

RE: LAND TO THE WEST OF OMEGA SOUTH

OPENING SUBMISSION OF THE LPA

INTRODUCTION

Context

1. This is the fourth in a series of Inquiries concerning logistics and related development in St Helens. Four proposals (comprising 3 call-in applications and one recovered appeal) have been called-in for determination by the Secretary of State (SoS).
2. The first Inquiry addressed an outline application for the construction of up to 92,900 sqm of employment floor space within use class B8 (storage and distribution) with ancillary B1(a) offices and associated servicing and infrastructure on land at the site of the former Parkside Colliery. All matters other than means of access were reserved. The Application proposals were described in detail in the SoCG (CD 4.163 at 2.1¹). The proposal is to be the first phase of a comprehensive development of the former Parkside colliery site. It is therefore referred to as “*Parkside Phase 1*” (PP1).
3. The second Inquiry considered the application for the A49-A573 Link Road (“*the PLR application*”). The PLR application² sought full planning permission for a road of 3.3 km length that would link the A49 Winwick

¹ St Helens MBC have created a bespoke web-site for the previous 3 Inquiries

² Part of the PLR application site falls within Warrington Borough. An application was therefore submitted to both St Helens BC and Warrington BC (as determining LPA's). There were 2 applications for determination

Road to the A579 Winwick Lane and would enable access to Junction 22 of the M6 motorway. The purpose of the PLR is therefore to enable the development of Parkside Phase 2 (PP2) and a Strategic Rail Freight Interchange (SRFI) to the east of the M6 (Parkside Phase 3) by providing the link to J22 M6.³

4. St Helens MBC, as Local Planning Authority, strongly supports both the PP1 and PLR applications which are proposed to be allocated, for reasons which have been fully explored at both Inquiries and which are before the SoS.

5. The third Inquiry concerned an appeal against the LPA's non-determination of an outline application for up to 167,225 sq m of B2/B8 floorspace, comprising up to 20% B2 floorspace, at Haydock Point. All matters were reserved save for access. The parameters (for determination) would allow a single unit of 1m sq ft (92,903 sq m). The proposal was 20% larger than Florida Farm and 55% larger than PP1.⁴ The scheme was speculative and there was no named end-user. The proposal re-routed the A49 through the appeal site. The site was separated from the Haydock Industrial Estate (HIE) by the M6 and the A49, which formed a logical constraint on the extension of the HIE to the east. The LPA resolved that it would have refused planning permission (essentially) because the landscape and visual impact of that proposal on that site caused unacceptable harm to the character and appearance of the area which, when weighed in the Green Belt planning balance, meant that very special circumstances could not be demonstrated.

³ See paragraphs 2 and 3 of the Executive Summary to the Planning Statement supporting the PLR application and the (draft) PLR SoCG paragraphs 2 and 44

⁴ Xanthe Quayle at 2.1.5

6. It follows that the SoS has already heard a great deal of the evidence which is relevant to the issues for determination at this Appeal, in particular in relation to the need for road based logistics and the economic and regeneration benefits which the proposal could bring (subject to the imposition of conditions and the s.106). The LPA's evidence at this Inquiry is entirely consistent with evidence which has previously been presented.
7. It must, however, be emphasised that the balancing of the land use planning merits of PP1, the PLR and Haydock Point are material different, as each turns on its own merits. In particular, the schemes fall to be determined on the basis of the impact of their individual proposals on their particular parcel of Green Belt. Accordingly, comparisons between proposals has not been a feature of previous Inquiries and should not be a feature of this one.

The Application

8. This Inquiry concern a hybrid planning application for (SoCG at 3.1):
 - (i) Full Planning Permission for the erection of a B8 logistics warehouse, with ancillary offices, associated car parking, infrastructure, and landscaping; and
 - (ii) 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).
9. In total, the floorspace proposed within the red line totals 205,500 sq m (c. 2,212,000 sq ft). It is proposed there will be a 30%/70% B2/B8 split within

this total floorspace, secured by condition.

10. The full list of plans that informed the Council's decision is provided at Appendix 1 SoCG.
11. Full planning permission is sought for the erection of one B8 use class (storage and distribution) logistics warehouse ("Unit 1"). Unit 1 has an identified user, T.J. Morris (trading as Home Bargains). This is not an application for a personal planning permission but the LPA accept (on the balance of probability) that the unit will be occupied by Home Bargains. Their requirements have determined the form and scale of the proposal.
12. Unit 1 would comprise a 77,084 sq m warehouse, with a 4,486 sq m ancillary office development, and an overall total floorspace of 81,570 sq m. The eastern end of Unit 1 would be used for housing high bay racking and would have a maximum height of 36m to the eaves and 41.6m to the top of the curved apex roof. The western end of Unit 1 would be used for storage packing and would have a height of 24.8m to the eaves and 29.4m to the top of the curved apex roof.
13. A new 'Green Wedge' of approximately 7ha is proposed for landscape and ecology in the north west corner of the Application Site, beyond the existing tree belt. This area would contain trees, shrubs and sustainable drainage (SUDs) basins for the site drainage. Landscaping in the form of shrubbery and SUDs is also proposed along the northern boundary.
14. Outline planning permission is sought for a combination of B2 use class (manufacturing) and B8 use class (storage and distribution). All matters apart from access are reserved. The outline planning element would provide up to 123,930 sqm of floorspace and includes the "Unit 1 Expansion Land". The maximum building height was assessed in the ES as being 19 m and is secured by condition. A minimum floorspace size for each unit of 27,870 sq m is proposed (see draft conditions).

15. Detailed approval is sought for access for the whole Application Site. The Proposed Development would be accessed from the east via an extension to the existing Omega South internal road known as Catalina Approach. Catalina Approach falls within Warrington Borough and connects to Skyline Drive (A5280), which then provides a direct link to Junction 8 of the M62. The presence of this internal road demonstrates that the application site was always intended to be the next phase of development.

MAIN ISSUES

16. The Main Issues, on which the SoS wishes to be addressed, were set out in the CMC Note 1 (CD 36.3).

THE DEVELOPMENT PLAN

17. This Appeal falls to be determined in accordance with the Development Plan unless material considerations indicate otherwise (s.38(6) P&CPA 2004).
18. The application site adjoins the Omega employment area in Warrington Borough Council (WBC). The site lies in St Helens MBC. It is, therefore, the St Helens statutory development which applies and which is addressed in this Opening Submission. The WBC development is a material consideration of significant weight. Both St Helens MBC and WBC support the grant of consent, subject to conditions and s.106.

Strategic Objective 1.1 - Regeneration

19. Regeneration lies at the heart of the Core Strategy's Vision to 2027 (CD 2.2 at 4.29). The Vision is implemented through 7 Strategic Objectives (SO). Regeneration is the first and primary Strategic Objective, which the remaining SO's seek to deliver:

SO 1.1 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.

20. This is not surprising given the Context, Issues, Problems and Challenges identified in the CS (2012):⁵

- A legacy of derelict land and land affected by contamination, poor health, high unemployment rates and low educational attainment figures (CS at 2.1);
- Years of population decline between 1988 and 2001 (CS at 3.1), resulting in significant levels of commuting from more attractive suburban/rural locations and residual communities plagued by multiple deprivation;
- Multiple deprivation amongst the highest in the country. In 2010, St Helens was the 51st most deprived authority in the country (CS at 3.3);
- St Helens had a legacy of poor health linked with deprivation and its industrial past (CS at 3.4);

21. Accordingly, SO 1.1 seeks to reduce deprivation by directing development and investment where it is most needed. Regrettably, the Core Strategy's regeneration imperative has only strengthened with the passage of time. The Indices of Deprivation (2019) St Helens Summary Report make for grim reading (see p.5):

- St Helens is now ranked as the 26th most deprived LA;
- St Helens has been ranked 51st (2010), 36th (2015) and 26th (2019). The indices of multiple deprivation are therefore worsening over time;

⁵ The Plan is premised on evidence from 2010

- There are 29 LSOA's (neighbourhoods) in the 10% most deprived nationally;
- There are 50 neighbourhoods in the 20% most deprived nationally;
- 6 LSOA's are within the 1% most deprived nationally;
- The domains of greatest concern are health deprivation, employment deprivation and income deprivation;
- St Helens is the 8th most deprived (health), 9th most deprived (employment) and 34th most deprived (income);
- Nearly a quarter of the population of St Helens live in the most deprived neighbourhoods. That is 42,877 people (an increase of 26% from 33,926 in 2010).
- The Application site lies in LSOA St Helens 022A, which is ranked in the worst 20% of deprived areas. The adjacent LSOA's of St Helens 022C and 022D comprise a neighbourhood at Four Acre Lane which is ranked in the top 10% of deprived areas.

22. It is therefore unanswerable that:

- (i) Deprivation has worsened (and materially worsened) since the adoption of the Plan in 2012, relative to other areas; and
- (ii) The imperative for regeneration expressed in the Core Strategy has increased (and materially increased) since the adoption of the Plan.

23. It is in this context that the development plan expressly seeks to focus economic development to those sites that are within, in close proximity to, or have easy public transport to the most deprived areas of the Borough (Policy CE 1(4)). The LPA can be made adequately accessible through the provision of a new bus route in the s.106. The LPA therefore considers that the appeal site can contribute to the regeneration of the Borough (consistent with SO 1.1), subject to the s.106 and conditions which seek to

maximise the training and education opportunities for those in need. Such a scheme is proposed to be secured by condition.

24. Whilst Warrington is not as deprived as St Helens, there are nonetheless significant pockets of deprivation near to the site in the Chapelford, Old Hall, Bewsay, Whitecross and Orford Wards (SoCG at 7.17).

Strategic Objective 5.1 – Economic Growth

25. SO 5.1 seeks to provide sufficient land to meet local employment needs. Further, the economic objective of national policy is to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity.
26. Planning decisions should create the conditions in which businesses can invest, expand and adapt (NPPF 80). That means (at least): (i) an adequate supply of employment land; and (b) an adequate range of employment sites. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future (NPPF 80).
27. The strengths of this area are expressly articulated in the CS (at 2.3 and 2.4). The key economic strength of St Helens is (now) its strategic location: (i) proximity to Regional Poles of Liverpool and Manchester and very significant centres of population; (ii) the M6, M62 and A580; (iii) proximity to an expanding international port (Liverpool 2) and two international airports (LPL and MAN); (iv) proximity to the Chat Moss (Liverpool-Manchester) railway and the WCML (of particular relevance to the Parkside proposals). The strength of St Helens is as a base for logistics. Government policy is expressly to build on such strengths, through the delivery of necessary infrastructure.

28. Decisions should recognise specific locational requirements of different sectors (NPPF 82). This expressly includes making provision for storage and distribution operations at a variety of scales and in suitably accessible locations (NPPF 82). In interpreting and applying NPPF 80 and 82 together, the parties agree that, where a proposal delivers a storage and distribution operation in an accessible location, addressing the specific locational requirements, building on the strengths of the local area, the NPPF expressly requires that significant weight should be placed on the need to support such economic growth. The Application site is located in a highly attractive location for a logistics development (in market and commercial terms) on the M6 immediately adjacent to the highly successful Omega South employment area.
29. Consistent with NPPF 81, NPPF 20 requires sufficient provision to be made for employment land and infrastructure for transport, looking over 15 years (NPPF 22). Policies should therefore assess and plan to meet the OAN for employment land in accordance with a clear economic vision and strategy which encourages sustainable economic growth (NPPF 81(a)). In that context, it is agreed that: (i) the evidence base on which Policy CE 1 is out of date; and (ii) the policy requirement to deliver 37ha to 2027 is out of date. Policy CE 1(1) should be afforded no material weight. Rather, it is the evidence base to the eLP which contains the LPA's up to date evidence on the need for employment land. This is addressed in evidence by Mr Meulman.
30. Further, the NPPG identifies that the logistics industry plays "a critical role" in enabling an efficient, sustainable and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities.⁶

⁶ NPPG Ref ID 2a-31

31. Following the adoption of the Core Strategy in 2012, work commenced on a Site Allocations DPD (ADPD) to identify sites for development in the Borough. However, a significant material change in the employment land market was identified (a change from the evidence base of 2010), which resulted in a need for considerably more employment land than identified in Core Strategy Policy CE 1. This was a factor that led to the ADPD being abandoned and work commencing on a new Local Plan (Part 1 and 2).
32. The emerging Local Plan was submitted for examination on 29th October 2020. It is premised on evidence of significant need for new logistics floorspace. The evidence base comprises *inter alia*:
- The St Helens Employment Land Needs Study (ELNS) 2015;
 - ELNS Addendum 2017;
 - The Liverpool City Region SHELMA 2018;
 - LCR Assessment of the Supply of Large-Scale B8 sites (2018);
 - The St Helens ELNS Addendum 2019;
 - LCR Spatial Planning SoCG 2019;
 - LCR Local Industrial Strategy (2020);
 - Employment Land Need and Supply Background Paper (2020).
33. The LPA currently plan for a minimum of 219.2ha of land for employment development between 2018 and 2035 (see emerging policy LPA 04 and LPA 10). Whilst limited weight can be attached to the emerging *policy*, significant weight must attach to the technical need *evidence* on which it is premised, which is derived from studies at the LCR and LPA level.
34. In the light of such evidence (summarised in the evidence of Mr Meulman), the LPA have allocated part of the application site in the eLP (policy LPA04.1). The proposed allocation is to meet employment land

needs in WBC. The allocated land reflects the ownership of Homes England. It comprises the eastern portion of the site. 51% of the net developable area is within the allocation, comprising 39% of the TJM Unit 1 area and 60% of the outline area (see SoCG section 6).

35. It is therefore submitted that:
- (i) There is a need for more employment land than is identified in the Core Strategy;
 - (ii) There is a significant need for more employment land;
 - (iii) Such a need cannot be met either on PDL sites and/or on sites inside the settlement boundaries;
 - (iv) The need must be met on Green Belt sites;
 - (v) There are direct, indirect and catalytic economic benefits which are derived from the delivery of logistics floorspace on Green Belt sites.
36. It is, therefore, the LPA's position that the application complies with the objectives of the development plan to secure economic development and to address deprivation, by providing economic opportunities to areas in need.

SO 6.2 – Protecting/Enhancing Local Character/Distinctiveness

37. SO 6.2 seeks to safeguard the quality of the environment, protecting and enhancing local character and distinctiveness. The primary policies to deliver SO 6.2 are CAS 5 and CQL 1-4.
38. Policy CSS 1 contains the overall spatial strategy. It seeks to maintain the general extent of the Green Belt (GB) in the short to medium term. Any strategic review of the GB will depend on a GB Review, dependent on work carried out at a sub-regional level (CSS 1 (vii)). Outside settlement boundaries, proposals must comply with GB policy (CAS 5). It follows

that the proposal will comply with the spatial strategy, provided it meets the GB tests (see AKN at 3.19).

39. This is a significant point of distinction with Haydock Point, which turns on site specific matters which do not need to be addressed at this Inquiry.
40. Policy CQL 4 seeks to protect, conserve, preserve and enhance the landscape character of St Helens by (i) protecting landscape character; and (iii) ensuring all new development respects the significance and distinctive quality of the landscape.
41. Policy CP 1(1)(i) seeks to maintain the overall character and appearance of the local environment, in particular in relation to siting, layout, massing and scale. Further, consistent with policy CQL 4 and CAS 4, policy CP 2 (iv) seeks to safeguard landscape character.
42. It is inevitable that this proposal will cause significant harm to landscape character and visual amenity. Such harm needs to be weighed in the Green Belt balance.

GREEN BELT POLICY

Harm to the Green Belt

43. It is agreed that the proposal is inappropriate development and that substantial weight should attach to the harm by reason of inappropriateness, harm to openness and harm to the purposes of the GB (SoCG at 9.1).
44. However, the LPA have concluded (after a robust independent audit of the Applicant's evidence) that planning permission should be granted because the potential harm to the Green Belt, any other harm, is clearly outweighed

by other considerations. Such very special circumstances comprise *inter alia* the following:

- There is a significant need to address indices of multiple deprivation in some of the most deprived wards in the country;
- There is a need to address the objectively assessed need for more employment land, especially for logistics floorspace, especially on a very suitable site to meet the locational requirements of the market sector, adjacent to the highly successful Omega South which is at capacity;
- There is a lack of supply to meet the identified need on land inside the urban area, on previously developed land, on land outside the Green Belt and/or on Green Belt which will have a lesser impact on the GB or environmental impact;
- There is no alternative to development in the Green Belt, whether in St Helens MBC or WBC;
- The site is highly accessible to markets but also can be made to be accessible to a workforce by means of transport other than the private car (subject to s.106 contributions);
- There are material direct, indirect and catalytic economic benefits of the proposal. In particular, the provision of jobs which match the skills base in the areas of deprivation;
- There are social benefits to the proposal;
- There are modest environmental benefits to the proposal.

45. In these circumstances, the potential harm to the Green Belt by reason of inappropriateness and other harm which has been identified, is clearly outweighed by the benefits arising from the Proposed Development. ^[1]_[SEP]

CONCLUSION

46. It therefore follows that the LPA submit that this proposal should be approved, subject to conditions and a s.106 planning obligation.

GILES CANNOCK QC

Kings Chambers

27th April 2021