plan and that material considerations further support the grant of planning permission<sup>11</sup>.

## II. THE PRINCIPAL MATTERS

### Main Issues

15. The Main Issues which the Secretary of State ('SoS') considers require addressing were further refined in the Inspector's Note, following the CMC<sup>12</sup>, as:

- (i) the extent to which the proposed development is consistent with Government policies for protecting Green Belt land (NPPF Chapter 13);

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<sup>9</sup> CD 35.1

<sup>10</sup> See CD35.1 page 73, penultimate paragraph

<sup>11</sup> Alyn Nicholls PoE on behalf of SHC [CD 39.1 §7.16 & 7.21 Pg 63]

<sup>12</sup> Held on 8<sup>th</sup> March 2021

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- (ii) the extent to which the proposed development is consistent with Government policies for building a strong, competitive economy;
  - (iii) the extent to which the proposed development is consistent with the development plan for the area, including any emerging plan.

#### Further considerations

16. The Inspector's Note additionally sets out further considerations for exploration through the course of the Inquiry which are the effect of the proposal on:

- (i) the character and appearance of the area;
- (ii) air quality;
- (iii) ecology;
- (iv) heritage and landscape assets;
- (v) climate change;
- (vi) the living conditions of neighbouring residents with particular regard to noise; and
- (vii) the highway network and how the development can contribute to meeting sustainable transport objectives.

#### Statements of Common Ground

17. Given SHC's support for the scheme (reflected in its resolution to grant planning permission) it is unsurprising that there is a very broad degree of agreement between both the Applicants and SHC across these matters. That level of agreement is captured in greater detail in the three Statements of Common Ground ('SoCGs') in relation to Planning<sup>13</sup>, Transport<sup>14</sup> and Need<sup>15</sup>.

18. Importantly the SoCG on Planning Matters records that "*...whilst there may be differences in judgment about the level of impacts and the weight to be accorded to relevant matters, there is no disagreement about the conclusion on planning merits and that there are very*

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<sup>13</sup> CD 37.1

<sup>14</sup> CD 37.2

<sup>15</sup> CD 37.3

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*special circumstances to outweigh the strong presumption against inappropriate development in the Green Belt”<sup>16</sup>.*

### III. CONTEXT

#### Omega

19. Formerly an RAF / USAF airfield, the 577 acre<sup>17</sup> RAF Burtonwood closed in 1991. Transferred from the MOD to The Commission for New Towns (CNT, now Homes England) its redevelopment was originally envisaged as a strategic office park. Located to the north (and south) of the M62 a new junction (M62 J8) was constructed by (and at the cost of CNT) to provide direct access for the site to the motorway network.
20. However, before any development commenced, the redevelopment was replanned to reduce the B1(a) office element and introduce B2 / B8 manufacturing and distribution uses, given market changes away from out of town office parks.
21. Formed in 2002 Omega Warrington Limited (‘OWL’) is Homes England’s development partner for Omega under a long-term development agreement. OWL was acquired by M2 Group Limited. The proposed development is to be undertaken by Omega St Helens Limited, a subsidiary of M2 Group.
22. Since 2012/13 over 5.2 million sq ft of logistics / manufacturing space has been delivered at Omega including large floorplate buildings occupied by national businesses<sup>18</sup> (e.g. Royal Mail, Brakes, Travis Perkins, ASDA, the Hut Group, TDG, Hermes). Omega is now established as a leading regional strategic logistics and manufacturing location<sup>19</sup>. Reflective of the desirability of Omega to the market there are no existing buildings available, the original occupier of each building remains in occupation (i.e. there has been zero churn).
23. In addition to the B2 / B8 development, four serviced parcels of land have been sold to national housebuilders (c775 plots of the 1,400 permitted overall on site) and a 35 acre

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<sup>16</sup> CD 37.1 §1.6 Pg 3

<sup>17</sup> 233.5ha

<sup>18</sup> CD 38.8B Appendix 4 provides full details

<sup>19</sup> See evidence of Andrew Pexton CD 38.5 para 10.8 and Anthony Meulman CD39.2 para 4.9



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public park (the ‘Green Heart’, an essential part of the masterplan concept) and a new primary school<sup>20</sup> have been completed.

24. Omega has now nearly reached its full development potential in terms of B2 / B8 uses, the final phase<sup>21</sup> has planning permission for three B2 / B8 units the last of which is under construction with completion due in August 2021. All units of the final phase are either let or under offer. In addition there is a residential development including a mixed use local centre. The residential element is planned to adjoin the existing residential area on the east of Burtonwood Road and to the south of Burtonwood Road. Given that proximity, the cross-docked TJM B8 use would be inappropriate on noise grounds. In contrast, the three B2 / B8 units on Omega South Phase 1B are designed with single sided docking bays / service yards oriented away from the residential parcels to alleviate that concern.
25. Recognising that land availability issue OWL engaged in the emerging Local Plan in order to promote land for the westward extension of Omega.
26. Following an expression of interest from TJM in 2019 (i.e. after the eLP process had been underway for some time) various design iterations were progressed for a unit immediately south of Skyline Drive (adjacent to the unit now occupied by Domino’s Pizza). That site however was unable to accommodate TJM’s requirements for the following reasons [see David Milloy – Round Table / PoE]:
- (i) noise:
    - i. TJM require cross-docking for its unit and the provision of two service yards was not possible both within the parameters of the acoustic condition of the original outline permission and having reviewed the matter further,
    - ii. in contrast, the units within zone 1B recently completed or under construction (including the unit let to Gousto) require docks only on their northern elevations leaving the rear elevation (to the residential area) free of vehicle movements and acting as noise mitigation,

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<sup>20</sup> Barrow Hall Primary School

<sup>21</sup> CD 38.8B Appendix 2 - Masterplan

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- iii. the new build residential development on the Omega site can incorporate noise mitigation measures. That is not an option for the existing residential development, particularly to the east of Burtonwood Road, which (had the TJM unit been located there) would have been in undesirably close proximity to it,
  - iv. the present configuration allows for a bund to separate the employment and residential uses;
- (ii) scale and massing:
- i. given the large floorplate and height necessary to meet the TJM requirement development at this location would have been unacceptable in such close proximity to existing residential development;
  - ii. the required high bay element requires a maximum roof height of just over 41m, the required heights for the units now under construction (and the completed Gousto unit) are 18-19m;
- (iii) layout – the only potential layout options were compromised and could not meet TJM’s requirements.

27. Of the three B2 / B8 units now built or under construction on this part of Omega, one has been let to Gousto with the other two under offer to a single occupier. In any event, given the development of Omega South, that site is no longer available (Sean Bashforth EiC).

28. Given the inability of the existing Omega development to accommodate the TJM requirement options were explored for Omega West culminating in the proposal the subject of this Inquiry.

T J Morris

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29. Established in 1980 T J Morris is one of the UK's fastest growing discount retailers. From a single shop opened by Tom Morris in 1976 in Old Swan, Liverpool the business now employs over 25,000 members of staff, is Merseyside's largest private sector employer and is one of the largest privately held companies in the UK.
30. TJM is a 'bricks and mortar' business. Whilst it does operate, on a limited scale, e-commerce channels its predominant focus is physical stores with customers undertaking a regular 'trolley' shop. The primary business focus of T J Morris is the delivery of household items to consumers through its network of stores Its planned growth will be delivered through the expansion of that store network.
31. Presently, there are over 545 Home Bargains stores across the country. T J Morris' business plan seeks to increase that representation to 800 stores within the next five years<sup>22</sup> and 1,200 stores within the next ten. Needless to say that store network requires all of the requisite support functions: warehouse, delivery, maintenance, training, administration to name but a few.
32. That support is presently provided by two Distribution Centres: Axis (Liverpool) and Solstice (Amesbury). Broadly speaking the former services the northern half of the country, the latter the southern half<sup>23</sup>.
33. Axis, opened in 2005 and subsequently extended, is home to T J Morris' Head Office and comprises 1m sq ft (principally across three buildings). Employing 1,500 staff it will continue to operate alongside, and will not be replaced by, the proposed development. At present turnover levels, Axis has capacity to service c325 stores, it is operating at 100% capacity and unable to service all those stores within its catchment<sup>24</sup>. In consequence, those stores are presently (and inefficiently) being serviced by Solstice which results in excessively long journey times for delivery vehicles.
34. Solstice hosts a main warehouse and training centre of 800,000 sq ft along with permission for two ancillary warehouses of a further 210,198 sq ft. Following the grant of the planning

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<sup>22</sup> CD 38.7 §4.1.3 Pg 8

<sup>23</sup> CD 38.7 Fig 3 Pg 7

<sup>24</sup> CD 38.7 §3.2.2 Pg 5

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permission, which met TJM's requirements, work commenced within one month of purchase in August 2013 and Solstice has been operational since autumn 2015.

35. Critical to the TJM model is efficiency – more stores improves buying power and operational efficiencies, warehouse automation improves logistics efficiency allowing TJM to offer customers choice at competitive prices. Both Axis and Solstice utilise high bay warehousing in order to accommodate both the necessary levels of stock and provide the automation required to ensure that the process is efficient.
36. Automation technology continues to advance. The system at Solstice is more advanced than Axis. The £150m automation system (provided by WITRON) for the proposed development will be more advanced again. It is understood that it will be the first of a kind in the UK (a further reason for the location of the proposed development near TJM's Head Office in order to provide the necessary managerial and technical support).
37. The necessity for high bay racking is colourfully illustrated in James Clarke's evidence "*I am informed by TJM's Director of Innovation that if a non-high-bay solution was to be used, practically the whole DC would be required to store 18-days' worth of stock. This would mean the overall size of the warehouse would have to double to approximately 148,643 sqm (1,600,000 sq ft)*"<sup>25</sup>. 18 day stock cover is, against industry standards, very 'lean' with general stockholding within the wider industry being at c40 days<sup>26</sup>.
38. As has been demonstrated by the events of the past year, supply chains can come under extreme pressure, in particular stock holding for essential everyday items has, at times, been problematic nationally.
39. The requirement for the third DC is to support the opening of the planned new retail stores and relieve pressure on Axis. Only the Site meets the operational requirements<sup>27</sup> of TJM being:
- (i) provision of a minimum of 92,902 sqm (1m sq ft) warehousing and ancillary floorspace, including the additional expansion land for future ancillary buildings

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<sup>25</sup> CD 38.7 James Clarke PoE §5.7.1 Pg 16

<sup>26</sup> CD 38.7 James Clarke PoE §5.5.5 Pg 16

<sup>27</sup> CD 38.7 James Clarke PoE §4.5.1 Pg 12

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and structures to support the growth of the DC (as demonstrated by Axis, the needs of TJM have grown over time and it is critical to ensure that existing facilities can be extended as required)<sup>28</sup>;

- (ii) ability to accommodate high bay warehousing with a clear internal height of 38m to enable the use of automation technologies and provide the required stock holding level;
- (iii) available power supply to meet the significant power demand of an automated warehouse;
- (iv) the provision of service yards on all sides of the warehouse to maximise the number of docking stations and align with the internal configuration / operational flow of the automated warehousing systems;
- (v) offices for back office staff along with sufficient parking provision for both employees and visitors.

40. Based upon present turnover and historic like-for-like sales growth a DC meeting those minimum operational requirements will have capacity to service approximately 325 stores<sup>29</sup>. The two existing DCs have capacity to support c650 stores<sup>30</sup>, fulfilling the planned 10 year expansion to c1,200<sup>31</sup> (with 545 stores already open) will not be possible without this development proceeding.

41. Given that urgent business requirement TJM undertook a search for suitable sites for a third DC across the length of the M62 corridor from Liverpool to Hull (that area being considered suitable to meet the locational need in terms of the existing and proposed store network)<sup>32</sup>. A new DC within that area would facilitate both store growth and relieve pressure on the existing Axis DC<sup>33</sup>.

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<sup>28</sup> CD38.7 James Clarke PoE §5.1.1

<sup>29</sup> CD 38.7 James Clarke PoE §4.5.2 Pg 13

<sup>30</sup> CD 38.7 James Clarke PoE §3.4.3 Pg 7

<sup>31</sup> Illustrated graphically at CD38.7 James Clarke PoE Fig 5 Pg 10

<sup>32</sup> CD 38.7 James Clarke PoE Fig 4 Pg 9

<sup>33</sup> CD 38.7 James Clarke PoE Fig 5 and Fig 6 Pg 10 and 11

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42. The use, *in extremis*, of temporary short term warehousing solutions will not deliver the required efficiencies to be sustainable in anything but the short term and will not negate the need for a third DC<sup>34</sup>. The identified business requirement for the third DC to be operational was Autumn 2023 – a timeframe which already cannot now be met<sup>35</sup>.
43. As explained by James Clarke TJM have acquired a site in Doncaster for a fourth DC. This is to enable the longer term growth of TJM (to 1,200 stores) and the decision to purchase the Site was made, in part, as a result of the experience of seeking to deliver the third DC. Like many businesses TJM were unaware of just how little supply is available and how competitive the marketplace is. The difficulty in securing the third DC led to the decision to acquire the Doncaster site to ensure that the present situation (i.e. that the third DC will be delivered *later* than when it is required) is not repeated.
44. For absolute clarity James Clarke explained that the Doncaster site cannot be considered an alternative to the present proposal because it is a much longer term project – it will be several years before the various impediments to its delivery are resolved such that construction can commence. That long lead time means that the Doncaster site is suitable to provide capacity for the latter half of the planned expansion to 1,200 stores but it cannot assist in meeting the present requirement.
45. As explained by James Clarke to achieve TJM’s planned expansion four DCs are required. The capacity of each existing DCs is 325 stores. To reach 800 requires the third DC (which Doncaster simply cannot facilitate in anything like the required timeframe). To reach 1,200 requires the fourth DC (Doncaster). It may be noted that even those figures take no account of like for like sales growth in the intervening period which will place an ever increasing greater burden on the DCs.
46. The conclusion of TJM’s site search exercise was that **only** Omega West can meet the minimum operational requirements of TJM<sup>36</sup> and in the required timeframe. This is a conclusion reflected in the submitted Alternative Site Assessment<sup>37</sup> (‘ASA’) which also

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<sup>34</sup> CD 38.7 James Clarke PoE §4.2.6 Pg 9

<sup>35</sup> CD 38.7 James Clarke PoE §4.4.1 Pg 12

<sup>36</sup> CD 38.7 James Clarke PoE §5.1.2 Pg 14

<sup>37</sup> CD 33.41 Alternative Site Assessment

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identified that no other sites could accommodate the minimum occupational requirements met by Unit 1 and a conclusion **agreed** by SHC<sup>38</sup>.

47. It is to be noted that the orientation of Unit 1 has been designed to meet TJM's requirements (including the need for future expansion land) whilst also ensuring that the wider Omega West site is not sterilised<sup>39</sup>. There is **no alternative configuration** of Unit 1 (as opposed to siting) which would meet the minimum operational requirements of TJM without prejudicing the development of the wider Omega West site (including the residual part of the draft eLP allocation).
48. TJM's anticipated investment in the proposed development will total **£300 million**, a sum which will be met entirely from TJM's capital reserves demonstrating TJM's commitment to the local economy and the region within which it was founded.
49. That commitment will translate into real jobs in the local economy. Furthermore, the involvement of TJM means not only is the proposal a jobs generator but it is a **jobs multiplier**. The new DC will allow TJM to open new stores nationwide which, otherwise, it will not have capacity to service. Each store delivers between 50 and 90 jobs<sup>40</sup>, that is new jobs in numerous local areas, business rates receipts and increased expenditure in the respective local economy. It is investment in the retail sector in towns at a time when many are suffering the effects of structural changes in the retail sector which have only been accelerated by the COVID-19 pandemic.
50. In terms solely of direct jobs provided by the DC there will be an estimated **1,207 FTE roles** translating into annual salaries of **c£19 million** in the local economy at opening (50% capacity) rising to **c£38 million** at full operational capacity<sup>41</sup>. Furthermore, it is not simply about numbers. TJM provide job opportunities at all levels and with flexible working arrangements; it is standing company policy to promote from within providing training and opportunities for progression for all employees<sup>42</sup>.

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<sup>38</sup> CD 37.1 SoCG Planning §8.4-8.6 Pg 19 and CD39.2 AM PoE §6.11 Pg 52 & §6.19 Pg 55

<sup>39</sup> CD 38.7 James Clarke PoE §5.9 Pg 17

<sup>40</sup> CD 38.7 James Clarke PoE §2.2.3 pg 3

<sup>41</sup> CD 38.7 James Clarke PoE Table 2 Pg 23

<sup>42</sup> CD 38.7 James Clarke PoE §8.3 Pg 23

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51. Given the complete absence of alternatives if this proposal were not to proceed TJM's significant capital investment cannot be made, the opportunity for substantial job creation (both locally through the DC and nationally through enabling the expansion of the store network) would be foregone and the needs of a locally founded retail success story would not be met.

'Oven Ready'

52. As set out in the evidence of David Milloy<sup>43</sup>, Managing Director of M2 Group Limited, there is a great deal more to delivering B2 / B8 accommodation than securing a planning permission. The term 'oven ready' is commonly employed in the development industry – it conveys comfort to potential occupiers that their needs can be met and LPAs that development will proceed.

53. It is however a term which is over (and loosely) used. The present proposal however is genuinely 'oven ready' and it is so solely because of the preparation, investment and planning undertaken by the Applicants. Ordinarily matters requiring financial expenditure or the deployment of resources 'at risk' are deferred until after a planning permission is secured.

54. Not so in the present case. So pressing is TJM's requirement that all impediments and obstacles to a commencement of the development of the Site have already been identified and resolved. Furthermore, works for the construction of Unit 1 have been through the tender process such that mobilisation on site can commence within two weeks. It is only by securing a start on site as soon as possible that the (accruing) delay in opening TJM's critically required third DC can be resolved.

55. In summary, commencement of the proposed development can be made upon the grant of planning permission as<sup>44</sup>:

- (i) M2 Group have contractual control of all of the required land for the development;

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<sup>43</sup> CD 38.8A

<sup>44</sup> Greater detail provided at CD 38.8A David Milloy PoE Sections 3.0-9.0)



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- (ii) TJM are under contract 'subject to planning' for Unit 1;
  - (iii) Access is already available via (the now adopted) Catalina Approach (specifically designed with Omega West in mind it is a 10m wide carriageway with a 3.5m wide shared cyclist / pedestrian path) directly to J8 M62 providing all ways access to the motorway network;
  - (iv) Offsite highways improvements have been completed (widening of Skyline Drive between J8) or are underway (M62 J8 exit slip works estimated completion 13<sup>th</sup> May 2021);
  - (v) The on site development constraint posed by the existing 132kV overhead electricity lines has been designed out in conjunction with Scottish Power Electricity Networks to provide (a) a temporary diversion of part followed by (b) a permanent (longer term) diversion in line with the development programme. As explained by David Milloy the diversion of the power lines is phased to allow Unit 1 to be constructed immediately following the grant of planning permission with a further programme of works taking place over c2years to re-route the power lines away from the Expansion Land;
  - (vi) All required utilities are available to service Omega West (the demands - particularly in terms of required power supply - for B2 / B8 uses are significant and reinforcing the network / providing upgraded utilities often has a long and uncertain lead time);
  - (vii) Proactive preparation by the Applicants and SHC means that in relation to the full element (Unit 1 / TJM) there are no pre-commencement conditions;
  - (viii) Construction works for Unit 1 (and required site infrastructure) have been tendered and mobilisation can be achieved within 2 weeks;
  - (ix) All other statutory consents required for the construction of Unit 1 (and required site infrastructure) have been secured including Highways England, HSE/ Shell (the Shell ethylene high pressure pipeline), Local Lead Flood Authority / EA (diversion of Barrow Brook).

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56. The Site is not just ‘oven ready’ but has “reached the required cooking temperature” – a critical consideration given the immediate and pressing need to meet both TJM’s urgent requirement and the market requirement for Grade A large floorplate B2 / B8 accommodation.

### St Helens

57. As considered further in relation to Main Issue 2 St Helens is “...core ‘levelling’ up territory”<sup>45</sup> its history “...as a smaller town that has suffered from de-industrialisation, and so has not punched its weight economically, is what the policy focus is about”.

58. That policy focus is much needed and long overdue. St Helens is one of the most deprived places in the country. By reference to the Government’s Indices of Multiple Deprivation (‘IMD’) (the official national measure of deprivation) large parts of the borough are in the top 5% and 10% of the most deprived areas<sup>46</sup>. The socio-economic context of St Helens is set out in full in Andrew Hunt’s PoE. It does not make for uplifting reading. The raw IMD figures are set out in the SoCG Planning with St Helens having been ranked 51<sup>st</sup> (2010), 36<sup>th</sup> (2015) and 26<sup>th</sup> (2019) a clear picture of a disturbingly **worsening** trend:

- (i) **29** Lower Super Output Areas (LSOAs) (neighbourhoods) are in the **10% most deprived** nationally with **50** in the **20%** most deprived nationally;
- (ii) **6** neighbourhoods are in the **1%** most deprived nationally;
- (iii) The ‘domains’ (the extent and types of deprivation of which there are 7) provide more detailed analysis including that in the **employment domain** St Helens is ranked as the **9<sup>th</sup> most deprived** nationally, the **8<sup>th</sup> most deprived** in terms of **health** and the **34<sup>th</sup> most deprived** in terms of **income**;
- (iv) Nearly a quarter of the population of St Helens live in the most deprived neighbourhoods – some **42,877** a number which has **increased by 26%** from 33,926 in 2010.

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<sup>45</sup> CD38.3 PoE Andrew Hunt §2.5 Pg 2

<sup>46</sup> CD38.3 PoE Andrew Hunt §3.1 Pg 9

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59. The LSOA within which the Site lies (St Helens 022A) falls within the 20% most deprived, and the surrounding LSOAs include those in the 10% most deprived. St Helens suffers not only from comparatively high levels of economic inactivity (some 9% of the working age population want a job but do not have one) but also from a skills gap:

(i) **40%** of economically inactive residents in St Helens have **no qualifications** (30% in WBC) and **17%** have only Level 1 qualifications (19% in WBC);

(ii) **25%** of unemployed St Helens residents have **no qualifications** (17% in WBC) and **23%** have only Level 1 qualifications (24% in WBC);

60. The number of jobs in St Helens is broadly the same as it was in 1984. By contrast the number of jobs in WBC has doubled in that same time period and increased by 50% in Halton<sup>47</sup>. As Andy Hunt observed at the round table session the eLP evidence base shows that future jobs growth is dependent on strategic sites. Table 47 of CD5.79 (St Helens Employment Land Needs Study) shows that the economic forecasts for St Helens show very limited jobs growth (1,500-8,000 jobs over 25 years) based on trends to 2015. The main opportunity for growth will be from the strategic sites (like Omega West) and which could contribute 11,500 jobs.

61. These problems are reflected both in the lack of economic growth in the district and a **low job density**. At 0.62 jobs per resident aged 16-64 St Helens ranks **333<sup>rd</sup> of 382** lower tier authorities. By comparison the jobs density in WBC is 1.18 (ranking it 22<sup>nd</sup>). To reach that average St Helens would have to add an extra 27,000 jobs. To meet the LCR average will require an additional 15,000 jobs.

62. That stark difference between the two neighbouring authorities is not a product of simple chance. WBC has been successful in growing its employment from 119,000 to 154,000 jobs since 2001 (and its job density from 0.95 to 1.18). In contrast, over the same period employment has declined in St Helens (70,000 to 69,000) and its job density is unchanged at 0.62<sup>48</sup>.

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<sup>47</sup> See CD38.3 Andrew Hunt PoE Fig 3.4 Pg 12 Index of Employment Trends for Merseyside region authorities

<sup>48</sup> CD38.3 Andrew Hunt PoE §3.15-§3.22 Pg 13-14

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63. It is perhaps unsurprising therefore that St Helens is in the highest priority group of local authorities for the new Levelling Up Fund<sup>49</sup>, is one of 101 locations successful in bidding for the Towns Fund<sup>50</sup> and is a constituent part of the successful Liverpool Freeport Bid<sup>51</sup>. Along with St Helens there are only two other places the subject of all three initiatives. That simply serves to emphasise the fundamental need for urgent economic investment in St Helens.

64. A critical differentiating factor has been the delivery of large floorplate B2 / B8 accommodation in WBC. For the period 2009/10 – 2018/19 the take up of employment land stood at 195ha. By remarkable contrast (especially when considering that the Site lies at the physical boundary of the two authorities) just 17ha has been taken up in St Helens – an average of 1.7ha / year.

65. There is no reason why that story cannot be changed. St Helens benefits from all of the advantages that WBC has – immediate access to communications infrastructure including the motorway network, a large labour base and pent up demand for employment space.

#### **IV. MAIN ISSUE 1 – GREEN BELT**

66. The proposed development lies entirely within the Green Belt. St Helens is particularly constrained with some 65% of the Borough being designated as Green Belt, the highest proportion of any of the Merseyside districts. The Green Belt boundaries of which have remained unaltered since designation in 1983.

67. Located within the Green Belt the proposal constitutes inappropriate development. NPPF §144 requires that substantial weight be given to any harm to the Green Belt. It is agreed that the proposed development will have a significant impact upon the openness of the Green Belt though that impact is ameliorated to an extent by the proposed structural landscaping and the Site's immediate context being the existing Omega development (both north and south of the M62).

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<sup>49</sup> CD 43.39

<sup>50</sup> CD 43.40

<sup>51</sup> CD 43.41

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## The Green Belt Review

68. In 2018 SHC undertook a Green Belt Review<sup>52</sup> as part of the preparation of the new St Helens Borough Local Plan 2020-2035 ('the eLP'). It has been recognised from the very outset of the new local plan process that without significant Green Belt release SHC will simply be unable to meet its employment land needs.
69. The Green Belt Review records that the Core Strategy did not identify a need to release Green Belt land for employment and continues "*However, for reasons that are set out below circumstances have changed markedly since the Core Strategy was adopted in 2012*"<sup>53</sup>.
70. Those reasons are identified as (i) the revocation of the North West Regional Spatial Strategy, (ii) the eLP covers a period much further into the future than the CS, and (iii) "*...substantial shortfalls have been identified in the overall quantity, quality and range of sites within existing urban areas that can be made available for housing and employment development over the Local Plan period, both within the Borough and in other nearby locations*".
71. The Green Belt Review continues "*Whilst there has been a slow take-up of employment land in St Helens since the Core Strategy was adopted, evidence indicates that this has been due to restrictions on the availability of suitable sites, rather than a lack of market demand*"<sup>54</sup>. This conclusion is borne out by the success of the Omega development located immediately beyond SHC's administrative boundary, built and occupied in the same time frame as the CS has been in place.
72. The Submission Draft eLP<sup>55</sup> subject to the proposed modifications<sup>56</sup> identifies that of a total requirement for 219.2ha only 11.75ha (5.4%) can be met within the urban area. The eLP proposes to allocate 265ha of land for employment uses through the eLP period to 2035. Draft allocation LPA04.1, totalling 31.22ha, is the eastern part of the Application Site. Considered against the proposed development LPA04.1 hosts 51% of the net

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<sup>52</sup> CD 43.8

<sup>53</sup> CD 43.8 §1.13-1.14 Pg 9

<sup>54</sup> CD 43.8 §1.17 Pg 9

<sup>55</sup> Subsequently subject to a schedule of changes in October 2020. EiP Hearing are anticipated to commence in May 2021.

<sup>56</sup> CD 3.21 Mod Refs: AM015, AM019, AM020, AM021

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developable area of the Site, 39% of the Unit 1 ‘site’ and 60% of the proposed ‘site’ for the outline element (Units 2, 3 & 4).

73. The Green Belt Review sub-divided and assessed Green Belt (‘GB’) parcels, the Site lies within GB parcel GBP\_076 (extending to 569.98ha) and overlaps two sub-parcels: GBP\_076b and GBP\_076c (a helpful plan delineating the parcels can be found at page 353 of the Green Belt Study<sup>57</sup>). The latter broadly aligns with the land ownership of Homes England (and LPA04.1) extending to 31.83ha. GBP-076b includes the remaining portion of the Site to the west of the Homes England ownership and extends to 284.40ha of which the balance of the Site of 43.6ha lies at the eastern extremity (i.e. immediately adjacent to GBP\_076c).
74. The methodological reason for the sub-division of parcels is explained in Table 3.1 *“To enable a more refined analysis of those parcels that are large and / or have internal variations in their importance to the Green Belt”*<sup>58</sup>.
75. This large parcel size is a particular point relevant to the Site. Having assessed only the Homes England land ownership (broadly) GBP\_076c is very fine grained, particularly for a district level review. In consequence, its appraisal principally takes into account the particular features of what is, broadly speaking, the eastern half of the Site. However GBP-076b whilst more finely grained than the parent land parcel still comprises approximately 50% of that sub-parcel. The ‘refinement’ of that analysis must therefore be contrasted with that of GBP-076c.
76. It is accepted of course that judgments have to be made as to approach. It would be an particularly intensive task to provide discrete assessments for the entire district at the scale of GBP\_076c. However, it is nonetheless important to be mindful of the contrast between the two. In particular, that the portion of the Site which lies within GBP\_076b (which immediately adjoins GBP\_076c) has more commonality with its neighbour than its own host sub-parcel. In particular:
- (i) whilst GBP\_076b in general and as a whole is considered to contain *“very little inappropriate development”* and *“retains a strong sense of countryside character”*

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<sup>57</sup> CD 43.8 Pg 353

<sup>58</sup> CD 43.8 Table 3.1 Pg 33

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*and openness*<sup>59</sup> that cannot be said of the parts of the parcel lying to the eastern boundary which is subject to the developed influence of Omega;

- (ii) the Site itself is delineated by strong defensible boundaries comprising the proposed 7ha Green Triangle to the north western part of the Site and Booth's Wood to the west more generally.

77. It is likely that the boundaries of GBP\_076c were arrived at not through an explicit consideration of its Green Belt function / features but because it was a specific land ownership promoted by Homes England (at the time TJM's requirement was not yet manifest and so the balance of the Site was not submitted for consideration and has not been specifically assessed).

78. Table 3.2<sup>60</sup> provides a summary of the assessment of the two sub-parcels and, bearing in mind the location of the Site within those parcels, it is helpful to compare and contrast the findings. The assessment considers that GBP\_076c makes an overall contribution toward Green Purposes of 'Medium' and, at Table 5.2<sup>61</sup> which contains the Stage 3 results, makes the recommendation that it be allocated. Whilst it is worthwhile reading the comments accompanying that recommendation in full, in summary they provide that:

- (i) *"Development here would form a natural extension of the adjacent Omega employment area"*;
- (ii) although the parcel includes some areas of high quality agricultural land *"...the harm... needs to be balanced against the potential benefits from providing further employment uses within this location"*;
- (iii) *"...as the parcel is located within 1km of an area within the 20% most deprived population in the UK, its development for employment uses would help reduce poverty and social exclusion"*; and

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<sup>59</sup> CD 43.8 Table 3.2 pg 353

<sup>60</sup> CD 43.8 Table 3.1 Pg 33

<sup>61</sup> CD 43.8 Table 5.2 Pg 54

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- (iv) *“There are no other over-riding constraints that apply to the sub-parcel and it is suitable to be allocated and thereby help meet the employment land needs of Warrington”.*

79. When the western portion of the Site is considered on a finer grained basis than the entirety of the 284.4ha of GBP\_076b it is clear that those conclusions are equally applicable and more representative of the western portion of the Site than the conclusions for GBP\_076b taken as a whole.

### Openness

80. Plainly the development of large floor plate warehouse / industrial buildings with associated infrastructure will be a significant change in both visual and spatial terms from the existing undeveloped nature of the Site in terms of openness.

81. However, the baselines against which that change is considered are not simply by reference to its present arable use along with water features and woodlands. It must be considered in its locational context which includes not only the dominant edge of Omega, itself at that point accommodating large floorplate distribution units (e.g. The Hut Group, Royal Mail) but also the M62.

82. The development, and the loss of openness, will be permanent in nature. The degree of activity will be significant given the proposed use for B2/B8 uses. Again, however, context is important to properly understand the level of that impact. The development will take access only through the existing Omega development via Catalina Approach. Furthermore, as noted in Mark Steele’s evidence, the structural planting at Year 15 will “...contribute to the screening of visually intrusive service areas”<sup>62</sup>. There will also be activity generated at a low level in consequence of the introduction of the new footpath and connections to Bold Forest Park.

83. Whilst there remains a difference of opinion as to the degree to which the proposed development will be mitigated by landscaping it is nonetheless agreed that those proposals

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<sup>62</sup> CD38.1 §3.3.5 Pg 16



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*“will serve to reduce the impact of the Proposed Development on openness”*<sup>63</sup>. Given the height of the proposed buildings it is accepted that they will remain visible even with the maturation of the structural landscaping, the point as to context however is reiterated – that residual visibility will be set within the context of the existing Omega Development.

84. It is accepted that there will be major harm to openness<sup>64</sup>, but that harm is limited in spatial extent to GBP\_076c, which the eLP evidence base considers is suitable for release, and the westernmost portion of GBP\_076b which aligns more closely with that neighbouring sub-parcel than its large host parcel. The entirety of the Site represents less than 1% of the St Helens Green Belt.

#### The purposes of the Green Belt

85. Of the five green belt purposes the proposal does not conflict with three:

- (i) Preventing the merging of neighbouring towns – as set out in the OR<sup>65</sup> whilst the proposal would extend the urban area of St Helens *“there would still be significant separation from urban areas in Clock Face and Bold... and therefore there is no conflict with this purpose”*;
- (ii) Preserving the special character of historic towns – Neither Bold nor Clock Face are historic towns and there is no conflict with this purpose<sup>66</sup>;
- (iii) To assist in urban generation by encouraging the recycling of derelict and other urban land – whilst the proposal does not contribute toward this purpose nor does it prejudice it as there are no other alternative sites outside of the Green Belt which could meet the required need both in terms of large floorplate employment land need generally and the specific requirement of TJM<sup>67</sup>.

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<sup>63</sup> CD 37.1 §8.8

<sup>64</sup> CD 38.4 §4.24 Pg 18 Sean Bashforth PoE

<sup>65</sup> CD 35.2 §7.145

<sup>66</sup> CD 35.2 §7.147

<sup>67</sup> CD 38.4 §4.38-4.39 Pg 19 SB PoE and CD 37.1 §8.11 SoCG on Planning

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86. It is agreed that there is conflict with the two remaining purposes of the Green Belt<sup>68</sup>, those being (i) checking the sprawl of a large built-up area and (ii) safeguarding the countryside from encroachment.

*Checking the sprawl of a large built-up area*

87. Whilst the OR records that the Site goes beyond the proposed eLP allocation, it accepts that it is well contained to the north (M62), east (Omega) and, albeit to a lesser degree, the south and west<sup>69</sup>. That acceptance however is caveated with the observation that the conclusions of the Green Belt Study relate to the eLP draft allocation and the Site extends beyond it. That makes no difference at all to the conclusion in relation to containment to the north and east. In terms of containment to the south, the Golf Club and Lingley Green already exist with the A57 to their south.

88. It is the extension of the Site beyond the western boundary of the eLP draft allocation which has the greatest relevance in terms of this purpose with the OR observing that *“The proposed ‘green wedge’ mitigation to the north, and existing Booths Wood along with the diverted Whittle Brook along the western boundary would, to a degree, contain the extent of the development preventing urban sprawl”*<sup>70</sup>.

89. It is not therefore unabashed urban sprawl. In fact, it is clear that the Site, whilst extending further than the eLP draft allocation, is well-contained and is capable of providing a strong defensible boundary to the Green Belt. The Green Belt Study’s conclusions in relation to the eLP draft allocation are important having found that the eastern portion of the Site *“would form a natural extension to the adjacent Omega employment area”*<sup>71</sup>.

90. In purely visual terms the edge of the existing Omega development will be replaced, albeit on the basis of the extension of the urban area, with a western boundary which is the subject of a carefully considered structural landscaping scheme.

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<sup>68</sup> CD 37.1 §8.9 Pg 19 SoCG on Planning

<sup>69</sup> CD 35.1 OR §7.144

<sup>70</sup> CD 35.1 OR §7.144

<sup>71</sup> CD 3.5 Pg 54 Green Belt Study

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91. This illustrates the importance of considering a finer grained approach to the western part of the Site than is provided solely by the much more extensive GBP\_076b. GBP\_076b, as a whole, is considered to have ‘High’ rating in respect of this purpose, the Site however being immediately adjacent to GBP\_076c does not make that level of contribution. As considered by Sean Bashforth that element in isolation warrants a rating of ‘Medium’ in line with the GBP\_076b<sup>72</sup>.

92. The Planning Statement submitted with the Application considers that overall the proposed development would have a moderate impact upon this purpose, a conclusion with which Sean Bashforth agrees. Whilst SHC consider that the impact is greater, it is accepted that *“This is the inevitable consequence of large-scale logistics development, which must be located in the Green Belt, if the ‘critical’ need in PPG is to be met”*<sup>73</sup>.

*To assist in safeguarding the countryside from encroachment*

93. The development will encroach into the countryside. This is not the only location in the district where this is necessary in order to meet the essential need for employment land. Indeed, a substantial portion of the Site has already been identified for release. Whilst the scoring across the two sub parcels differs (GBP\_076b ‘High’ / GBP\_076c ‘Medium’) the different scales of the sub-parcels in terms of land area is highly relevant.

94. As already considered, the western portion of the Site lies within a much larger sub-parcel which, as part of the Green Belt Study, has been considered as a whole. It is entirely appropriate, for the purpose of this decision, to consider the relevant portion of that sub-parcel. In doing so it is clear that it shares characteristics with GBP\_076c such that it should be scored as ‘Medium’<sup>74</sup>.

95. SB’s conclusion is that the impact upon this purpose is moderate to major whereas AN agrees with the OR that the scale of encroachment is ‘significant’. However, it is important to bear in mind that whilst the ‘scale’ of development in the Green Belt is an important factor in the consideration of this purpose is far from the only consideration. It is necessary

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<sup>72</sup> CD 38.4 §4.31 Pg 19 SB PoE

<sup>73</sup> CD 39.1 §4.20 Pg 37 AN PoE

<sup>74</sup> CD 38.4 §4.35 Pg 19 Sean Bashforth PoE

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to recognise scale having regard to its context. That includes the significant distance of the Site to residential receptors<sup>75</sup>. As Sean Bashforth noted<sup>76</sup> the development will be appreciated in a context including the existing Omega site to the east (too which it forms a logical extension) and the proposed use of appropriate horizontal and vertical cladding which will help to break up the apparent massing of the TJM building together with extensive appropriate landscaping.

### Summary

96. The proposal represents inappropriate development in the Green Belt. That said, the western portion of the Site has been considered in the Green Belt Study to be appropriate for release as a “*natural extension*” to Omega. The proposal extends beyond the eLP draft allocation and will conflict with two of the five green belt purposes.
97. The proposal, by its very nature, is significant in scale. However, when properly considered, the impact upon the openness of the Green Belt in this location is ameliorated by the well-contained nature of the Site along with the opportunities to bolster the western boundary through structural landscaping and the Green Triangle along with the existing Booth’s Wood.
98. As the proposal is in the Green Belt the starting point is that there is a conflict with both the development plan and the NPPF. However, policy explicitly qualifies the potential for such conflict. As agreed between the Applicants and SHC VSC exist such as to clearly outweigh the harm to the openness of the Green Belt and other harms such that the proposal is considered to be consistent with national Green Belt policy and the development plan.

## **V. MAIN ISSUE 2 – BUILDING A STRONG, COMPETITIVE ECONOMY**

99. This proposal will:

- (i) provide a very substantial number of jobs across a range of disciplines;

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<sup>75</sup> CD35.1 §7.111 SHC Committee Report and CD38.1 Mark Steele PoE §3.3.8.

<sup>76</sup> CD38.4 Sean Bashforth PoE §6.9

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- (ii) meet the urgent needs of a highly successful business to continue upon its journey of organic growth;
  - (iii) support and contribute toward SHC’s regeneration imperative to provide jobs for, and deliver socio-economic improvements to, residents living in some of the most deprived areas in the country;
  - (iv) assist in meeting the urgent and significant need (both in the district and in the LCR) for modern, high-quality logistics and industrial accommodation.

### Levelling Up

100. A foundation stone of this government’s national economic policy is to ‘level up’ those areas which have been ‘left behind’<sup>77</sup>. Very recently<sup>78</sup> the gov.uk website, in announcing three new investment programmes as part of that policy, stated:

#### **Overview**

*The UK government is committed to levelling up across the whole of the United Kingdom to ensure that no community is left behind, particularly as we recover from the COVID-19 pandemic.*

*That is why we are now making the biggest changes to the way we support local economic growth in a decade, in order to regenerate our town centres and high streets, support individuals into employment, improve local transport links and invest in local culture, while giving communities a stronger voice to take over cherished local assets that might otherwise be lost.*

*This will involve the UK government decentralising power and working more directly with local partners and communities across England, Wales, Scotland and Northern Ireland, who are best placed to understand the needs of their local areas and more closely aligned to the local economic geographies to deliver quickly on the ground.*

*To support these objectives, the UK government has launched three new investment programmes to support communities right across the country. All share common challenges and opportunities, which the UK government is determined to address in collaboration with local partners. These new investment programmes are:*

- *The UK Community Renewal Fund*
- *The Levelling Up Fund*
- *The Community Ownership Fund*

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<sup>77</sup> CD43.39 Levelling Up Fund: Prospectus §1.2

<sup>78</sup> <https://www.gov.uk/government/collections/new-levelling-up-and-community-investments> published 3rd March 2021

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*As we look towards the UK Shared Prosperity Fund next year, we are conscious of the need for an evolution of the way we support local economic growth so it can best support levelling up for the long term. The UK government will work with local partners throughout 2021 to develop an approach that delivers the infrastructure and regeneration priorities local leaders want to see in their area.*

*We will also be working with local businesses on the future role of Local Enterprise Partnerships. We want to ensure local businesses have clear representation and support in their area, in order to drive the recovery. We will work with Local Enterprise Partnerships over the coming months, with a view to announcing more detailed plans ahead of summer recess. This will also include consideration of Local Enterprise Partnership geographies.*

*Later this year we will provide further details on the Community Ownership Fund and publish an Investment Framework for the UK Shared Prosperity Fund – the replacement to European Union structural funds – which will commence in 2022.*

101. The proposed development fits hand in glove with the objectives and approach of this Government’s levelling up agenda:

- (i) St Helens, and substantial portions of the LCR, are areas which have been ‘left behind’;
- (ii) they are both the focused target of the levelling up agenda - St Helens is in the highest priority group of LPAs for the new Levelling Up Fund, St Helens is one of the 101 recipients of the Towns Fund initiative, St Helens is a constituent part of the successful Liverpool Freeport bid<sup>79</sup>. Only three other locations nationwide fall within all three categories;
- (iii) the proposal is supported by local partners and decision makers (including both SHC and WBC);
- (iv) the proposal aligns with the ‘step change’ employment strategy helping deliver the infrastructure and regeneration priorities of the CS, the eLP, WBC’s Local Plan and the overall strategy of the LCR;
- (v) those bodies, along with local businesses, are best placed to understand the needs of their local areas;

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<sup>79</sup> CDs 43.39, 43.40 and 43.41

- (vi) the proposal will support local economic growth (though importantly has an additional ‘multiplier’ effect nationally) and support individuals into employment;
- (vii) the proposal will allow TJM, a successful and established local employer, to assist in driving forward the post COVID-19 recovery both in the local area and nationally;
- (viii) the outline element of the proposal will deliver much needed Grade A employment floorspace in an established prime location to drive the growth of the local and regional economy.

102. The proposal will deliver a significant number of jobs<sup>80</sup> in a borough where job numbers have declined whilst they have increased in those areas immediately around them:

	<b>Jobs (Full PP)</b>	<b>Jobs (Outline PP)</b>	<b>Total Jobs</b>
<b>Construction</b>	<b>1,127</b>	<b>362</b>	<b>1,489</b>
<b>Operational (on site)</b>	<b>1,207</b>	<b>2,679</b>	<b>3,886</b>

103. As explained by both Mr Hunt and Mr Clarke the predicted job numbers for Unit 1 are based on comparable ‘real world’ experience (Round Table). Furthermore, the local employment obligation will direct job opportunities to those most in need. Not only that the headline number covers a wide range of roles, from entry level positions to management / technical (engineering) level. TJM’s long-standing in house training programme provides the on-going opportunity for both the development of valuable skills and career progression.

104. This proposal is one fully supported by SHC as eloquently explained by Cllr Richard McCauley<sup>81</sup>, SHC’s Cabinet Member for Planning and Regeneration and Ward Councillor

<sup>80</sup> CD 38.4 Sean Bashford PoE Table 5.2 Pg 28

<sup>81</sup> CD 44.4 (ID4)

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for Thatto Heath (one of the more deprived areas of St Helens). With respect, it would be hard to suggest someone who is better placed to “*understand the needs of their local area*”:

*“...I see it as my responsibility as an elected representative to try to fix that situation and that’s why I’m here today, it’s why regeneration is one of our top priorities as a Council. I’m here to respectfully plead for each one of those on the claimant list to be given a chance of a job paying decent money for a well-respected employer. And for those still in education, our young people, who need something to aspire to, and have a chance of work when they leave school, college...”*

105. The proposed development is exactly the type of development envisaged by the levelling up agenda and able to deliver across the broad spectrum of its objectives. This alone is a matter which should be afforded very substantial weight in the decision-making process.

#### Need / Demand

106. As confirmed in the SoCG on Need<sup>82</sup> the Objectively Assessed Need (‘OAN’) for employment land in St Helens is identified as 219.5ha for the period 2012-2035 which equates to a net residual requirement (i.e. taking account of secured delivery) of 165ha for 2020-2035. That figure is derived from two components: the baseline growth rate assessed by reference to historic take up 1997-2012 along with a strategic uplift to account for anticipated demand driven by Liverpool SuperPort and the (proposed) Parkside Strategic Railfreight Interchange.

107. Through the process of developing the eLP, SHC has identified a requirement to allocate 265ha of employment land of which 31.2ha will meet WBC’s needs (the eastern portion of the Site). Of the residual amount (234ha) some 52ha has already been delivered (net 182ha). Of that 182ha some 43ha may be anticipated to be delivered beyond the plan period<sup>83</sup>.

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<sup>82</sup> CD 37.3

<sup>83</sup> CD38.3 Andy Hunt PoE §4.47.1



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108. The need for B8 development in the LCR has been identified as 1.59m sqm (across the Liverpool region) for the period 2014-2037 along with a need of up to 437ha B2 space. The 1.59m sqm need translates (using a plot ratio of 40% and buffer of 10%) to 437ha.

109. In terms of SHC's allocation of 265ha employment land, some 251ha of it is also identified by LCR to meet the regional need. SHC's increased share of the LCR's growth is no happy accident – the eLP proposes a significant increase in employment land in order to deliver more jobs in the district and drive both economic growth and the socio-economic wellbeing of the local population.

110. That however is the baseline position. As explained in Andy Hunt's<sup>84</sup> evidence the LCR need has been underestimated as:

- (i) the LCR SHELMA (2018)<sup>85</sup> identifies a need for specialist employment uses (in particular port related storage) and the potential for major inward investment;
- (ii) the SHELMA identifies an additional need for B2 land of 139.8ha over the 437ha LCR requirement<sup>86</sup> (2012-2037) along with a further 118ha for small scale B8 land (2012-2037);
- (iii) the SHELMA additionally considers the findings of the Mersey Port Masterplan (June 2011) which identifies a total requirement of 340ha employment of which there is a residual unallocated need for 42.5ha<sup>87</sup>.

111. Furthermore, the identified requirements across the board do not take into the successful bid by LCR for Freeport status<sup>88</sup>. Given that the Freeports Bidding Prospectus<sup>89</sup> focuses on “*delivering on the government's wider objectives such as levelling up, clean growth, innovation and job creation*”<sup>90</sup> and to “*...encourage business investment and create new economic activity in Freeports, rather than displacement of local economic*”

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<sup>84</sup> CD 38.3 Andy Hunt PoE §4.5-4.31 Pg 17-20

<sup>85</sup> CD 4.16

<sup>86</sup> CD4.16 Table 62

<sup>87</sup> CD38.3 Andy Hunt PoE §4.8-4.12 Pg 17-18

<sup>88</sup> Detailed in Andy Hunt's PoE CD38.3 §4.13-4.22 Pg 18-19

<sup>89</sup> CD43.41

<sup>90</sup> CD43.41 §2.2.1 Pg 8

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*activity from deprived areas*<sup>91</sup> it is entirely appropriate to consider that this designation will add to the identified need for employment land in the LCR.

112. The SHELMA specifically excludes consideration of any need arising from opportunities to attract inward investment into the LCR from “...*footloose firms considering location or relocation across a national or international area of search*”<sup>92</sup>. The SHELMA makes the observation that the availability of suitable land to accommodate such opportunities is a critical factor in securing such investment<sup>93</sup>.

113. The LCR assessment of employment land need is predicated upon an assumed plot ratio of 40%<sup>94</sup>. That ratio is, in the real world, challenging to achieve in the case of large scale B8 developments. It is pertinent to note that of the three strategic sites in St Helens with firm development proposals only one has reached that threshold, with an average plot ratio across the three of 23%.

114. The obvious effect being that, using an assumed plot ratio which is unrealistically high as the inescapable consequence of understating the identified quantum of land required. As detailed by Andy Hunt<sup>95</sup> that assumption understates the requirement by 40-79ha for the sites which have already come forward. In extremis and extrapolated across all (draft) allocated sites, that shortfall would rise to 187ha.

115. The critical conclusion having taken account of those additional factors is that the need for employment land identified in the LCR “...*is likely to be higher than that currently planned and that St Helens may need to take a share of that additional growth*”<sup>96</sup>. Likewise the need identified in the eLP can be treated only as a minimum baseline which in reality is considerably higher.

### The Employment Land and Premises Market

116. Market demand for Grade A industrial and logistics floorspace has been strong in 2020/21 both nationally (3.327 million sqm take up, 64% higher than 2019) and regionally

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<sup>91</sup> CD43.41 §4.6.3 Pg 37

<sup>92</sup> CD 4.160 §13.10 Pg 171

<sup>93</sup> CD 4.160 §13.20 Pg 172

<sup>94</sup> CD4.160 Pg 165

<sup>95</sup> CD 38.3 Andy Hunt PoE §4.37-4.39 Pg 21

<sup>96</sup> CD 38.2 Andy Hunt PoE §4.31 Pg 20

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(301,673 sqm take up, against the annual average over five years of 218,755 sqm and ten years 236,171 sqm)<sup>97</sup>.

117. Commitments by March of this year amounted to 94,002 sqm with an additional 69,240 sqm under contract subject to planning – at 163,242 sqm some 69% of the average ten year annual take up<sup>98</sup>.

118. The North West market area is defined by the regional trunk motorway corridors: M6 Crewe / Preston, M62 Liverpool / Manchester, M60 Manchester Orbital within which lie defined sub-regions / sub-markets<sup>99</sup>. The proposed scheme lies in the main Warrington and surrounding area market J8-J11 M62. As already considered, Omega is a scheme of major regional significance delivering 5.2m sq.ft since 2012 which has been very popular with occupiers and is now reaching its development capacity.

119. The present North West supply of Grade A space comprises 13 buildings providing a total of 262,228 sqm. 6 are complete (speculatively), 6 are under construction and 1 is an available existing building. 6 of the buildings are under offer (total floorspace 104,220 sqm)<sup>100</sup>.

120. Against that availability there are presently 27 identified requirements<sup>101</sup> for units in excess of the agreed minimum size of 27,870 sqm (a total of 924,721 sqm – 1,260,000 sqm)<sup>102</sup>. 21 of those requirements include the Greater Warrington market area (a total of 729,554 sqm – 1,042,751 sqm) with a pipeline of units under construction along with available units of only 94,981 sqm<sup>103</sup>.

121. Across the North West region as a whole there are 15 sites with either a planning permission or a development plan allocation which could accommodate a unit of 27,280 sqm. As considered in Andrew Pexton's evidence<sup>104</sup>, all 15 are unsuitable for the proposed

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<sup>97</sup> CD 38.5 Andrew Pexton PoE §4.16-4.27 Pg 8-10

<sup>98</sup> CD 38.5 Andrew Pexton PoE §4.30 Pg 10

<sup>99</sup> CD 38.5 Andrew Pexton PoE §4.35 Pg 11

<sup>100</sup> CD 38.5 Andrew Pexton PoE §4.31 Pg 11

<sup>101</sup> Including TJM

<sup>102</sup> CD 38.5 Andrew Pexton PoE §11.5 Pg 47

<sup>103</sup> CD 38.5 Andrew Pexton PoE §11.6 Pg 47

<sup>104</sup> CD 38.5 Andrew Pexton PoE §8.2 Pg 28

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development in terms of location, deliverability or timescales. There are no competing sites which lie within the established Warrington / M62 market<sup>105</sup>.

122. In relation to St Helens, specifically, there are two sites amongst the proposed eLP allocations which meet the criteria of the proposed development – 1EA Omega West Extension (extended to the extent of the Application Site) and 8EA Parkside<sup>106</sup>. Parkside is not deliverable within the required timeframe by a substantial margin (see section below on Delivery). Omega West (including the balance of the Application Site) is the only site which is suitable, developable, deliverable, in the right location<sup>107</sup> and “*unique in that it can deliver serviced sites within an exceptionally short timescale*”<sup>108</sup>.

#### Delivery (Timing)

123. The need for TJM is immediate. Delivery of the third DC is already behind the desired schedule and further delay at best defers the benefits which will accrue upon its commencement of operations. The need for the outline element is equally pressing – the short term supply position is extremely poor with only 13-14 months<sup>109</sup> supply (based on historic average take up for 5 yrs / 10 yrs). It reduces still further such that only 8-8.6 months supply once those units ‘under offer’ are occupied.

124. This is reflected in the interest expressed by the market in the outline element of the scheme with the second proposed unit within Omega West already the subject of board approved Heads of Terms with a major national occupier.

125. This issue, which acts as a brake upon economic growth, will not be remedied in the near to medium term through the eLP. The Employment Land Need and Supply Background Paper (October 2020) identifies four sites which could contribute floorspace before 2025. However, of that 64ha the vast majority relates to Parkside West (subject to Call-In) with a further 7.8ha which has been refused planning permission (Site 5EA).

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<sup>105</sup> CD 38.5 Andrew Pexton PoE §§8.3-8.4 Pg 35

<sup>106</sup> CD 38.5 Andrew Pexton PoE §9.4 (and following table) Pg 36

<sup>107</sup> CD 38.5 Andrew Pexton PoE §10.2-10.8 Pg 44-45

<sup>108</sup> CD 38.5 Andrew Pexton PoE §10.9 Pg 46

<sup>109</sup> CD 38.5 Andrew Pexton PoE §7.10 Pg 26

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Startlingly this leaves only 8ha which could start to deliver before 2025 and even then would not have delivered in full by that date<sup>110</sup>.

126. In the longer term Parkside West and East comprise a substantial portion of the anticipated supply. However, Parkside West is not anticipated to be complete until 2035 and Parkside East will not be operational until 2030 and not complete until 2045<sup>111</sup>.

127. Given that employment growth is critical to improving the socio-economic well-being of the St Helens population it is extremely troubling that employment land supply is, and for a substantial period of time will continue to be, so tightly constrained. St Helens cannot even begin the process to ‘level up’ without suitable job opportunities.

128. As explained in the evidence of Andy Hunt<sup>112</sup> the combination of the factors identified above will result in a shortfall of new jobs of 3,200-4,600 against the anticipated figure of 11,500. That is a figure which has staggering and very negative real world consequences – every one of those 3,200-4,600 missed opportunities means that 3,200-4,600 who are actively looking for work and will not find it.

129. No alternative policy intervention has the capability to deliver the acutely required benefits of jobs growth in the district. This context only adds to the weight to be given to the ability of the proposal to deliver operational employment space before 2025.

130. As explained by Andrew Pexton, there is already an acute shortage of suitable sites for Grade A large floorplate developments in the North West and, in particular, in the Warrington market area. Against that there is a high level of latent demand. There is a substantial risk not just of the lack of supply placing a brake upon the growth of the sector (and economic growth generally) but of overall market failure. Suitable sites are too few and will take too long to bring to the market. Rather than ‘levelling up’, those circumstances, if allowed to continue, will result in St Helens (and the LCR) falling further behind – the exact opposite of the objectives of local leaders, the City Region and this Government.

## NPPF Chapter 6

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<sup>110</sup> CD 38.4 Sean Bashforth PoE §4.45

<sup>111</sup> CD 43.50 Table 4.5

<sup>112</sup> CD 38.3 §4.52 Pg 23

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131. NPPF §80 requires:

Planning policies and **decisions** should help create the conditions **in which businesses can invest, expand and adapt**. **Significant** weight should be placed on the need to **support economic growth and productivity**, taking into account both **local business needs and wider opportunities for development**. The approach taken should allow each area to **build on its strengths, counter any weaknesses and address the challenges of the future**. This is particularly important where Britain can be a global leader in driving innovation<sup>40</sup>, and **in areas with high levels of productivity, which should be able to capitalise on their performance and potential**.

132. Such is the alignment of this proposal with NPPF §80 it is almost as if the policy were written for it:

- (i) this **decision** will allow for TJM (full) and other occupiers (outline) to **invest, expand and adapt**;
- (ii) the proposal will drive **economic growth** (both locally and nationally) and **productivity** (in particular through the adoption of advanced automation processes which require a greater proportion of more highly skilled jobs than ‘traditional’ logistics and through the provision of much needed modern Grade A B2 space) a matter which is to be given **significant weight**;
- (iii) the proposal **builds upon the strengths** of the area in terms of its locational advantages for the proposed uses in the M6 / M62 corridor and within the LCR;
- (iv) the proposal assists in **countering the identified weaknesses** in the local area in terms of job density, employment opportunities and ‘up-skilling’ the local labour force, with the consequential benefits in terms of improving the socio-economic position of the local population;
- (v) the proposal contributes toward **addressing the challenges of the future** through provision of efficient, modern B2 and B8 floorspace to deliver economic growth both now and into the future;

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- (vi) the proposal will meet **local business needs** in particular in relation to the locational and operational requirements of TJM a major local success story; and
  - (vii) the proposal will deliver the next generation of advanced technology in terms of logistics automation along with modern B2 and B8 space, which will **increase productivity** and allow St Helens and the wider local area to **capitalise on its present performance and future potential** in the logistics and industrial sectors.

133. NPPF §82 requires that:

Planning policies and **decisions** should **recognise and address the specific locational requirements of different sectors**. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; **and for storage and distribution operations at a variety of scales and in suitably accessible locations**.

134. Just as with NPPF §80 the proposal aligns seamlessly with this policy requirement:

- (i) the resolution of SHC to grant planning permission **recognises and addresses the specific locational requirements** of the logistics and industrial sectors as the proposal is one which:
  - i. contributes towards meeting the substantial identified employment land need in the district and wider LCR;
  - ii. addresses the specific locational requirement of TJM;
  - iii. builds upon the locational advantage of the already highly successful Omega scheme with immediate access to J8 M62 and excellent access to the M6 / M62 corridor and beyond along with access to a large local work force;
- (ii) builds upon the success of Omega providing **storage and distribution operations** at a scale which meets both TJM's identified need and the needs of other operators;
- (iii) provides floorspace for those operations **in a suitably** (in fact highly) **accessible location**.

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135. With specific regard to the needs of the logistics sector the NPPG<sup>113</sup> recognises that:

- (i) “*The logistics industry plays a **critical role** in enabling an efficient, sustainable and effective supply of goods for consumers and businesses...*”, a role which has only increased in importance given the twin effects of COVID-19 and Brexit;
- (ii) Additionally, it contributes “*...to local employment opportunities*” and has “*...distinct locational requirements*” with strategic facilities (such as those proposed) “*...likely to require significant amounts of land, good access to strategic transport networks, sufficient power capacity and access to appropriately skilled local labour*”;
- (iii) strategic policy-making authorities “*...will then need to consider the most appropriate locations for meeting these identified needs*”: in the present case the process of developing the eLP has identified the western portion of the Site as an appropriate location;
- (iv) in meeting the needs of the logistics industry “*A range of up-to-date evidence may have to be considered in establishing the appropriate amount, type and location of provision, **including market signals... as well as the local business base and infrastructure availability***” – the clear market signal is for TJM’s specific need, along with the pressing general need for new B2 and B8 development; this location has available the necessary infrastructure (in particular both power and access to the trunk motorways).

136. A decision not to approve the proposed development would be **inconsistent** with those policies as:

- (i) A very substantial number of employment opportunities would be denied to the local workforce in need of those jobs;

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<sup>113</sup> Para 031 Ref ID: 2a-031-20190722



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- (ii) the onsite operational phase jobs alone (excluding indirect and construction jobs) - constituting 26% of the number of jobs St Helens requires to meet the average job density for the LCR - would be foregone;
  - (iii) the local economy would continue to lag nationally;
  - (iv) it would represent a failure to take advantage of the locational advantage and embedded success of the existing Omega scheme and St Helens' strength as a prime location for logistics and industrial development;
  - (v) it would stymie the planned growth of a locally and nationally significant business;
  - (vi) it would deny the delivery of modern, fit for purpose B2 and B8 floorspace in an area with extremely high demand and very limited supply.

137. As is clear the proposal is one which **entirely consistent** with Government policies for building a strong, competitive economy.

## **VI. MAIN ISSUE 3 – THE DEVELOPMENT PLAN**

138. s38(6) Planning and Compulsory Purchase Act 2004 (as amended) requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

139. The adopted development plan comprises:

- (i) the St Helens Local Plan Core Strategy ('the CS') (adopted 2012);
- (ii) the St Helens Unitary Development Plan ('the UDP') (adopted 1998) (saved policies);
- (iii) the Joint Merseyside and Halton Waste Local Plan (adopted 2013);
- (iv) the Bold Forest Area Action Plan ('the Bold Forest AAP') (adopted July 2017)

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140. The eLP (St Helens Borough Local Plan 2020-2035) was submitted for examination on 29<sup>th</sup> October 2020 with EiP hearings scheduled to commence on 25<sup>th</sup> May 2021. It is agreed that the proposed development is not “*so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process*” (NPPF §49)<sup>114</sup>.

141. Whilst not forming part of the adopted development for the purposes of the Application it is agreed that the proposal is consistent with the employment strategy in both the Warrington Core Strategy (2015) and the evidence base underpinning the replacement (now withdrawn) Warrington Local Plan<sup>115</sup>. They are material considerations. Through the Duty to Co-operate it is agreed that the eastern portion of Omega West will contribute toward Warrington’s employment land needs.

#### The Core Strategy<sup>116</sup>

142. Section 2 §2.1 of the CS records that whilst St Helens is “*a relatively modern town*” that “*the intensive process of development has left a legacy of derelict land and land affected by contamination, poor health, high unemployment rates and low educational attainment figures*”.

143. The slightly more upbeat assessment at §2.2 provides “*St Helens is now emerging from the low points of its past and the economic difficulties of the 1980s and early 1990s with a stabilising population, decreasing unemployment rates, decreasing deprivation rates and an increase in health and educational achievements*”

144. By reference to the socio-economic indicators considered already, it is clear that rather than improving its comparative position over the last eight and a half years since adoption of the CS that in fact those issues have worsened. Of the four ‘overarching themes’ referred to in the City Growth Strategy 2008-2018 two are of particular relevance [CS §2.26 Pg 19]:

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<sup>114</sup> CD 37.1 SoCG Planning §6.14 Pg 14 and CD 39.1 AN PoE §3.16 Pg 25

<sup>115</sup> CD 37.1 SoCG Planning §7.5 Pg 15

<sup>116</sup> CD 2.2

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- (i) *“Transforming our business base to increase the number of, and employment levels in, competitive local firms and increase the proportion of the economic base in long-term growth sectors”;*
  - (ii) *“Transforming ambition – substantially increasing the participation rates of St Helens’ residents in enterprise by investing in their skills and accessing wider employment opportunities”.*

145. The City Growth Strategy identified a *“number of challenges”* including *“A limited supply in the future pipeline of large, developer-ready sites and other employment land”* [CS §3.7 Pg 3]. That challenge has not been overcome in the intervening years – between 2012-2016 just 2.37ha of employment land was developed in St Helens<sup>117</sup>. At §3.11 the CS records that the Overall Spatial Strategy *“seeks to direct future development to the urban areas and maintain the general extent of the Green Belt in the short to medium-term... however beyond the first ten years of the plan period, removal of land from the Green Belt may be required to meet development needs”.*

146. The principal strategic objective of the CS, SO 1.1 (Pg 33), is *“To secure the regeneration of the Borough by: steady, sustainable population growth; reducing deprivation through directing development and investment where it is most needed; and by giving priority to development of derelict and vacant sites”*.

147. In turn SO 5.1 (Pg 34) seeks *“To provide and protect sufficient land and premises to meet local employment needs and support the implementation of the City Growth Strategy”*.

148. Policy CSS.1 sets out the ‘Overall Spatial Strategy’ (Pg 38), CSS.1(v), (vi), (vii) and (ix) are relevant to the present proposal. They require:

- (i) that the main focus of economic development *“will continue to be the previously developed land in sustainable locations”* (CSS.1(v),
- (ii) the prioritisation of the reuse of previously developed land (CSS.1(vi))

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<sup>117</sup> CD 35.1 Committee Report §7.22

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- (iii) that the general extent of the Green Belt will be maintained in the short to medium term with any strategic review dependent on work carried out at the sub-regional level (CSS.1(vii)), and
  - (iv) that elsewhere within the Green Belt area [other than the former Parkside Colliery] development will be restricted to within existing settlement boundaries outside of which development “*will comply with Green Belt policy*” (CSS.1(ix)).

149. Critically the CS identified an employment land requirement of 37ha (§6.8) as the evidence underpinning the CS “...*indicates that St Helens should be able to meet its needs for all employment uses until at least 2027*”. This is set out in Policy CE1 (Pg 118) which seeks to “...*support the City Growth Strategy and other economic regeneration and development initiatives through... (i) Providing at least 37 hectares of land to meet local needs for B1, B2 and B8 purposes to 2027*”.

150. Policy CE1, whilst not providing a cap on the provision of employment land (referring to ‘at least’ 37 hectares) it does seek to meet only local needs. There is a marked contrast with the approach taken in the eLP which approaches the provision and delivery of employment land on a strategic basis (considering the wider economic area) and seeks to allocate more than six times the amount of employment land than the CS (215.4ha between 2018-2035<sup>118</sup>).

151. As confirmed in the Committee Report the review of the employment land evidence base, post adoption of the CS “...*identifies that there was a significant material change in the employment land market which meant that there was a need for considerably more employment land than identified in policy CS1. This was one of the factors which led to the Council preparing a new local plan for the Borough*”.<sup>119</sup>

152. The SoCG Planning records the agreement that “*There is a **significant need** for new employment land in St Helens, of which the need for **large scale logistics / industrial is a major component***”<sup>120</sup>. Furthermore, it is agreed that:

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<sup>118</sup> CD 37.1 SoCG Planning §6.10 Pg 14

<sup>119</sup> CD 35.1 Committee Report §7.22

<sup>120</sup> CD 37.1 SoCG Planning §8.1 Pg 19

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*“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, as far 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**”<sup>121</sup>.*

153. That Policy CE1(1) is not up to date is confirmed by Alyn Nicholls on behalf of SHC<sup>122</sup> who considers that the evidence base for the *“emerging plan is highly relevant as it identifies a requirement for employment development, and in particular logistics development, substantially greater than planned for in the Core Strategy”*.

154. The CS approach to maintaining the Green Belt (albeit noting the need for review) is broadly consistent with the NPPF as is the spatial policy seeking to deliver development within settlement limits (and not in the Green Belt) unless as provided for by Green Belt policy. It follows therefore that in circumstances where VSC exist that such a proposal is in conformity with the Green Belt policies of the CS (and specifically CS.1(x)). It is further noted:

- (i) that the CS identification of a requirement of 37ha, whilst out of date in any event, is not expressed as a cap but a minimum;
- (ii) whilst PDL opportunities are to be ‘prioritised’ (CSS.1(vi)) where a proposal cannot be accommodated on such land (and so priority cannot be given to such opportunities) the policy is not offended;
- (iii) although the ‘main focus’ for economic development is PDL in the M62 Link Corridor and Haydock Industrial Estate, development other than in those locations does not offend the policy (CSS.1(v));
- (iv) CE1(4) seeks to focus economic development on those sites within or in close proximity to the most deprived areas of the Borough or, where not possible, to contribute toward improving links – the proposal is close to some of the most

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<sup>121</sup> CD 37.1 SoCG Planning §8.2 Pg 19

<sup>122</sup> CD 39.1 Alyn Nicholls PoE §3.8 Pg 22

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deprived wards and, in addition, will make a substantial financial contribution toward the provision of bus services to such areas in both St Helens and Warrington.

### The UDP

155. Saved policy S1 'Green Belt' provides that the St Helens Green Belt, as defined on the accompanying proposals map, "*will be maintained*" in order to meet the objectives of four purposes of the Green Belt. The missing fifth purpose is the preservation of the setting and special character of historic towns (agreed not to be relevant in this case).
156. Policy GB1 'General Criteria for Development Control' provides that "*New buildings within the Green Belt will not be permitted, except in very special circumstances*" unless the proposal falls within the listed exceptions. The explanatory text confirms that development will be strictly controlled in the Green Belt in accordance with national policy (as then expressed in PPG 2) such that where a proposal constitutes inappropriate development then it must be demonstrated that Very Special Circumstances exist.
157. Whilst the product of previous national guidance in relation to Green Belts, the UDP's Green Belt policies are broadly compliant, in terms of their overall objectives, with present national policy. Just as with the CS (which is in general conformity with current national guidance) the proposed development is inappropriate development and will be in conflict with the Green Belt policies of the UDP unless VSC are shown to exist.
158. Given the NPPF requirement that the harm to the Green Belt, and other harms must be clearly outweighed by the benefits of the proposal the requirements of the UDP would be met by clearing the high bar of the test in the NPPF.

### The eLP

159. The submitted eLP provides for a step change in SHC's approach to economic development in the district. It recognises both the need for the development of employment land to provide for, and attract, businesses and that the broad strategic objectives set out in

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the CS (carried forward in similar form into the eLP<sup>123</sup>) cannot be secured without a significant increase in high quality employment opportunities in the borough.

160. The TJM requirement was simply not known at the time that SHC identified its present need for employment land. Whilst the draft eLP allocates only a portion of the Site Alyn Nicholls notes *“Mr Meulman explains that the Home Bargains requirement is additional to the need which has been assessed for St Helens or Warrington. The consequence is the development of Phase 1 to meet Home Bargains still leaves the Warrington requirement of circa 31 hectares to be found. Phase 2 of the Application would meet the Warrington requirement...”*<sup>124</sup>.

161. Policy LPA02(4) ‘Spatial Strategy’ confirms that the eLP will release land from the Green Belt to meet the need for *inter alia* employment development over the plan period (including allocation LPA04 1EA being the eastern part of the Site). It continues *“Inappropriate development in the Green Belt shall not be approved except in Very Special Circumstances”*<sup>125</sup>. It provides that *“substantial new employment development will take place on large sites that are capable of accommodating large employment buildings (over 9000m<sup>2</sup>) and are close to the M6 and M62”*.

162. This reflects the evidence base underpinning the preparation of the eLP and the step change in approach to meeting the need for employment land post adoption of the CS both in terms of quantum, type and location.

163. LPA02(5) repeats the CS requirement to provide high quality road, public transport and active travel links between areas of employment growth and existing (and planned) residential areas in particular those with high deprivation levels<sup>126</sup>.

164. The proposed development is of the type envisaged by the eLP, in the location envisaged by the eLP and will provide transport links to those areas which are most deprived.

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<sup>123</sup> CD 3.18 Submission Local Plan §3.2.1 Strategic Aim 1 Pg 13

<sup>124</sup> CD 39.1 Alyn Nicholls PoE §3.15 Pg 24

<sup>125</sup> CD 3.18 Pg 17

<sup>126</sup> See also CD 3.18 Submission Local Plan §4.6.11 Pg 23

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165. Policy LPA04 sets out the aim to deliver a minimum of 215.4ha of land for employment development in the plan period (April 2018 – March 2035) to meet the needs of St Helens and that SHC will work to:

- (i) *“help meet the Liverpool City Region’s needs for **economic growth, job creation and skills development**”* LPA04(1)(a);
- (ii) *“**maximise the economic opportunities** presented by St Helens Borough’s location in relation to strategic road and rail routes”* LPA04(1)(b).

Bold Forest Park AAP<sup>127</sup>

166. The entirety of the Site lies within the Bold Forest. §1.2.3 states that land within the Forest Park will also need to contribute to meeting the Borough’s employment needs. It continues (§2.1.4) by noting that the entirety of the Bold Forest Park Area lies within the Green Belt and *“therefore Green Belt policy will apply”* such that any development within it which constitutes inappropriate development will only be approved where Very Special Circumstances are demonstrated in accordance with the NPPF.

167. The ‘Strategic Development Policy’ BFP1<sup>128</sup> notes in the ‘Justification’ section that the process of preparing the eLP includes a Green Belt review to identify suitable land for employment (and housing) development and that *“Policy BFP1 therefore recognises that the Forest Park could have a role to play in helping to meet the objectively assessed housing and employment needs of the Borough”*. BFP1 seeks to *“...deliver economic growth balanced with environmental safeguards in order to meet the social needs of the local community”*.

168. It specifically accepts that in order to ensure that ‘balance’ that landscape character enhancements *“should not prejudice the development of land that may be needed for housing or other forms of development”*.

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<sup>127</sup> CD 43.1

<sup>128</sup> CD 43.1 Pg 24



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169. As is clear the AAP recognises as a guiding principle that development will occur within the Forest Park and, importantly, that in implementing the objectives of the AAP such development should not be prejudiced.

### Summary

170. The compliance of a proposal with the statutory development plan does not require compliance with every policy of that plan. A proposal may draw support from some points in the plan and conflict with others, it is for the decision-maker to assess all of those points together “...and then decide whether in light of the whole plan the proposal does or does not accord with it...” (per Lord Clyde in *City of Edinburgh Council v Secretary of State for Scotland* [1997] WLR 1447 at p.1459D-F).

171. As observed by Lord Reed in *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13 (at [34]) “*Although a development plan has legal status and legal effects, it is not analogous in its nature or purpose to a statute or contract. As has often been observed, development plans are full of broad statements of policy, many of which may be mutually irreconcilable, so that in a particular case one must give way to another*”.

172. This is such a case. Whilst the proposal complies with the vast majority of the relevant policies of the statutory development plan there are some minor areas of conflict. It is agreed that when assessed as a whole and given that Very Special Circumstance exist the proposal is one which is in accordance with the development plan, read as a whole.

## **VII. FURTHER CONSIDERATIONS**

173. Prior to considering the further matters raised, it is important to note that most have been the subject of extensive consideration in the relevant chapters of the submitted ES, the conclusions of which SHC agree.

174. That has not been an unquestioning acceptance of the Applicant’s assessment. As explained by GCQC SHC have undertaken a rigorous and independent audit and analysis of the methodologies employed, judgments reached and conclusions drawn by reference to both external and internal expert advisors.

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### Third Party Objections

175. Of the objections raised a number of topics are considered fully elsewhere in these submissions. The topics of highways / traffic, ecology, air quality, noise and landscape impact are specific matters identified for consideration by the Inspector. The matter of development in the Green Belt is a Main Issue. There is no benefit in repeating those submissions here save to say the objections raised under those headings has been the subject of full consideration by the Applicants, SHC and now this Inquiry. It is agreed between the main parties that they do not represent reasons which would indicate that planning permission should be withheld.
176. A generalised theme was one of cynicism as to the number of jobs that the proposed development will deliver. It is important to emphasise that the only evidence before the Inquiry is that provided by the Applicants. Regardless of what may or may not have happened at other sites the Applicant's evidence is very robust.
177. In terms of Unit 1 it is backed by TJM's working knowledge of two existing DCs of a similar size. The evidence of James Clarke clearly and transparently sets out the number of jobs that Unit 1 will provide both upon commencement of operations and at full capacity. They are direct jobs, with indirect jobs being in addition.
178. The anticipated jobs provided by the outline element of the scheme are calculated by reference to the HCA employment density guide which have then been compared, and found to be consistent with, the figures of actual jobs delivered at Omega. The predicted job figures are robust, accurate and supported by evidence.
179. The suggestion that the proposed development would lead to (allegedly) undesirable clustering / concentration of uses in St Helens is equally misplaced. Building upon the inherent strengths of a particular location inevitably results in the clustering and concentration of industries which thrive upon the particular characteristics of a location. NPPF §80 specifically provides that areas should build upon their strengths.
180. Equally the allegation that proposed development will provide only low-skilled job opportunities is not borne out by the evidence. Unit 1 will provide a wide range of jobs, a

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proportion of which will be very highly skilled. Equally however there is nothing wrong with the proposed development dovetailing with the particular socio-economic circumstances of the area.

181. For those areas of greatest deprivation in St Helens a comparatively low skilled job provides the only suitable gateway to employment. Furthermore, the proposed development will mean that those jobs are actually available – a matter of critical importance given that the number of jobs in St Helens has actually declined in the long term.

182. There are two further important points in this regard:

- (i) TJM provide on-going training and progression opportunities for staff across the business (James Clarke EiC) and will provide highly skilled engineering jobs given the employment of automation technology;
- (ii) The public transport financial contribution will deliver a direct link from some of the most deprived areas of St Helens directly into the employment opportunity which is Omega (and not restricted only to Omega west); Alyn Nicholls explained that this was a benefit of the proposal which aligned wholly with SHC's regeneration objectives and a matter which should be given significant weight.

183. Councillor O'Keefe was particularly frank in his submissions stating that if the jobs 'were real' then he would not have spoken in objection to it. As is clear from the submitted evidence those jobs are real, and they will deliver a step change in the livelihoods of the very residents which he represents.

184. The submissions made by Jackie Copley, Bold Parish Council and the Bold & Clock Face Action Group that alternative sites exist are misplaced. As is clear, there are no suitable alternative sites for either this proposal or indeed to meet any form of large floorplate B2 / B8 development without Green Belt release in either SHC or WBC. Likewise the contentions that B2 / B8 accommodation has either languished unoccupied or is only 'half full' is incorrect and is not borne out by market reality (PoE / Round Table Andrew Pexton). It is patently incorrect in context of Omega (see David Milloy's evidence).

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185. National policy supports the use of automation to drive productivity improvements. The proposed automation, whilst cutting edge, does not remove the need for employees. There will be a reduction in forklift drivers and warehouse operatives as against a less automated warehouse but equally there will be more (highly skilled) jobs in engineering and management necessitated by that greater degree of automation.
186. The third party objections, which simply equate automation with fewer job opportunities, are misconceived. In fact, it is only by taking advantage of automation technology that TJM can remain competitive and deliver its anticipated growth [JC EIC].
187. As accepted by Jackie Copley in cross-examination (by GCQC) it is the case that the proposal is entirely supported by NPPF §80-82.
188. The Site is mostly farmland, as evidenced by the Applicant's soil survey of the 69.5ha in agricultural use . Only 17.5ha (23%) is Grade 3A Best and Most Versatile agricultural land with the remainder of the Site being Grade 3B<sup>129</sup>. The Site does not host any Grade 1 or Grade 2 BMV land. Somewhat curiously, Jackie Copley appeared at pains to prefer the broad scale land quality mapping over a physical site investigation [PGQC XX] a position which was simply unsustainable.
189. Jackie Copley also sought to pursue an objection on the basis of the impact upon equestrian activities / the equestrian economy. Notwithstanding that headline complaint JC accepted [PGQC XX] that the Site accommodates no stables, horse grazing or bridleway and nor are there any plans for them. This contention is entirely without basis.
190. Reference has also been made to the Bold Forest Park APP. As explored under Main Issue 3, the APP is entirely cognisant of the potential need for development in the BFP area to meet the needs of the Borough and the proposal in accordance with it.

#### The Character and Appearance of the Area

191. It is accepted that there is a degree of difference in the judgments of the Applicant and SHC as to the level of the overall impact upon the character and appearance of the area

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<sup>129</sup> CD 38.4 Sean Bashforth PoE §6.75 Pg 43

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arising from the proposal. The methodology used for the assessment undertaken in ES Chapter 10 is agreed as appropriate, as are the conclusions<sup>130</sup>.

192. What is not in dispute is that whether based on either the Applicant's or SHC's conclusions as to that level of impact, that it is not an impact which would justify the withholding of planning permission.

193. The starting point for the assessment is the baseline landscape. As is clear from the aerial photographs (Mark Steele Appendices<sup>131</sup> Fig B (2004) and Fig C (2019)) the area in which the Site lies has been the subject of substantial change since the St Helens Landscape Character Assessment was completed in 2006. Omega did not exist at the time.

194. The effect of the built form of Omega (and the present baseline) is illustrated from a variety of viewpoints (Fig D, E and F). In particular, there is a gap allowing a clear views into the service yards. As explained by Mark Steele, it is the service yards which are often the most visually intrusive elements on account of plant / vehicle movements and lighting. The proposed development will incorporate structural landscaping, whilst the proposed buildings will still be visible above that landscaping the service yards will not.

195. Where such change has occurred (which has altered the baseline) that necessarily reduces the magnitude of change arising from the proposed development (MS - Round Table), as explained by MS the critical consideration is the perception of the landscape. The landscape is one which is influenced by existing industrial development with warehouse buildings visible along the majority of the southern section of the PROW.

196. Furthermore, the proposed release from the Green Belt in terms of the eLP draft allocation would bring that change across the 'border' from WBC to the SHC Landscape Character Area. In practical terms it would extend the influence of the built form of Omega irrespective of this proposal. The baseline landscape character has already changed through the development of Omega and will be the subject of further change.

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<sup>130</sup> CD 33.58 Committee Report §3.44 / CD 38.1 Mark Steele PoE §2.3.2

<sup>131</sup> CD 38.1B

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197. Whilst the proposed development will require the removal of certain parcels of woodland (shown in Fig C) (W17, W7, W6, part W5) that loss of woodland, in terms of perception, is minimal. The contribution of those parcels to the perception of landscape character is limited as views from the PROW have intervening woodland parcels (W16, W8 (Booth's Wood), W5 (remaining element), W4) such that in any event the parcels affected are largely screened from the observer.
198. From the M62 any observer is travelling at speed and the Site is seen very much in the context of Omega, particularly from the east (and more so once the extension to the Hut Group<sup>132</sup> building is undertaken along with the proposed allocation). Travelling west Omega is experienced and whilst the Site is not built upon it is largely screened by existing trees and hedgerows with the more open views being to the north. The contribution of the Site (and affected woodland plantations within it) is relatively limited (MS Round Table).
199. Whilst, as the Inspector observed, turning the VPs through 180 degrees would remove the existing built form from view it is equally true that the experience of the landscape is not a static, linear process. As explained by MS the landscape would still be experienced in the context of the existing built development and, moving along the PROW, views would again be obtained of built form.
200. In terms of the contribution of the Site and affected woodland to Bold Forest Park<sup>133</sup> it is notable that the Site is not publicly accessible in terms of the built area (going to perception). Visibility is a key requirement of a Tree Preservation Order and the woodland affected is largely screened by foreground trees and woodland from those locations which are publicly accessible.
201. Whilst it is accepted that the landscape strategy will not obscure the proposed buildings (a point raised by the Action Group) it will obscure the lower service yards<sup>134</sup> and it provides extensive woodland planting to the south of the pedestrian overbridge which will have a screening effect in terms of the PROW. Griffin Wood (planted 2007), to the north of the overbridge, provides an example of the screening effect of woodland planting now at Year 15 – views from the M62 of the original Griffin's Wood are already obscured.

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<sup>132</sup> CD 44.6

<sup>133</sup> CD 38.1 Mark Steele PoE Section 3.5

<sup>134</sup> CD 38.1 Mark Steele PoE §3.3.5

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202. Furthermore, the proposals include enhanced accessibility including the provision of a link between housing (via Omega South) to the south east and Clock Face Park. This is in addition to the provision of access to the Green Triangle which will loop back to the PROW (presently a muddy track around an agricultural field) and provide an enhanced woodland setting of visual interest for visitors to the Bold Forest Park in this location.
203. The experience for users of the Bold Forest Park will be enhanced given that presently the Site is an inaccessible, featureless arable field (Mark Steele Round Table in answer to Inspector's question). Whilst views will have the proposed development visible over the treeline large scale buildings currently influence landscape character in this area (see Fig G – Clock Face Park / Fiddler's Ferry Power Station).
204. In respect of the discrete issue of the Deer Park, it cannot be described as a 'key landscape feature' as there no identified features relatable to a deer park which exist or are visible (no single enclosed area of pasture with woodland pockets) in this predominantly arable landscape.
205. It is not accepted that there is an 'over reliance' upon mitigation (indeed there are clear benefits such as the Green Triangle). Whilst the overall conclusion of ES Chapter 10 (with which MS agrees) is that there will be significant landscape and visual effects beyond maturity of the landscape mitigation measures that conclusion must be considered within the context of the existing development.

### Air Quality

206. The scope of the Air Quality Assessment<sup>135</sup> was determined in consultation with both SHC and WBC Environmental Protection Departments through a formal scoping exercise with the agreed methodology and scope recorded in the EIA Scoping Opinion<sup>136</sup>.
207. The potential impacts 'scoped in' were (i) construction phase fugitive dust nuisance, and (ii) operational phase road vehicle exhaust gas emissions.

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<sup>135</sup> CD 33.54

<sup>136</sup> CD 33.72

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208. In terms of the former, there is the potential for direct, temporary, short-term adverse effects on nearby sensitive receptors of minor adverse significance (absent mitigation) through dust arising from demolition and construction and the resuspension of material tracked from the construction site to the road network (assessed against criteria detailed in IAQM construction guidance). Mitigation measures secured by planning condition through the CEMP will ensure that any effects are not significant<sup>137</sup>.
209. SHC has four Air Quality Management Areas ('AQMA's'). None cover the Site. WBC has two AQMA's, none cover the Site however the M62 'Motorway AQMA' bounds the North Eastern corner of the Site. That AQMA is described as "*A 50m continuous strip on both sides of the M6, M62 and M56 corridors, due to the potential exceedances of the annual mean NO<sub>2</sub> objective*".
210. In accordance with guidance<sup>138</sup>, air quality predictions have been made for the opening year of 2021 and future assessment year of 2036 using the atmospheric dispersion model ADMS v4.1.1 with vehicle emissions represented by the modelled traffic data and DEFRA Emissions Factor Toolkit v9.0<sup>139</sup>.
211. Predictions were made 'robustly' by using pessimistic 'sensitivity scenarios' to allow for any uncertainty in future projections. Predictions were made for both 'with development' (i.e. the Application) and 'without development' scenarios to provide a comparator.
212. At both the opening year and design year (2036) the air quality objectives for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> are predicted to be met<sup>140</sup> in the most realistic, non-conservative assessment scenarios. Accordingly, the likely adverse impact on air quality as a consequence of the permanent operation of the development will be negligible<sup>141</sup> and the effect insignificant. The Topic Paper further notes that the proposed development will not cause any exceedances of EU Limit Values in 2030<sup>142</sup>.
213. Mitigation is embedded in the scheme design and operation including:

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<sup>137</sup> CD 38.9 Subject Statement – Air Quality §3.1.12

<sup>138</sup> CD 38.9 Subject Statement – Air Quality §3.1.13

<sup>139</sup> CD 38.9 Subject Statement – Air Quality §3.1.14

<sup>140</sup> CD 38.9 Subject Statement – Air Quality §3.1.17

<sup>141</sup> CD 38.13 Subject Statement – Air Quality Supplementary Note §3.1.12

<sup>142</sup> CD 39.8 Topic Paper – Air Quality §7.7



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- (i) construction phase measures to minimise dust and plant / vehicle exhaust emissions included in the CEMP,
  - (ii) wheel wash facilities in proximity of the Application Site egress location to prevent the tracking of dust material from the construction site to the supporting road network,
  - (iii) within three months of occupation a Travel Plan shall be submitted to and approved in writing by the local planning authority,
  - (iv) 39 electric charging points (note, the SHC parking standard requires none),
  - (v) proximity to the existing biomethane compressed natural gas filling station within Omega South as a sustainable alternative to diesel for HGVs (of which TJM is already a customer for its Axis HGV fleet),
  - (vi) financial contributions toward new bus links reducing reliance upon the private car,
  - (vii) access is via J8 M62 and through the existing Omega development so routing traffic away from residential areas.

214. It is agreed that there is no material conflict with CS Policy CP1 nor NPPF §181 (the Topic Paper recording that “*the proposed development would comply with the relevant sections of policy CP1 and the NPPF*”) <sup>143</sup>. Although negligible, there is harm in terms of air quality it being agreed that such harm should be given very limited weight <sup>144</sup>.

## Ecology

### *European Designated Sites*

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<sup>143</sup> CD 39.8 Topic Paper – Air Quality §7.7

<sup>144</sup> CD 39.8 Topic Paper – Air Quality §9.1

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215. The Site does not lie within any designated sites. A Habitats Regulations Assessment has been undertaken by the Applicant<sup>145</sup> the conclusion of which being that the proposal is not likely to have a significant effect on any designated sites. Accordingly there is no requirement for an Appropriate Assessment. SHC as competent authority have adopted that assessment<sup>146</sup>.

*European Protected Species / UK Protected Species / Priority & Notable Species*

216. Full surveys have been carried out by the Applicant<sup>147</sup>. There is no disagreement as to the methodologies or scope employed in their preparation<sup>148</sup>, which have been reviewed by the Merseyside Environmental Advisory Service ('MEAS').

217. In terms of bats a single roost has been identified. The Bat Tree Roost Assessment Survey identifies 169 trees with bat roost potential of 'low' or above. Bat boxes have been proposed as mitigation for the potential loss of bat roosting opportunities – they are secured by condition. The surveys found no evidence of water vole presence, no reptile presence, no recent badger activity nor Great Crested Newts<sup>149</sup>.

218. The English Bluebell (identified as lying outside of Duck Wood and outside the outline application boundary<sup>150</sup>) are, so far as required, the subject of protective measures in the Construction and Environmental Management Plan secured by condition as is the priority species purple rampion fumitory within the verge of the M62 adjacent to the northern boundary of the Site<sup>151</sup>. The Method Statement submitted dealing with invasive species is accepted by SHC as is the Ecological Clerk of Works Method Statement for the construction phase<sup>152</sup>.

*Impacts of the development*

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<sup>145</sup> CD 43.34

<sup>146</sup> CD 39.7 Topic Paper – Ecology §3.7

<sup>147</sup> CD 33.57

<sup>148</sup> CD 38.6 Mark Morgan PoE §3.2.1

<sup>149</sup> CD 39.7 Topic Paper – Ecology §3.12, 3.13, 3.16

<sup>150</sup> CD 38.6 Mark Morgan Rebuttal §2.2.9

<sup>151</sup> CD 39.7 Topic Paper – Ecology §3.16

<sup>152</sup> CD 39.7 Topic Paper – Ecology §3.17-3.18

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219. During the course of the Application the Countryside Development and Landscape Officer provided a consultee response which did not fully agree with the assessment of the Applicant in terms of Bio-diversity Net Gain ('BNG') stating that there would be a "...significant loss of bio-diversity...".
220. In the Officer's view "...this level of loss of biodiversity should not be acceptable, were the application to be approved then significant funds would have to be made available through Section 106 agreement to be able to create compensatory habitats and biodiversity from these proposals"<sup>153</sup>. It is of course the case that significant funds are being made available through the s106 obligation.
221. The Officer's objection is made "*primarily due to the impacts on protected woodlands, as well as other associated habitats such as ponds and streams*"<sup>154</sup>.
222. In terms of 'protected' woodlands the woodlands affected by the proposal are (in part) the subject of Tree Preservation Orders ('TPOs'). They are subject to no other designations. TPOs are made on the basis of amenity value. The overarching reason for the TPOs on the Site are not ecological<sup>155</sup>. There are no ancient or semi-ancient woodlands or veteran trees which would be affected by the proposal, as confirmed by the Forestry Commission and on-site surveys<sup>156</sup>.
223. NPPF §170 provides that planning decisions should contribute to and enhance the natural and local environment *inter alia* by "*minimising impacts on and providing net gains for biodiversity...*".
224. NPPF §175(a) sets out the sequential approach to the mitigation hierarchy in relation to biodiversity impacts, namely (i) avoidance, (ii) adequate mitigation and (iii) compensation. Permission should be refused where significant harm to biodiversity cannot be avoided, adequately mitigated or compensated.
225. The proposed development will impact upon<sup>157</sup>:

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<sup>153</sup> CD 35.1 §3.46 & CD 38.6 Mark Morgan PoE §3.2.2

<sup>154</sup> CD 38.6 Mark Morgan PoE §3.2.2

<sup>155</sup> CD 38.6 Mark Morgan PoE §3.3.4(i)

<sup>156</sup> CD 38.6 Mark Morgan PoE §3.3.4(ii)

<sup>157</sup> CD 38.6 Mark Morgan PoE §3.3.3

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- (i) woodland (Lowland Deciduous Woodland priority habitat in ‘moderate’ condition),
  - (ii) ponds (priority habitat albeit the ponds on site are in ‘fairly poor’ condition),
  - (iii) hedgerows (priority habitat albeit in ‘poor to moderate condition’),
  - (iv) farmland (no ecological significance),
  - (v) grassland (non-priority), and
  - (vi) streams (Whittle Brook in ‘moderate’ condition).

226. The evolution of the scheme has followed that hierarchical approach. As explained by Mark Morgan<sup>158</sup>:

- (i) the design of the scheme was the product of a considerable process of liaison with SHC’s so as to **avoid**:
  - i. woodland covered by any designation other than TPO<sup>159</sup>, and
  - ii. in terms of Local Wildlife Sites (‘LWSs’) Booths Wood<sup>160</sup> has been avoided in its entirety (save for three trees not worthy of retention) as has Plain Plantation, whilst as much of Ducks Wood has been retained as possible along with two ponds<sup>161</sup>;
- (ii) the scheme makes provision for on-site mitigation including:
  - i. the provision of c8.35ha woodland (leaving a remaining deficit of 22.48 Habitat Units (‘HUs’)),

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<sup>158</sup> CD 38.6 Mark Morgan PoE Section 4.2 Pg 15

<sup>159</sup> CD38.6 Mark Morgan PoE §4.2.3

<sup>160</sup> In so far as it falls within the Site

<sup>161</sup> CD 38.6 Mark Morgan PoE §4.2.3

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- ii. eight high quality ponds along with attenuation features amounting to c2.19ha aquatic habitat (providing a net gain of +12.69 HUs) along with a fish rescue strategy,
  - iii. the planting of c2,978 linear meters of native hedgerow planting (+14.57 Hedgerow Unit gain),
  - iv. provision of c7.21ha species-rich high-quality grassland within the ‘Green Triangle’ and across both the outline and detailed areas in addition to lesser quality grasslands across the Site contributing a total of +27.24 HUs<sup>162</sup>,
  - v. the diversion of Whittle Brook (+4.46 River Units).

227. In order to provide an objective assessment pre and post development MEAS requested that the change in habitat balance be calculated in accordance with the DEFRA Biodiversity Metric 2.0<sup>163</sup>. This updated assessment<sup>164</sup> identified a deficit of -113.12 HUs post development taking account of avoidance and mitigation measures. The shortfall in on-site mitigation being: Cropland (-88.93HU), Woodland (-22.48HU), Scrub (-3.22HU), Scattered Trees (-1.52HU) and Bare Ground (-0.51HU).

228. The scheme provides **compensation** for that deficit through the agreed s106 obligation which requires a financial contribution of £1,696,800 calculated on the basis of £15,000 per HU. This reflects the local cost of habitat creation and management accounting for the higher costs associated with priority woodland creation.

229. In order to put woodland in a bio-diversity net gain position the s106 requires a minimum of 9.4ha off site woodland planting within the Mersey Forest Area (well in excess of the 0.13ha requirement of CS Policy CQL2) which will be prioritised in the Bold Forest Park Area<sup>165</sup>. Importantly, the DEFRA Metric takes account of the time taken for replacement woodland / tree planting to become established (i.e. the DEFRA Metric is very robust).

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<sup>162</sup> CD38.6 §4.2.8, CD33.179 and CD33.180

<sup>163</sup> CD 38.6B Mark Morgan Appendix 18

<sup>164</sup> CD 38.6 Mark Morgan PoE §4.2.12-4.2.13

<sup>165</sup> CD38.6 PoE Mark Morgan §4.2.15

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230. It further requires that the contribution be used for the delivery of local initiatives and projects focused on habitat creation and enhancements for high value habitats (again prioritised to the BFPA) in compliance with<sup>166</sup>:

- (i) policies SH7, SH8 and 13 of the Mersey Forest Plan,
- (ii) policies CQL1 (Green Infrastructure), CQL2 (Trees and Woodland), CQL3 (Biodiversity and Geological Conservation) of the CS, and
- (iii) policies BFP ENV1 (Enhancing Landscape Character) and BFP ENV2 (Ecological Network) of the Bold Forest AAP.

### *Summary*

231. In conclusion, the Site has been the subject of thorough and accurate surveys in terms of protected species and the quality of the existing habitats (as agreed by MEAS). The impact of the development has been rigorously assessed and options for avoidance, mitigation and, lastly, compensation thoroughly explored.

232. The identified impacts are entirely addressed through both on-site and off-site mitigation and compensation secured by planning conditions and the s106 obligation. It is the evidence of Mark Morgan that the mitigation and compensation proposals will provide a benefit (i.e. net gain) in bio-diversity terms<sup>167</sup>.

233. The proposal complies with the relevant policies of the NPPF, CS, Mersey Forest Plan and Bold Forest AAP.

## Heritage and Landscape Issues

### *Designated Assets*

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<sup>166</sup> CD 38.6 Mark Morgan PoE 4.2.15

<sup>167</sup> CD 38.6 Mark Morgan PoE §6.1.1.2

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234. The Cultural Heritage ES Chapter<sup>168</sup> identified the potential for harm to the setting of three designated heritage assets:

- (i) The Old Bold Hall moated site, Bold;
- (ii) The Farmhouse, former Bold Hall Estate;
- (iii) Farm Outbuilding, formerly Stables, former Bold Hall Estate.

235. In summary, the impact upon the Old Bold Hall moated site will be the loss of features that give significance to its setting (removal of parts of Duck Wood reducing natural screening and the presence of the proposed development).

236. The two assets at the former Bold Hall Estate will have impacts in terms of changes in the views from them to the south arising from the extension of the Omega development. Seen in the context of the existing Omega development and the M62 the proposed development will cause some additional harm albeit mitigated to a degree by the proposed landscaping.

237. Historic England raised no objection to the proposed development and have advised that the development will have a ‘minimal impact’ on key designated assets or their settings<sup>169</sup>.

238. It is agreed that the harm to designated heritage impacts “...*would only likely lead to a low level of harm to the significance which is regarded as being slight within the spectrum of less than substantial harm*”<sup>170</sup>. Albeit ‘slight’ that harm is to be given considerable importance and weight in accordance with s66 Planning (Listed Building and Conservation Areas) Act 1990.

*Non-designated assets*

239. The Topic Paper records that the Historic Environment Desk Based Assessment (‘HEDBA’) identifies four non-designated assets within the Site:

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<sup>168</sup> CD 33.56

<sup>169</sup> CD 39.6 Topic Paper – Heritage and Landscape Assets §6.20

<sup>170</sup> CD 39.6 Topic Paper – Heritage and Landscape Assets §6.19

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- (i) the medieval and post-medieval park at Old Bold Hall,
  - (ii) Booth's Wood,
  - (iii) the site of 'Big Dam', and
  - (iv) an area of former ridge and furrow (subsequently identified as ploughed out).

240. The Site extends into the area of the 'medieval deer park' as defined in the Bold Forest AAP. The view of the Council is that this will cause heritage harm.

241. Full field surveys have been undertaken by the Applicant. The survey results<sup>171</sup> show that there are no earthworks or elements which predate the post-mediaeval period. MEAS are content that sufficient investigation has been undertaken such that no planning condition need be imposed.

242. The Topic Paper refers to the harm associated with the 'encroachment' of the development into the 'mediaeval' deer park. The Applicant disagrees with this aspect of the Council's conclusion. As detailed in the Subject Statement in Cultural Heritage provided by Elizabeth Murray, the survey results suggest "*...that there is no remaining above-ground evidence of the features that would normally signify the presence of a deer park*"<sup>172</sup>.

243. Furthermore, Saxton's map of 1577 does not show a deer park<sup>173</sup> with documentary sources from 1609 noting that, in addition to several outbuildings, the park pale (a large bank and ditch to keep deer within a park) was in decay and much of it had been removed nor were any deer kept within it any longer. The evidence being that by the early 17<sup>th</sup> century the deer park was no longer extant, or much degraded.

244. It follows that there are no remains of the deer park for the Application to impact upon and there will be no harm occasioned by the development in relation to the non-designated former deer park<sup>174</sup>.

### Climate Change

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<sup>171</sup> CD 33.153

<sup>172</sup> CD 39.6 Topic Paper – Heritage and Landscape Assets §2.1.9

<sup>173</sup> CD 39.6 Topic Paper – Heritage and Landscape Assets §2.1.3

<sup>174</sup> CD 38.14 Supplementary Note on Cultural Heritage §1.2.9



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245. The Topic Statement on Climate Change<sup>175</sup> sets out in great detail the policy background in relation to this matter at Section 6. There is no benefit in repeating that cogent analysis here. In summary it is agreed that:

- (i) there has been no suggestion by the Climate Change Committee ('the CCC') nor the Secretary of State that there should be a moratorium on road-based logistics,;
- (ii) to the contrary the NPPG identifies the sector (and delivery of development to meet its needs) as 'critical';
- (iii) NPPF §80 and §82 require that significant weight be given to such development;
- (iv) the up to date response to the challenge of meeting the Government's climate change target is set out in *Decarbonising Transport (March 2020)* which sets out a pathway to meeting that target which does not include a moratorium on such development;
- (v) the solution, in terms of logistics, is the decarbonisation of heavy goods vehicles and not their eradication (§39 *Decarbonising Transport*) with policies and plans to be set out in the forthcoming *Transport Decarbonisation Plan*.

246. The proposed development is in close proximity to the existing CNG fuelling station which will encourage the adoption of CNG powered HGVs (already utilised by TJM) and so contribute toward the objectives of *Decarbonising Transport*.

247. In line with the recent decision of the Secretary of State in the 'Eddie Stobart' appeal<sup>176</sup> there is no in principle objection to this form of development on climate change grounds.

248. Unit 1 (being the detailed element) will incorporate 2600m<sup>2</sup> of PV panels and 10m<sup>2</sup> solar thermal panels contributing toward meeting its energy demand (at least 10% of energy demand to be met by renewable sources in accordance with eLP Policy LPA13). The Sustainability Assessment submitted in relation to the detailed (TJM) element demonstrates that Unit 1 can achieve a BREEAM rating of 'Very Good'.

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<sup>175</sup> CD 39.5

<sup>176</sup> CD 3.16 DL §40 & 44

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249. The proposed development will provide electricity charging points for vehicles upon occupation with capacity for the addition of more as demand increases.
250. The Royal Institute of British Architects 2030 Climate Challenge Target metric has been used to appraise the embedded carbon generated by the proposal. That metric provides a target figure of 143,535 CO2 equivalent (tCO2e). The development improves upon that target with a figure of 121,500 tCO2e<sup>177</sup>.
251. Mitigation is proposed with the development including the use of less energy intensive materials, use of local suppliers to minimise construction transport emissions, CEMP measures including a waste management plan, the use of renewable technologies and a travel plan<sup>178</sup>.
252. At reserved matters stage, the outline proposals will be assessed against those same policy requirements and will be required to comply with them.
253. The ES concludes that in terms of embodied carbon, construction transport, operational building and operational transport the magnitude of change would be negligible. As such the ES considers that there will be a minor adverse residual effect on climate (not significant).
254. It is agreed that the proposed development is compliant with CS CP1<sup>179</sup>.

#### The living conditions of neighbouring residents

255. The scope of assessment of construction vibration, construction noise and operational effects (traffic noise, commercial operations noise and fixed plant noise) was agreed with the EHO<sup>180</sup>. In summary the conclusion of the assessment is that there will be no significant adverse residual effects, at either construction phase or operation phase post mitigation<sup>181</sup>.

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<sup>177</sup> CD 39.5 Topic Statement – Climate Change §7.5

<sup>178</sup> CD 39.5 Topic Statement – Climate Change §7.6

<sup>179</sup> CD 37.1 SoCG Planning §8.24

<sup>180</sup> CD 34.75a

<sup>181</sup> CD 39.9 Topic Statement / CD33.55 & 33.74 ES Sections 7.2 & 7.3

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256. The baseline survey identifies that the dominant feature of the Site from a noise perspective is traffic noise (including the M62). The closest sensitive receptors to the Site are Steeping Stones Nursery, dwellings at Old Hall Farm (to the west) and dwellings at Bembridge Close / Park Road (to the south east). The study area extends beyond 300m<sup>182</sup> from the site boundary of the Application.
257. The closest receptor, Steeping Stones Nursey<sup>183</sup>, is in the process of relocating to new purpose built accommodation elsewhere within Omega. The s106<sup>184</sup> accompanying the grant of that permission requires that once the new site<sup>185</sup> is occupied that the existing nursery building revert to a B1 Use (i.e. not a noise or vibration sensitive use). It is anticipated that the new building will be complete by early 2022. That said the assessment proceeded upon the basis of Steeping Stones remaining in its present location.
258. In terms of construction noise there will be negligible adverse effects – mitigation measures contained in the CEMP are secured by condition<sup>186</sup>. In terms of the NPPF and Noise Policy Statement for England<sup>187</sup> (‘NPSE’) there will be No Observed Effect Level (‘NOEL’).
259. Construction vibration will not affect dwellings at Old Hall Farm or Bembridge Close / Park Road / Godshill Close. Mitigation measures will ensure that any significant vibration effects at Steeping Stones Nursery will be avoided<sup>188</sup>. In terms of the NPPF and NPSE the range of impact is No Observed Effect Level to Lowest Observed Effect Level.
260. Operational effects have been assessed using a range of assumptions as to the particular uses of the outline buildings (ambient goods, chilled goods, chilled goods with mitigation) and as such ‘worst case’ scenarios have been assessed<sup>189</sup>.

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<sup>182</sup> CD 38.12 §2.4.2

<sup>183</sup> CD 33.110 location of existing nursery building

<sup>184</sup> CD 44.7c

<sup>185</sup> CD 44.7a Pg 13 location of new nursery building

<sup>186</sup> CD 39.9 Topic Statement Noise and Disturbance §3.7

<sup>187</sup> CD 4.74

<sup>188</sup> CD 39.9 Subject Statement – Noise and Disturbance §2.6.2

<sup>189</sup> CD 39.9 Topic Statement Noise and Disturbance §3.6

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261. Given the direct routing of HGV traffic to J8 through Omega there will be no significant adverse noise effects at noise sensitive receptors – the present NPSE categories of LOEL to SOEL will remain unchanged post development<sup>190</sup>.
262. Operational effects in terms of commercial operations noise are dependent upon the final configuration of the various units. Appropriate noise mitigation measures (acoustic barriers, operational noise management plan) will ensure that any significant adverse noise effects are avoided both during daytime and night-time operations<sup>191</sup>. Those measures are secured by condition. The range of effect in terms of the NPPF and NPSE is No Observed Effect Level to Lowest Observed Effect Level.
263. There will be no significant adverse noise and / or vibration effects arising from the construction or operation of the proposed development. The Committee Report<sup>192</sup> reflects this conclusion “*Subject to the recommended conditions, the noise effects of the proposed development would not have a significant effect on the amenity of the residents at the nearest residential properties and other sensitive noise receptors, in accordance with Policy CPI*”.

#### Highways / Contribution toward sustainable transport objectives

##### *Highways*

264. Vehicular access to the Site is to be taken via Catalina Approach through the existing Omega Development providing direct, all ways, access to the M62 at Junction 8. HGV traffic will be routed directly to J8 and so avoid any residential areas.
265. At scoping stage it was agreed (with SHC Highways, WBC Highways and Highways England) that the ‘trip off-setting’ approach utilised by earlier Omega applications would be followed. As Omega was originally consented as a B1 Use Office Park the assessed traffic movements were much greater than those of the current development.

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<sup>190</sup> CD 39.9 Topic Statement Noise and Disturbance §2.7.4

<sup>191</sup> CD 39.9 Topic Statement Noise and Disturbance §2.8.3

<sup>192</sup> CD 35.2 §7.241

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266. The assessment used trip rates from up to date surveys (agreed as accurate), took account of committed development, and undertook traffic distribution modelling based on data from Omega employee travel plan surveys (and on likely routing for HGV traffic).

267. Following an iterative process through the course of the Application it has been agreed that mitigation is required for Skyline Drive with the widening (including re-marking and signage alterations) of the M62 J8 westbound off-slip. The Skyline Drive works have been completed, the M62 works undertaken by Highways England will be complete by mid May 2021.

268. It is agreed that, subject to conditions, there are no objections on highways grounds from SHC Highways, WBC Highways or Highways England.

*Sustainable Transport Objectives*

269. The agreed s106 obligation requires that the Applicants provide the sums of £900,000 to WBC and £750,000 to SHC toward the provision of bus services to serve the Site and ensure that it is accessible in a sustainable manner.

270. There are numerous options for those potential routes including the extension of existing routes or the creation of entirely new routes. Presently, there is no direct bus provision from St Helens to Omega. The bus provision in WBC to Omega is well-used, particularly as it is time-tabled to dovetail with the shift patterns of the various existing Omega businesses.

271. As confirmed by Douglas Bisset (round table) the B52 bus service became self-sufficient within 11 months of commencement. The proposed services to St Helens will not simply drive straight to Omega West, they will drop-off and collect from the entirety of Omega. Not only do the proposed routes provide public transport links for those living in the most deprived areas of St Helens to the new development and the jobs created there but they also open up all of Omega to those SHC residents. This is a matter which Alyn Nicholls compellingly explained should be given substantial weight in the planning balance.

272. The WBC contribution will be managed by WBC who already have ample experience in delivering effective bus linkages to Omega. SHC are assisted by Merseytravel who have

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vast experience of bus operations across the entire Merseyside region. WBC are presently responsible for the Travel Plan for Omega and will be the lead partner in relation to Omega West able to draw upon its successful implementation of sustainable transport provision to the wider site.

273. Both the WBC and SHC contributions have been calculated by the recipient authorities as representing the cost of the provision of the required bus services for a period of five years. As already stated ‘real world’ experience to date indicates that this will be more than ample to establish viable, self-sustaining public transport provision which will endure.

274. A ‘high level’ bus route assessment plan shows how bus routes could be implemented to link St Helens to the Site and demonstrates how areas of the greatest deprivation can be effectively serviced<sup>193</sup>.

275. The proposed Travel Plan is secured by condition as is the provision of new pedestrian and cycle routes integrating the Site with established networks, provision of a new bus stop and shelter along with a financial contribution to fund the co-ordination of travel planning initiatives<sup>194</sup>.

276. As regards SHC it is of particular note that the transport provision will ensure accessibility to Omega for the most deprived wards in the locality thereby fulfilling the objectives of CS Policy CSS1(2)(ii), CP2(1)(ii), SO 1.1 and the St Helens SPD ‘Ensuring a Choice of Travel’.

277. Access to the Site by cycle is already provided through the existing highway network. As explained by Douglas Bisset whilst the M62 overbridge is stepped (rather than ramped) the cycle time isochrones show, in any event, that the existing routes are the same in terms of time.

278. The provision of electric car charging points across the Site will provide for and encourage the adoption of electric vehicles. As the SHC parking standards require no electric charging points this provision is plainly in exceedance of any policy requirement.

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<sup>193</sup> CD 43.33

<sup>194</sup> CD 38.2 Douglas Bisset PoE §2.3.3

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279. The proximity of the Site to the bio-methane CNG Fuelling Station will encourage the adoption of an alternative sustainable fuel source for HGVs. The CNG Fuelling Station is connected to the National Grid and as such has no ‘capacity’ issues. The Omega site is an early provider of this alternative fuel which is now used by many companies. They include TJM who operate approximately 50% of their Axis fleet on CNG and who are customers of the CNG station.

280. CNG fuelled HGVs have emissions which are orders of magnitude below conventional Euro V and the latest Euro VI diesel units<sup>195</sup>. Use of Bio-CNG reduces CO2 emissions by 85% compared to diesel. The CNG Fuelling Station currently dispenses 350-400,000kg of Bio-CNG / month equating to a saving of 17,000 tonnes of Greenhouse Gas emissions per annum. At full capacity that saving will increase to 70,000 tonnes per annum<sup>196</sup>.

281. It is agreed that the proposal is acceptable both in highways terms and sustainable transport objectives. It is further agreed that the proposal is in compliance with the NPPF §109 as there will be no severe highway impact post mitigation<sup>197</sup>.

## **VIII. VERY SPECIAL CIRCUMSTANCES**

282. The proposal will result in major harm to the openness of the Green Belt<sup>198</sup>. In terms of the five purposes of the Green Belt there is no conflict with three (preventing towns merging, preserving the special setting of historic towns, assisting with urban regeneration)<sup>199</sup>. There are largely moderate impacts upon the two purposes of preventing urban sprawl and safeguarding the countryside from encroachment.

283. NPPF §144 requires that substantial weight be given to the harm to the Green Belt. Furthermore, that harm by reason of inappropriateness must be considered along with any other harm arising from the proposal. Those additional harms include: (i) air quality (negligible), (ii) landscape and character, (iii) heritage, (iv) noise (negligible) and lighting,

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<sup>195</sup> CD38.13 Supplementary Note (Rebuttal) – Air Quality §2.2.7 Bullet 3

<sup>196</sup> CD 38.3B Sean Bashforth Rebuttal §1.26

<sup>197</sup> CD 37.2 SoCG Transport Ref 8.0 Pg 8

<sup>198</sup> CD 38.3 Sean Bashforth PoE §8.2 Pg 48

<sup>199</sup> CD 38.3 Sean Bashforth PoE 8.2 Pg 48

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(v) ecology (albeit with a long term overall bio-diversity net gain), (vi) loss of agricultural land, (vii) increased traffic (albeit with a limited and acceptable impact).

284. The ‘other considerations’ must ‘clearly’ outweigh those harms in order for VSC to be demonstrated. In the present case there are very significant considerations:

- (i) creation of c3,886 permanent jobs in St Helens in an area of particular need which will result in substantial socio-economic benefits;
- (ii) delivering on the core principles of the Government’s ‘levelling up’ agenda;
- (iii) supporting the continued expansion of Omega - a leading regional development which builds upon the strengths of the local area;
- (iv) helping to meet the acute need for large floorplate Grade A B2 and B8 accommodation in the context of very little supply and the real prospect of that market scarcity acting as a brake on the local economy;
- (v) providing subsidised public transport routes linking some of the most deprived areas of St Helens not only with the proposed development but with Omega as a whole (i.e. opening up that job market to those most in need of jobs);
- (vi) supporting investment by TJM, a local firm, in innovative automation technology to deliver productivity gains and maintain competitiveness;
- (vii) allowing TJM to deliver its planned expansion of new ‘bricks and mortar’ stores delivering new jobs and investment in those areas which is of particular importance given the structural changes in the retail sector and accelerated adoption of online retailing;
- (viii) create temporary construction jobs throughout the development of the scheme;
- (ix) assist SHC in delivering on its regeneration imperative to reverse the comparative decline of St Helens and allow it to take advantage of its strengths.



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285. Both the Applicants and SHC are of the view that VSC exist, per Alyn Nicholls *“In my view, the Proposal, and the benefits it provides, taken as a whole, are in the best interests of St Helens and Warrington Boroughs and clearly outweigh the harm likely to arise from the development<sup>200</sup>”*.

## IX. CONCLUSIONS

286. The proposal aligns squarely with the socio-economic objectives of the St Helens Core Strategy which are continued through into the eLP. To date, St Helens has not been able to deliver upon that regeneration imperative to give its most deprived residents the opportunities they deserve.

287. This proposal will provide those opportunities. It will provide a range of new jobs in the TJM element, a range of new jobs in the outline element and, importantly, through the provision of new bus links will open up the entirety of Omega to those most in need of employment opportunities. The immediate deliverability of the scheme is not in doubt.

288. The Site is Green Belt, however there is no question that the necessary delivery of jobs, employment land and infrastructure will require Green Belt release. The same applies in neighbouring WBC.

289. The proposal represents an opportunity to build upon the existing success of Omega and build upon the particular locational advantages of St Helens for logistics development. The proposal accords entirely with NPPF §80 and §82. Critically, the proposal is exactly the type of economic development which is the focus of this Government’s ‘levelling up’ agenda. It provides a rare chance to deliver real, tangible opportunities for those most in need who have been ‘left behind’.

290. It is unsurprising that the Council’s evidence to this Inquiry is that the benefits of the proposal are ‘formidable’<sup>201</sup>. Those public benefits outweigh any heritage harm arising from this proposal (giving that harm great weight). The benefits as a whole outweigh the harm to the Green Belt and other harms such that VSC exist.

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<sup>200</sup> CD 39.1 Alyn Nicolls PoE §6.13 Pg 55

<sup>201</sup> CD 39.1 Alyn Nicholls PoE §6.17 Pg 56

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291. Given that VSC are made out it is clear that the proposed development accords with the development plan. The local planning authority agrees.

292. Nobody who appeared at the Inquiry could be said to understand the needs of those who will benefit from this development more than Cllr McCauley who as Ward Councillor for Thatto Heath and Cabinet Member for Regeneration and Planning speaks with both experience and authority:

*“Here we have an end user, ready to build out Unit 1 and the overall proposed scheme is immediately deliverable. Considerable economic benefits for the local economy will be amongst the outputs, including those people I mentioned earlier desperate to get on the job ladder, and move out of deprivation. And an employer who has committed to recruit from our deprived areas. This I believe is to be Building Back Better and Levelling Up both national priorities, as we emerge from the pandemic and effects of Brexit, there couldn't be a more deserving time, place or people to do it.”*

293. It is respectfully submitted that the Inspector recommends to the Secretary of State that planning permission be granted without delay in order that the myriad substantial benefits of this development can be delivered fully in accordance with this Government's national policies for economic growth in those areas which have been 'left behind'.

**PETER GOATLEY QC  
CHRISTIAN HAWLEY**

**6<sup>th</sup> May 2021  
No5 Chambers**