



Department for Levelling Up,
Housing & Communities

Jenny Fryer
1 New York Street
Manchester
M1 4HD

Our ref: APP/H4315/W/20/3256871
Your ref: P/2017/0254/OUP

11 November 2021

Dear Madam

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY PEEL INVESTMENTS (NORTH) LIMITED
HAYDOCK POINT - LAND AT A580 EAST LANCASHIRE ROAD / A49 LODGE LANE,
HAYDOCK, ST HELENS, WA12 0HL
APPLICATION REF: P/2017/0254/OUP**

1. I am directed by the Secretary of State to say that consideration has been given to the report of B J Sims BSc (Hons) CEng MICE MRTPI and D M Young JP BSc (Hons) MA MRTPI MIHE, who held a public local inquiry on 9-12 and 16-17 February 2021 into your client's appeal against the failure of St Helens Metropolitan Borough Council to determine your client's application for outline planning permission with all matters other than means of access reserved for the development of up to 167,225sqm of B8/B2 (up to 20% B2 floorspace), ancillary office and associated site facilities, car parking, landscaping, site profiling and transport, drainage and utilities infrastructure, in accordance with application No P/2017/0254/OUP, dated 10 March 2017, noting that the agreed description of the development is taken from the Planning Statement of Common Ground (SoCG), being at variance with the wording on the original application form (IR1.1).
2. On 11 August 2020, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

Inspectors' recommendation and summary of the decision

3. The Inspectors recommended that the appeal be dismissed.
4. For the reasons given below, the Secretary of State agrees with the Inspectors' conclusions, except where stated, and agrees with their recommendation. He has decided to dismiss the appeal and refuse planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Having taken account of the Inspectors' comments at IR1.16, the Secretary of State is satisfied that the Environmental Statement complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

Procedural Matters

6. For the reasons set out at IR1.10-1.15, the Secretary of State agrees (IR1.14) that no third party interest would be prejudiced by their acceptance of the revised scheme set out in the appellant's letter of 15 December 2020 (IR1.10). As such the Secretary of State has considered the revised scheme in place of the original proposals.

Matters arising since the close of the inquiry

7. An updated Framework was published in July 2021, after the close of the Inquiry. Given that the provisions of the Framework relating to the main material considerations in this case have not changed, the Secretary of State is satisfied that the updated Framework does not affect his decision and does not warrant a referral back to the parties.
8. A list of representations which have been received since the inquiry is at Annex A. Copies of these letters may be obtained on request to the email address at the foot of the first page of this letter. The Secretary of State is satisfied that the issues raised do not affect his decision, and no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties.

Policy and statutory considerations

9. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
10. In this case the development plan consists of the saved policies of the St Helens Unitary Development Plan (UDP) of 1998 and the adopted St Helens Local Plan Core Strategy (CS) of 2012 for the period to 2027. The Secretary of State considers that relevant development plan policies include those set out at IR3.12-3.21.
11. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance').

Emerging plan

12. The emerging plan (eLP) comprises the submission draft of the St Helens Borough Local Plan 2020-2035. The eLP was submitted to the Secretary of State for independent

examination in October 2020. The Secretary of State considers that the emerging policies of most relevance to this case include those set out at IR3.23-3.25.

13. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.
14. The Secretary of State notes that at the time of the Inquiry the policies and site allocations of the eLP were subject to objection and ongoing examination for soundness and agrees that they therefore carried little weight in themselves (IR8.5). He agrees with the Inspectors that the employment evidence base of the eLP is germane to the present proposal and carries weight as a material consideration in this case (IR8.5).

Main issues

Green Belt

Inappropriate development in the Green Belt

15. The Secretary of State notes that there is no dispute between the parties that the proposed development would be inappropriate in its Green Belt location, giving rise to harm by definition (IR8.7). He agrees with the Inspectors that this carries substantial weight as a matter of established national and adopted local planning policy including NPPF paragraph 148 and UDP Policies S1 and GB1-2 and CS Policies 5.1 and CSS1(ix). (IR8.7).

Openness of the Green Belt

16. The Secretary of State agrees with the Inspectors for the reasons given at IR8.8-9 that the development would have a very significant impact on the openness of the Green Belt. He agrees that the loss of the essential and fundamental openness of the Green Belt carries substantial weight against the appeal.

Green Belt Purposes

17. For the reasons given at IR8.10, the Secretary of State agrees that the development would cause a significant measure of harm to the purpose of the Green Belt to prevent urban sprawl and would also compromise, to some extent, the purpose of the preventing neighbouring towns from merging. He further agrees that the built development would encroach blatantly into the countryside of rural St Helens, in further contravention of the purposes of including land in the Green Belt.
18. As such he agrees with the Inspectors at IR8.11 that the overall definitional and practical harm to the Green Belt, its openness, and purposes that would arise as a result of proposed development carries substantial weight against the appeal.

Appearance and Character of the Landscape

Landscape Character and Value

19. For the reasons given at IR8.12-IR8.18, the Secretary of State agrees (IR8.18) that whether or not the appeal site is to be regarded as part of a valued landscape in the strict terms of NPPF paragraph 174, it clearly has perceived and actual local landscape value. He further agrees that any significant degree of adverse impact or positive enhancement affecting the landscape of the appeal site would be a material consideration to be weighed in the overall planning balance.

Landscape Impact

20. For the reasons given at IR8.19, the Secretary of State agrees that the proposed buildings would radically alter the currently open rural landscape and its immediate surroundings. He agrees that this would permanently render it highly urban in character (IR8.19) and that for the reasons given the degree of impact can only be categorised as high adverse (IR8.20).

Landscape Mitigation

21. The Secretary of State agrees at IR8.22 that screening would do nothing to offset the removal of a large area of open, rural landscape, and that the proposed screening would impose a virtually continuous visual impediment to views across the site. He further agrees at IR8.22 that this would override any perceived enhancement by way of the proposed strengthening of, and increase in, the total extent of woodland in the area, coupled with intended enhancement of grassland and wetland habitats.

Conclusion on Visual Impact and Landscape

22. The Secretary of State agrees that the development would cause adverse landscape and visual impact, even taking into account the extensive mitigation measures that would be secured by planning condition (IR8.23). He agrees with the Inspectors that judged on all the evidence, the degree of harm to the landscape would be major adverse, only becoming moderate adverse after at least fifteen years (IR8.23). He further agrees that the appeal proposals are accordingly in substantive conflict with the protective provisions of CS Policies CAS5.1-2, CP1.1 and CQL4 with respect to the landscape. He agrees that this consideration carries significant weight in the planning balance (IR8.24).

23. For the reasons given at IR8.25, the Secretary of State agrees that the draft safeguarding of the site in the eLP has minimal bearing on the present assessment of the effects of the development now at appeal.

Access and highway network

Accessibility and Deliverability

24. For the reasons given at IR8.26 the Secretary of State agrees that the appeal site is optimally located for warehousing and logistics development with direct, all-movements access onto the UK SRN via the A580 and M6 J23 and is strategically placed at the heart of the motorway network of the UK, and is unconstrained by infrastructure requirements, save for the current congestion levels at and on the approaches to M6 J23 (IR8.26).

Off-site Improvements

25. For the reasons given at IR8.27-8.30, the Secretary of State agrees that the technical highways evidence of the appellants is to be preferred (IR8.29), and that the A49 diversion would be in the wider public interest. (IR8.30). He further agrees with the Inspectors at IR8.33 that the proposed off-site highway works, as they affect M6 J23, are the minimum required in practice to accommodate the additional traffic generated by the development. He further agrees with the Inspectors at IR8.34 that off-site improvements would make a permanent contribution, in both substantial financial and practical terms, to the ultimate wider improvement to M6 J23, notwithstanding that a wider improvement currently remains aspirational and devoid of detailed design or funding.

Sustainable Transport

26. For the reasons given at IR8.31, the Secretary of State agrees with the Inspectors that with improvements to cycle accessibility and the additional bespoke bus service, the appeal site would enjoy an acceptable level of accessibility for employees from nearby deprived areas.

Conclusion on Access and Highway Network

27. The Secretary of State agrees the site would be appropriately accessible overall for operators and employers and compliant with paragraph 105 of the Framework (IR103). He agrees that improved accessibility to employment from deprived areas carries a limited degree of weight in favour of the appeal (IR103).

28. The Secretary of State agrees with the Inspectors at IR8.36 that overall, the development would avoid severe highways impact in compliance with paragraph 111 of the Framework. He further agrees that the highway benefits of the appeal proposals carry a moderate degree of planning weight in favour (IR8.37).

Other environmental effects

Ecology and Biodiversity Net Gain

29. For the reasons given at IR8.38, the Secretary of State agrees with the Inspectors that the proposed 14% biodiversity net gain would amount to a small positive benefit of the development (IR8.38). He agrees that this carries a limited degree of weight in favour of the scheme (IR8.80).

Air Quality

30. For the reasons given at IR8.39-8.40, the Secretary of State agrees with the Inspectors at IR8.41 that despite expressed local concerns, there is no clear evidence of conflict with CS Policy CP1 with respect to air quality. He considers that air quality carries neutral weight in the overall planning balance.

Noise and Other Aspects of Residential Amenities

31. For the reasons given at IR8.42-8.43, the Secretary of State agrees with the Inspectors that the proposal is compliant with CS Policy CP1 and any residual noise impact of the proposed development would not weigh decisively in the planning balance (IR8.42). He

further agrees that concerns as to other aspects of residential amenity can be allayed by planning conditions (IR8.43).

Agricultural Land

32. For the reasons given at IR8.44, the Secretary of State agrees that on the evidence available, the loss of 'best and most versatile' agricultural land in this case, and any conflict with CS Policy CAS5 in this regard, does not weigh decisively in the planning balance of this case. He considers that this matter attracts limited weight against the proposal.

Heritage

33. For the reasons given at IR8.45 the Secretary of State agrees that the proposal would not have a significant impact on the former Haydock Park mediaeval hunting ground, and any conflict with CS Policy CP1 or CQL4 would be of a low order, carrying very limited weight in the overall planning balance in terms of NPPF paragraph 203.

Employment need and supply

34. The Secretary of State agrees with the Inspectors' analysis of employment need and supply at IR8.47-IR8.51. He notes that there is no dispute between the parties concerning the figures of need and supply (IR8.52).

35. For the reasons given at IR8.81-8.85, the Secretary of State agrees that based upon the employment needs of St Helens Borough alone, there is no overriding need for the appeal site to provide employment (IR8.84). However, he further agrees that it is necessary to take into account that there exists an immediate, acute shortage of land for large-scale logistics employment in the sub regional Primary Market Area of St Helens, Wigan and Warrington, within the M6 corridor (IR8.85). He further agrees that this is particularly the case in regard to the need for storage and distribution facilities at a variety of scales, including the largest scale, in accessible locations (IR8.53).

36. Having given careful consideration to the Inspectors' analysis at IR8.47-8.53 and IR8.81-8.85, the Secretary of State considers that sub-regional need carries significant weight in favour of the appeal.

Economic benefits

37. For the reasons given at IR8.53-8.54 the Secretary of State agrees with the Inspectors that the proposed development, if allowed on the overall balance of all planning considerations, would contribute substantially to the national policy imperative to promote and support a strong competitive economy (IR8.53).

38. The Secretary of State agrees with the Inspector that the regeneration imperative of the St Helens CS has strengthened since its adoption (IR8.47). He has taken into account that the Council accepts that the proposed development would contribute to Borough regeneration (IR8.48), as well as the predicted level of job creation set out at IR4.75 and

overall considers the economic benefits of the scheme, including job creation, attract significant weight.

Relationship to Other Employment Development Proposals

39. For the reasons given at IR 8.69-8.73 the Secretary of State agrees that he can determine this appeal independently of other employment development proposals in the North West.

Planning conditions

40. The Secretary of State has given consideration to the Inspectors' analysis at IR8.59-8.68, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 56 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspectors comply with the policy test set out at paragraph 56 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for dismissing this appeal and refusing planning permission.

Planning obligations

41. Having had regard to the Inspectors' analysis at IR8.55-8.58, the planning obligation dated 16 February 2021, paragraph 57 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspectors' conclusion for the reasons given in IR8.57 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 57 of the Framework. However, the Secretary of State does not consider that the obligation overcomes his reasons for dismissing this appeal and refusing planning permission.

Planning balance and overall conclusion

42. For the reasons given above and in paragraph 45 below, the Secretary of State considers that the appeal scheme is not in accordance with UDP Policies S1 and GB1-2 and CS Policies 5.1 and CSS1(ix) in respect of Green Belt and with CS Policies CAS5.1-2, CP1.1 and CQL4 with respect to landscape, and is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

43. Weighing against the proposal is Green Belt harm by virtue of inappropriateness, loss of Green Belt openness, harm to the purpose of preventing urban sprawl and encroachment into the countryside. This attracts substantial weight. Also weighing against the proposal is landscape harm which attracts significant weight, loss of agricultural land which carries limited weight, and heritage impacts which attract very limited weight.

44. Weighing in favour of the proposal is the acute medium term sub-regional need which attracts significant weight, the economic benefits including job creation which also attracts significant weight, the highways benefits which attract moderate weight, the improved accessibility to employment which carries limited weight and the biodiversity net gain which also carries limited weight.

45. The Secretary of State has carefully considered whether the harm to the Green Belt by reason of inappropriateness, and the other harms he has identified, are clearly outweighed by other considerations. Overall, the Secretary of State considers that the

benefits of the proposal are not collectively sufficient to clearly outweigh the harm to the Green Belt and other harms such that very special circumstances would exist to justify permitting the development. As such he finds conflict with development plan policies on the Green Belt, and with Green Belt policy in Section 13 of the Framework.

46. Overall the Secretary of State considers that the material considerations in this case indicate a decision in line with the development plan – i.e. a refusal of permission.

47. The Secretary of State therefore concludes that the appeal should be dismissed and planning permission refused.

Formal decision

48. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspectors' recommendation. He hereby dismisses your client's appeal and refuses planning permission for outline planning permission with all matters other than means of access reserved for the development of up to 167,225sqm of B8/B2 (up to 20% B2 floorspace), ancillary office and associated site facilities, car parking, landscaping, site profiling and transport, drainage and utilities infrastructure, in accordance with application ref P/2017/0254/OUP, dated 10 March 2017, as amended by letter of 15 December 2020.

Right to challenge the decision

49. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

50. A copy of this letter has been sent to St Helens Metropolitan Borough Council and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Phil Barber

This decision was made by the Minister of State for Fire and Building Safety on behalf of the Secretary of State, and signed on his behalf

Annex A Schedule of representations

SCHEDULE OF REPRESENTATIONS

General representations

Party	Date
Allmark, J	2 July 2021
Almond, D	30 June 2021
Anders, K	7 July 2021
Blackmore, T	15 July 2021
Bowe, J	30 June 2021
Brown, E	16 July 2021
Bukkapuramnadella, K	1 July 2021
Cafferty, C	6 July 2021
Cardy, G	21 June 2021

Carey, M	2 July 2021
Clinton, C	1 July 2021
Cousins, C	6 July 2021
Daniels, C	2 July 2021
Davies, J	14 July 2021
Dulea, S	24 June 2021
Dunn, C	6 July 2021
Eccles, S	16 July 2021
Eden, P	1 July 2021
Edwards, S	6 July 2021
Frazer, B	6 July 2021
Frazer, B	15 July 2021
Fryer, J	18 August 2021
Fryer, J	2 September 2021
Fryer, J	2 November 2021
Hackett, D	21 June 2021
Hale, M	31 August 2021
Hitchen, J	15 July 2021
Hodgson, S	6 July 2021
Hughes, D	16 July 2021
Jackson, V	13 August 2021
Johnson, P	15 July 2021
Jones, C	6 July 2021
Jones, L	1 July 2021
Kearns, K	17 August 2021
Kinsella, J	6 July 2021
Mawson, T	14 June 2021
McDermott, T	21 June 2021
McDonald, M	15 July 2021
McGarvey, S	16 July 2021
McGrath, C	15 July 2021
O'Brien, R	19 August 2021
Ormrod, G	2 July 2021
O'Sullivan, M	30 June 2021
Ousalice, G	15 July 2021
Price, A	17 August 2021
Rowcroft, L	17 June 2021
Russell, C	15 July 2021
Sabino, G	23 June 2021
Shaw, M	19 July 2021
Simpson, A	30 June 2021
Squire, D	17 June 2021
Stanley, M	1 July 2021
Travis, V	17 June 2021
Wall, S	2 July 2021
Whyte, P	6 July 2021
Wilshaw, E	6 July 2021
Wood, T	14 July 2021



The Planning Inspectorate

Report to the Secretary of State

by

B J Sims BSc (Hons) CEng MICE MRTPI

and

D M Young JP BSc (Hons) MA MRTPI MIHE

Inspectors appointed by the Secretary of State

Date 19 April 2021

PROPOSED STRATEGIC EMPLOYMENT DEVELOPMENT HAYDOCK POINT ST HELENS

Virtual Inquiry Opened on 9 February 2021

Haydock Point - Land at A580 East Lancashire Road / A49 Lodge Lane

File Ref: APP/H4315/W/20/3256871

Appeal Ref: APP/H4315/W/20/3256871

Haydock Point – Land at A580 East Lancashire Road / A49 Lodge Lane, Haydock, St Helens, WA12 0HL.

- The appeal was recovered for decision by the Secretary of State by a Direction under Section 79 of the Town and Country Planning Act 1990 dated 11 August 2020.
- The appeal is made under Section 78 of the Act against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Peel Investments (North) Limited against St Helens Metropolitan Borough Council.
- The application Ref P/2017/0254/OUP is dated 10 March 2017.
- The appeal arises from an outline planning application with all matters other than means of access reserved for the development of the site for up to 167,225sqm of B8/B2 (up to 20% B2 floorspace), ancillary office and associated site facilities, car parking, landscaping, site profiling and transport, drainage and utilities infrastructure.
- The reason given for making the Direction was that the appeal involves proposals for significant development in the Green Belt.
- The Inquiry sat for 6 days on 9-12 and 16-17 February 2021.

Summary of Recommendation: That the appeal be dismissed.

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Abbreviations

AQMA	Air Quality Management Area
BMVAL	best and most versatile agricultural land
BNG	biodiversity net gain
CEMP	Construction and Environmental Management Plan
CIL	Community Infrastructure Levy
CMC	Case Management Conference
[the] Council	St Helens Metropolitan Borough Council
DEFRA	Department for Environment, Food and Rural Affairs
DOS	Degree of Saturation
DtC	Duty to Co-operate
EIA	Environmental Impact Assessment
ELNS	Employment Land Needs Study
eLP	emerging Local Plan
ES	Environmental Statement
EU	European Union
FEMA	Functional Economic Market Area
FTE	full-time-equivalent
GBR	Green Belt Review
GLVIA	Guidelines for Landscape and Visual Impact Assessment
GVA	gross value added
hapa	hectares per annum
HGV	heavy goods vehicle
HIE	Haydock Industrial Estate
J23	Junction 23
JCR	Jockey Club Racecourses
LCA	Landscape Character Assessment
LCR	Liverpool City Region
LGV	light goods vehicle
LVIA	Landscape and Visual Impact Assessment
MSC	Manchester Ship Canal
NPPF	National Planning Policy Framework
PAG	Parkside Action Group
PCPA	Planning and Compulsory Purchase Act
pcu	passenger car unit
PDL	previously developed land
PLR	Parkside Link Road
PMA	Primary Market Area
PP1	Parkside Phase 1
PPG	Planning Practice Guidance
PRC	Practical Reserve Capacity
RFC	ratio of flow to capacity
SHELMA	Strategic Housing and Employment Land Market Assessment
SoCG	Statement of Common Ground
SoS	Secretary of State
SRFI	Strategic Rail Freight Interchange
SRN	Strategic Road Network
TA	Transport Assessment
TfGM	Traffic for Greater Manchester
WCML	West Coast Main Line
WFE	Wooded Former Estate
WHO	World Health Organisation

1. Preliminary Matters

Description of Development

- 1.1 The agreed description of the development set out in the heading above is taken from the Planning Statement of Common Ground (SoCG), being at variance with the wording on the original application form. [CD25.4].

Procedure

- 1.2 Prior to recovering the appeal subject of this Report, the Secretary of State (SoS) had called in the following planning applications to be considered at the same Local Inquiry:

Application P/2018/0048/OUP (St Helens Council) for employment floorspace (Phase 1 of former Parkside Colliery development) at Newton Le Willows (Parkside Phase 1 – PP1 – APP/H4315/V/20/3253194),

Applications P/2018/0249/FUL (St Helens Council) and 2018/32514 (Warrington Borough Council) for a new link road between A49 (Winwick Road) and M6 Junction 22 associated with Phase 1 Parkside Development Parkside (Parkside Link Road – PLR – APP/H4315/V/20/3253230),

Application A/18/85947 (Wigan Council) for employment development on land at Junction 25 of the M6 Motorway (Symmetry Park – APP/V4250/V/20/3253242), and

Application 04766/18 (Bolton Council) for employment development on land West of Wingates Industrial Estate, Westhoughton (APP/N4205/V/20/3253244).

- 1.3 On consideration, the SoS agreed that the procedure for hearing the several applications and the appeal should be left at the discretion of the Planning Inspectorate.
- 1.4 For practical reasons, it was decided that the appeal subject of this Report, and the five called-in applications would be considered by a Panel of two Inspectors at four separate Inquiries. This was due also to there being no clear indication of any cross-boundary issues between the several applications and the local planning authorities concerned that could not be covered in the evidence on each individual proposal.
- 1.5 It was initially agreed that the Panel would report all the cases simultaneously, after the last Inquiry to be held, so that the SoS would have the opportunity to consider any cross-boundary or other interrelationships between the several proposals that did become apparent during the proceedings.
- 1.6 In the present case, the consideration of the proposal is self-contained within the scope of the local development plan policies applying within St Helens. Whilst this appeal and the PP1 application are considered under an essentially common employment evidence base, they are judged on their individual planning merits overall. There is no indication that any of the several developments under consideration by the Panel would compete with each other in operation.

- 1.7 Accordingly, in the interests of enabling the application to be determined as expeditiously as possible, this Report is submitted to the SoS independently of the Reports on the other developments considered by the Panel.

Putative Reason for Refusal

- 1.8 On 24 November 2020, St Helens Metropolitan Borough Council (the Council), contrary to a recommendation by its officers in favour of the proposed development, resolved on balance that, had it decided the application prior to the appeal being made, it would have refused the application for the following reason:

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

- 1.9 There is no dispute that the elected Members of the Council were entitled to take a different view of the planning balance from that of its officers and this appeal provides an entirely fresh and independent appraisal of all the planning evidence.

Amended Proposals for Consideration

- 1.10 By letter dated 15 December 2020 [CD24.2] the Appellant Company put forward an amended proposal seeking to address the Council objection, citing the judgment in the case of *Wheatcroft*¹ as justification for accepting the amended proposals.
- 1.11 The question of whether the amended proposal could properly be accepted as the basis for deciding the appeal was discussed at the second of two case management conferences (CMCs) on 10 December 2020².
- 1.12 The Inspectors considered the Council objection to be one of principle against development in the Green Belt and noted that the proposed changes comprise modifications to increase surrounding woodland belts and bunding, with the aim of shifting the balance in favour of approval. The Inspectors accepted that the revised proposal is not, in substance, significantly different from that for which the original application was made and that there would be no change with regard to highway access or overall floorspace.
- 1.13 Crucially, the appeal proposal is in outline except for access. The submitted landscaping plans are merely illustrative of what might be achieved within the

¹ *Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]*

² CMCs are held as part of established pre-Inquiry procedure and Summaries and Directions are published [CD23.16 9 Oct 20; CD23.14 16 Dec 20]

scope of the application but the landscaping proposals could be secured by condition if the development were found acceptable on the available evidence at this stage.

- 1.14 The Inspectors do not therefore consider that any third party interest would be prejudiced by their acceptance of the revised scheme. It was accordingly directed, following the second CMC, that the revised scheme would be accepted for consideration in place of the original proposals. [CD23.14]
- 1.15 Meanwhile, the amended proposals were published by the Appellants for consultation equivalent to that required for the original application and the responses received are taken into account in this Report. [CD24.3-6] At the Inquiry, the Council confirmed that consultation equivalent to due statutory process had been followed with respect to public consultation.

Environmental Impact Assessment

- 1.16 The application was amended twice after initial submission and before consideration by the Planning Committee, with each iteration accompanied by an Environmental Statement (ES) and respective Addenda [CD15.25-104; CD16.8-35; CD17.27-29]. On final amendment in response to the Council resolution to oppose the development, further environmental information was included in the December 2020 Consultation Briefing Note [CD24.3]. Notwithstanding some concern as to its adequacy, the environmental information thus provided has been fully assessed as complying with the Environmental Impact Assessment (EIA) Regulations and is taken into account in this Report, alongside all the other written and oral evidence.

Panel Site Visits

- 1.17 The Inspectors undertook unaccompanied visits, in accordance with an itinerary pre-arranged with the Appellants and the Council, to inspect the appeal site and observe it from surrounding viewpoints, including within the boundary of the Haydock Park Racecourse. It was agreed at the Inquiry that this afforded the Panel a proper visual appreciation of the site and the appeal proposals, whilst also minimising personal contact in accordance with Covid19 pandemic restrictions.

Planning Obligations

- 1.18 The Appellant Company and the Council have completed an Agreement under Section 106 of the Act, as amended [ID29.16], establishing, at Schedule 3, the following seven planning obligations, to apply in the event that the SoS decides to grant the permission sought:

Obligation 1 – Improvements to Junction 23 of the M6 (M6 J23) with the A580 East Lancashire Road and A49 Lodge Lane,

Obligation 2 – Sustainable Bus Scheme and Fund,

Obligation 3 – Lapwing Habitat Creation and Management Scheme,

Obligation 4 – Local Employment Scheme and Apprentice Support Scheme and Fund,

Obligation 5 – Safeguarding of Land for a Link to the A49,

Obligation 6 – Delivery Management Strategy (including site operations and heavy goods vehicle (HGV) routing), and

Obligation 7 – Biodiversity Net Gain (BNG) (Enhancement and Offset Scheme).

- 1.19 The Section 106 Agreement includes a conditionality clause enabling the SoS to determine whether any or all of these obligations are material considerations compliant with the tests of the Community Infrastructure Levy (CIL) Regulations 2010 and whether each should be imposed.
- 1.20 The degree to which these obligations are material to this proposal is discussed in later sections of this Report.

2. Appeal Site, Surrounding Area and Proposed Development

The extent of the appeal site and the details of the means of access into the site are shown on drawings referenced in the following paragraphs and Listed Plans for Determination Nos 1 to 8 [CD28.1]. Illustrative material includes photographic visualisations from agreed viewpoints appended to the landscape evidence of the Appellants [CD26.8-9, CD26.13-16, ID29.3, ID29.7, ID29.20-23]. The Listed Plans for Determination and the illustrative material on which the Inquiry relied are presented to the SoS in hard copy for ease of reference [CD28.2, ID29.27].

Site and Surroundings

- 2.1 The appeal site and surrounding area are described and illustrated in detail in the Planning Statement submitted with the original application [CD15.4 and ID29.27 - Listed Plan 7 – Ref 30926-FE-001]
- 2.2 Briefly, the site is an area of some 42.3 hectares (ha) of generally open, flat or gently sloping agricultural land in the north east quadrant of Junction 23 of the M6 motorway (M6 J23) with the A580 East Lancashire Road. It is within the Merseyside Green Belt, immediately south of Haydock Park Racecourse and is bounded on its west side by the A49 Lodge Lane, which runs between the M6 and the appeal site and forms an arm of the M6 J23 grade-separated rotary interchange. On its east side, the site is bounded by woodland. The site is roughly bisected by a drainage ditch and water main running east-west and contains some hedgerows and field boundaries.
- 2.3 The site is approximately 7.5km east of St Helens, 2.5km east of Haydock, 1.5km south of Ashton-in-Makerfield and 1.5km west of Golborne. It lies adjacent to the boundary with the Borough of Wigan.
- 2.4 The wider area accommodates a mix of land uses, including Haydock Industrial Estate (HIE), west of the appeal site across the M6, a Holiday Inn accessed off Lodge Lane near the north west corner of the site, as well as the residential development of the above urban settlements. Further west along the A580 is the Florida Farm employment development.

Proposed Development

- 2.5 The application was subject to modification before formal consideration by the Planning Committee and the finally amended proposals accepted for

consideration at the appeal are described and illustrated in detail in the Planning Statement Addendum 2 May 2020 [CD17.1] and the December 2020 Consultation Briefing Note on the final amendments [CD24.3].

- 2.6 Briefly, the proposal now at appeal is shown on the amended Parameters Plan [Listed Plan 1 – Ref: 30926-FE-008A6] and comprises:
- i. up to 167,225 sqm of employment floorspace, at least 80% Class B8 storage and distribution and up to 20% Class B2 business use, with ancillary uses including office accommodation and welfare facilities,
 - ii. HGV, car, cycle and motorcycle parking,
 - iii. access from the existing highway network from the A580 East Lancashire Road and the A49 Lodge Lane,
 - iv. a footway-cycleway along the A580 frontage,
 - v. acoustic fencing up to 5m high inside the northern and southern site boundaries,
 - vi. site re-profiling,
 - vii. creation of sustainable urban drainage systems (SUDS) and habitat areas, and
 - viii. hard and soft landscaping.
- 2.7 The extent to which detailed approval is sought for means of access relates only to the new accesses into the site off the A580 to the east and from the A49 at the western boundary. Details of newly created road, footway and cycleway infrastructure, within the site and beyond the physical points of connection to the existing adopted highway network, are reserved for future approval, subject to general design criteria prescribed on the Parameters Plan.
- 2.8 The proposal incorporates the realignment of the A49 via the appeal site from a roundabout junction and the closure of its southbound approach onto M6 J23. Southbound traffic on the A49 would be routed via the proposed development to a new signalised priority junction with the A580, thence returning westbound along the A580 to M6 J23 [Listed Plans 3-6 - Refs VN60647/P-08A, PL-001A, PL002BP-09H].
- 2.9 An area of land within the western part of the site would be safeguarded to facilitate a potential further realignment of the A49, in place of the proposed roundabout, if required at some future date. In addition, an easement would provide a 10m wide landscaped but undeveloped buffer within the southern and western site boundaries for future improvements to the A580 and A49.
- 2.10 The Parameters and Highways and Access plans are accompanied by a Green Infrastructure Mitigation Plan [Listed Plan 2 – Ref 30926-FE-027U] and by an Illustrative Masterplan [Listed Plan 8 – Ref 30926-FE-042U]. As illustrated, there could be landscape screen bunding and planting belts within the site boundaries. Built Unit 1, of 87,172sqm, would occupy the northern part of the site and Units 2 and 3, each of 40,026sqm, would stand on the southern part of the site. The maximum building height would be 23.25m above finished floor level.

3. Relevant Planning Law and Policy

Relevant planning policies are identified in more detail within the Planning Statement of Common Ground (SoCG) [CD25.1] and in the planning proofs of evidence of the Appellants [CD26.2] and the Council [CD26.23].

Planning and Compulsory Purchase Act 2004 (PCPA)

- 3.1 Section 38(6) of the PCPA requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise.

Community Infrastructure Levy Regulations 2010

- 3.2 Regulation 122(2) of the CIL Regulations 2010 requires a planning obligation to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

National Planning Policy and Practice Guidance

- 3.3 National Planning Policy Framework (NPPF) paragraphs 12, 47 and 56 respectively reiterate the foregoing legal provisions, whilst paragraph 11 sets out the overarching presumption in favour of sustainable development in socio-economic and environmental terms. This means, under sub-paragraph 11(c), approving development that accords with an up-to-date development plan without delay or, under sub-paragraph (d), where the policies most important for determining the application are out-of-date, granting permission unless (i) policies of the NPPF that protect areas of particular importance, including designated Green Belt, provide a clear reason for refusal or (ii) any adverse effects of doing so would significantly and demonstrably outweigh the benefits assessed against the NPPF as a whole.
- 3.4 NPPF paragraphs 133-134 and 143-145 set out the relevant aspects of national policy for Green Belts, attaching great importance to their fundamental aim to prevent urban sprawl by keeping land permanently open. The five stated purposes of Green Belts are, briefly, to check unrestricted sprawl of large built-up areas, prevent towns merging, safeguard the countryside from encroachment, preserve historic towns and assist urban regeneration by recycling derelict and other urban land. Inappropriate development, which includes the construction of new buildings such as are proposed in this case, is harmful to the Green Belt by definition and should not be approved except in very special circumstances. Any harm to the Green Belt carries substantial weight and very special circumstances will not exist unless it and any other harm is clearly outweighed by other considerations.
- 3.5 National Planning Practice Guidance (PPG) advises that impact on Green Belt openness requires to be judged on the circumstances of the case, including both spatial and visual aspects, duration of the development and degree of generated activity including road traffic.³

³ PPG Paragraph: 001 Reference ID: 64-001-20190722

- 3.6 NPPF paragraph 170 relates to conserving and enhancing the natural environment and at criterion (a) protects valued landscapes, at criterion (b) recognises the intrinsic character and beauty of the countryside and the benefits of the best and most versatile agricultural land (BMVAL) and at criterion (d) seeks provision for biodiversity net gain (BNG).
- 3.7 NPPF paragraphs 8, 80 and 82 together promote and support a strong, competitive economy with each area building on its own strengths, and recognising the specific locational requirements of different sectors, including provision of storage and distribution at a variety of scales and in suitably accessible locations.
- 3.8 NPPF paragraph 103 encourages significant development to be focussed on sustainable locations in terms of limiting the need to travel and offering a genuine choice of transport modes, whilst NPPF paragraph 109 states that development should only be prevented on highway grounds if there would be unacceptable impact on safety or cumulative impact on the road network would be severe.
- 3.9 NPPF paragraph 197 states that the effect of development on the significance of a non-designated heritage asset should be weighed in the planning balance, having regard to the scale of harm or loss and the significance of the asset.

Adopted Development Plan Policies

- 3.10 The statutory development plan includes saved policies of the St Helens Unitary Development Plan (UDP) of 1998 [CD2.1] and the adopted St Helens Local Plan Core Strategy (CS) of 2012 for the period to 2027 [CD2.2].
- 3.11 There is no dispute that the development plan provisions of greatest relevance in relation to this appeal are as follows:
- 3.12 Under a spatial vision aspiring to a vibrant economy, taking advantage of the location of St Helens between Liverpool and Manchester, Strategic Objective 1.1 (SO1.1) of the CS is to secure regeneration through reducing deprivation by directing development and investment to where it is most needed. SO2.1-3 refer to high quality development, mitigating climate change and delivering sustainable development. SO3.1 seeks improved access by sustainable transport to development in accessible locations and also seeks integrated public transport. SO5.1 is to provide and protect sufficient land and premises to meet local employment needs and support growth. SO6.1 seeks to safeguard and enhance life quality in terms including accessibility, social inclusion, tackling deprivation, delivering sustainable communities and reducing worklessness. SO6.2 seeks to safeguard the quality of the environment and protect local character and biodiversity.
- 3.13 Saved UDP Policies S1, GB1 and GB2 when read together and CS Policies CAS 5.1 and CSS1(ix) are consistent with the NPPF in prohibiting inappropriate development in the rural Green Belt within St Helens unless it is justified by very special circumstances.
- 3.14 CS Policy CSS1 sets the Overall Spatial Strategy for St Helens in line with the Strategic Objectives, including economic regeneration. Criterion (v) places the main focus for economic development on previously developed land (PDL) in sustainable locations within the M62 corridor and the HIE, whilst criterion (vi)

prioritises the re-use of PDL in sustainable locations. Criterion (vii) states that the general extent of the Green Belt will be maintained in the short to medium term.

- 3.15 CS Policy CSD1 reflects the national presumption in favour of sustainable development of the NPPF in support of improving the economic, social and environmental conditions of the area.
- 3.16 CS Policy CAS4, the Haydock and Blackbrook Strategy, states that economic development will continue to be focussed on the HIE.
- 3.17 CS Policy CAS5 on Rural St Helens, at criterion 1, restricts development to within existing settlement boundaries, outside of which development must comply with Green Belt policy. Supporting paragraph 11.1 states that development will be informed by the Landscape Character Assessment (LCA) [CD4.134]. Policy CAS5, at criterion 2, states that positive use of rural areas will be encouraged, including to protect and enhance biodiversity and landscape character and to retain land in agricultural and forestry uses.
- 3.18 CS Policies CP1 and CP2, in respect of the quality of development and accessibility in St Helens, together also seek to maintain the overall landscape character and appearance of the local environment in terms of siting and scale, as well as protecting local amenity and the historic environment.
- 3.19 CS Policy CE1 includes provision, at criterion 1, for at least 37ha of employment land in support of a strong and sustainable economy and, at criterion 2, seeks to focus economic development to sites within, close to or having easy public transport to the most deprived areas of the Borough.
- 3.20 CS Policies CQL2 and 3 seek to protect and enhance woodland and species habitats. CS Policy CQL4 protects the heritage and landscape character and important open space of St Helens.
- 3.21 UDP Policy ENV23 requires the protection of archaeological remains from the effects of development.

Emerging Development Plan Policy

- 3.22 The submission draft of the emerging St Helens Borough Local Plan 2020-2035 (eLP) [CD3.18] is under examination on behalf of the SoS with hearing sessions, including consideration of proposed changes, presently scheduled to commence in late May 2021.
- 3.23 Draft Policy LPA04 of the eLP, on Strategic Employment Sites, includes employment land allocations totalling 265.3ha of employment sites against a requirement of 215.4ha for the period 2018 to 2035.
- 3.24 Draft Policy LPA06 of the eLP, on Safeguarded Land, proposes the removal of land including the appeal site from the Green Belt to meet long term development needs well beyond the Plan period and subject to future review after 2035.
- 3.25 Draft Policy LPA07, on Transport and Travel, gives particular strategic priority to securing capacity and infrastructure improvements to M6 J23.

4. The Case for St Helens Metropolitan Borough Council

The case for the Council is provided in detail in its Statement of Case [CD23.15], Proofs of Evidence [CD26.23, CD26.25, CD26.28, CD26.30] and Opening and Closing Submissions [ID29.1, CD29.24], together with Statements of Common Ground [CD25.1-9].

The material points are:

Background

- 4.1 The appeal proposal is one of several in St Helens under consideration by the SoS. The Council strongly supports the PP1 employment application and the PLR application for reasons previously provided and reported by the Panel following a separate Inquiry.
- 4.2 The present appeal proposal for Haydock Point would include a single built storage and distribution unit of 92,903sqm (1,000,000sqft). This would be much larger than any other such proposal currently before the SoS, being 20% greater than the previously permitted Florida Farm (Amazon-Kelloggs) development at the western extension to the HIE, and 50% larger than PP1.
- 4.3 The scheme would re-route the A49 via the appeal site.
- 4.4 The scheme is speculative with no named end-user.
- 4.5 The prospective developers appealed against non-determination so that the scheme could be considered at the same time as the other schemes before the SoS, namely PP1 and the PLR in St Helens, Symmetry Park in Wigan and Wingates Industrial Estate extension in Bolton, all under consideration by the same Inspector Panel, and also the proposed extension of Omega West into St Helens across its boundary with Warrington, set down for Inquiry by a different Inspector later in 2021. The fact that the instant appeal is against non-determination should not imply any failure in the decision-making process by the Council.
- 4.6 The Council Case Officer reported to the Planning Committee that the merits of the scheme were finely balanced and recommended approval. This was not binding upon the Committee, which reached a different planning judgement on the balance of competing land use impacts.
- 4.7 It is emphasised that the balance of the planning merits with respect to PP1 and the PLR are very different from those of the Haydock Point proposal. There is long-standing local, regional and national policy support for the regeneration of the Parkside strategic site, which includes the delivery of a Strategic Freight Rail Interchange (SRFI). Any comparison between this appeal and the Parkside proposal is an ill-judged distraction, serving only to reinforce the merit of the Council support for PP1 and the PLR.
- 4.8 Indeed, it is common ground between the Council and the Appellants that such comparisons (as promulgated in the cases of some interested parties – *below*) are not relevant to the determination of this appeal. Indeed, they form no part of the case for the Appellants, who raise no objection to any scheme before the SoS. The evidence to this appeal should be considered in that light.

- 4.9 The main points of dispute between the Council and Appellants are limited to:
- i. whether the proposal complies with the Spatial Strategy of the Local Plan CS;
 - ii. the significance of the landscape and visual impact;
 - iii. the significance of the impact on the openness of the Green Belt;
 - iv. the significance of the impact on the purposes of the Green Belt;
 - v. whether the need for more employment land is "significant" or "very significant";
 - vi. whether the agreed positive impact to the operation of M6 J23 should be afforded "no material weight" or "limited weight";
 - vii. whether the re-alignment of the A49, as an essential component of a wider M6 J23 improvement, should be afforded "no material weight" or "significant weight", an issue which turns on the likelihood of the wider improvement occurring; and
 - viii. whether the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Policy

Adopted Development Plan

- 4.10 It is agreed that the most important policies for determining this appeal are not out-of-date and that the adopted development plan therefore provides an appropriate framework for deciding the appeal, whereby the tilted balance of NPPF paragraph 11(d) is not engaged in this case. That is notwithstanding that the provision of CS Policy CE1 for at least 37ha of employment land for local needs is not up-to-date numerically on current evidence of need; but the policy requirement is expressed as a minimum.
- 4.11 With reference to the Spatial Strategy of CS Policy CSS1, the appeal site is neither PDL nor within the M62 corridor or the HIE and thus fails criterion (v) of that policy. Thus, the proposal does not prioritise the re-use of PDL in terms of criterion (vi) of Policy CSS1, unlike the PP1 scheme. Accordingly, the appeal proposal falls to be considered with reference to criterion (vii) of Policy CSS1, which maintains the general extent of the Green Belt. Therefore, the appeal proposal derives no support from the Spatial Strategy unless it meets Green Belt policy tests.
- 4.12 With reference to CS Policy CAS4, this focusses development upon the HIE. This is defined and constrained entirely west of the M6 and includes the recent Florida Farm western extension. The appeal site thus lies outside the scope of up-to-date Policy CAS4, being located on the opposite side of the M6, in a designated rural area, and draws no support from that policy for the expansion of the HIE east of the M6. Rather, the appeal site is in an area where CS Policy CAS5(1) applies Green Belt policy, requiring very special circumstances to justify built development, as informed by the LCA [CD4.134p115]. The latter is considered with respect to Landscape below.

4.13 For these reasons the appeal proposal is clearly contrary to the adopted CS Spatial Strategy.

Emerging Local Plan

4.14 The site is within an area safeguarded by Policy LPA06 of the eLP but this is expressly for employment development well beyond the Plan period. Moreover, Policy LPA06 is subject to objection in the current local plan examination and carries limited weight at this stage. Exceptional circumstances for the development of the safeguarded land would be subject to at least two future reviews of the Plan. Nor does Policy LPA06 indicate the type, amount, scale or arrangement of development on the land. Meanwhile, the integrity of the Green Belt should be maintained. The need for employment land to 2035 can be met by the eLP allocations, without the development of the present appeal site.

4.15 Neither, therefore, is there any support in the eLP for the development of the appeal site, as proposed in this appeal.

Green Belt

Inappropriate Development

4.16 The Appellants agree with the Council that the scheme would constitute inappropriate development in the Green Belt and that, therefore, with reference to section 38(6) of PCPA, the proposals do not accord with the development plan if it fails the Green Belt test of very special circumstances. Conversely, if the proposal complies with the Green Belt test it should be approved without delay under NPPF paragraph 11(c). Either way, the NPPF does not comprise a material consideration justifying a different conclusion because the development plan Green Belt test of the UDP and the CS is consistent with the NPPF. It is further agreed that this harm by inappropriateness carries substantial weight.

Harm to Green Belt Openness

4.17 PPG advice is to consider the impact on the openness of the Green Belt in terms of its spatial, visual, duration and activity aspects and this reflects case law [ID29.24##88-91].

4.18 Spatially, the site is currently free from built development with an open character, barring a gappy hedgerow and a rural power line, such that it is agreed that the site could not be more open. The development would have a significant adverse impact on this openness in spatial terms, which lies towards the top end of the scale of such impact.

4.19 Visually, it is possible to see across the site from the Holiday Inn to the A580 and from Lodge Lane to Haydock Park Racecourse and the eastern appeal site boundary, with no intervening features. It is accordingly agreed that the proposed buildings would have a significant impact on the visual openness of the site. The proposed boundary tree planting would further reduce its visual openness, to the extent that it would be completely lost. It is therefore unanswerable that the visual impact of the development upon the openness of the site would be at the top of the scale of significant and adverse. This is further supported by the landscape evidence (*below*). The Appellants argue that the visual envelope of the site is relatively local, with a backdrop of urbanising features. However, as the essential characteristic of the Green Belt

is its openness, those features make the current openness of the appeal site more, not less important in the wider area. This is an aggravating factor. As agreed in the Landscape SoCG, the volumes of the proposed buildings would be most significant on a site agreed to be spatially and visually open.

- 4.20 As to duration, the development would be permanent, a further aggravating factor.
- 4.21 A high degree of activity would be introduced onto the site, which is presently wholly inactive. The realigned A49 via the site would be heavily trafficked by two-way flows equivalent to some 1,200 passenger car units (pcus) per peak hour, including a significant proportion of HGVs. In addition, there would be HGV and car parking and activity by upwards of 2,000 employees, with 24-hour working and associated lighting. These would be further aggravating factors towards the top end of the scale of generated activity.
- 4.22 The impact of the appeal proposal on the openness of the Green Belt would therefore be significant and adverse and must carry substantial weight. In contrast, the Appellants have under-assessed this impact of the proposal.

Harm to Green Belt Purposes

- 4.23 In the St Helens Local Plan Green Belt Review 2016-18 (GBR) [CD3.5], the appeal forms a substantial proportion of Plot 033 which, the GBR concludes, forms part of a wider strategic gap between Haydock, Golborne and Ashton-in-Makerfield. Its development would lead to the physical merging of Haydock and Ashton and significantly reduce the scale and integrity of the gap between Haydock and Golborne. The overall contribution of Plot 033 to Green Belt purposes is high and it should not be carried forward for development. This is consistent with the separate conclusions of the LCA (*below*) that the appeal site should not be developed and that the M6 should remain as a strong logical barrier between the industrial edge of Haydock and the rural area to the east. Significant weight should be attached to this professional consensus. This conclusion applies even more to the appeal site than to the whole of Plot 033 because the site itself has fewer urban constraints.
- 4.24 With respect to the purpose of checking unrestricted urban sprawl, the development would breach the boundary of the M6 and create sprawl outside the well-defined settlement limit of Haydock, save for a remnant field to the north west of the realigned A49, adjacent to the Holiday Inn. This impact would be significant and adverse, especially if land to the south east and south of M6 J23 were developed, as is indeed proposed by the Appellants themselves, in connection with the eLP.
- 4.25 With respect to the purpose of preventing towns from merging, the GBR assesses the appeal site as part of an essential strategic gap which makes a high contribution in this respect. The impact on this purpose would be significant and adverse. Any contrary view is untenable due to the fundamental change that would take place in the relationship of Haydock to Ashton-in-Makerfield.
- 4.26 With respect to the purpose of safeguarding the countryside from encroachment, the GBR scores Plot 033 as low due to limited rural characteristics. However, this should be raised to high for the appeal site itself

which the LCA characterises as fundamentally rural, open farmland in a landscape of fields and woodlands. The impact of the development would be significant and adverse in this respect also.

- 4.27 The scheme would not affect the purpose of encouraging the recycling of urban land because it is accepted that here is no urban site suitable for the proposed development.
- 4.28 The purpose of preserving the character of historic towns does not apply in this case.

Overall Harm to the Green Belt

- 4.29 Overall, substantial weight must be attached to these impacts that the proposed development would have on the Green Belt.

Landscape and Visual Impact

Methodology

- 4.30 The landscape and visual assessment provided on behalf of the Council for this appeal [CD26.30-36] was undertaken in accordance with the Landscape Institute Guidelines on Landscape and Visual Impact Assessment Third Edition (GLVIA3) [CD22.49] and its approach and terminology largely align with those of the assessment provided by the Appellants [CD26.4-16].
- 4.31 A wide study area based on a 2.5km offset would generally be appropriate. However, a more tightly defined 1km offset from the boundary more correctly defines the area of influence of the proposed development as perceived at key landscape receptors and agreed viewpoints [CD26.32-A004].

Baseline Landscape Character and Value

- 4.32 According to the CS, the appeal site is within the designated rural part of St Helens which coincides with the Green Belt, where development is to be informed by the LCA. As noted (*above*) in connection with the purpose of including the area of the appeal site in the Green Belt, the LCA specifically considers the potential of the area to accommodate development. It concludes that it is generally unsuitable due to its strong intact character and varied established land uses. The elevated M6 reinforces the industrial edge of Haydock and should pose a constraint to further development eastwards. The landscape structure should be reinforced to improve its strength of character and maintain a contrast between the urban and rural landscapes [CD4.134p115].
- 4.33 Under SO6.2 and Policies CQL4-5 and CP1-2 of the CS, the protection of local character and distinctiveness is an equally important component of the development plan as economic regeneration.
- 4.34 The LCA provides an objective analysis of baseline landscape character which is an unchallenged material consideration and is intended to inform decision making in an area closely corresponding to the study area in the present appeal. The site lies within the Haydock Park Wooded Former Estate (WFE). This is an area of generally flat, open park landscape comprising mainly large arable fields and mature woodland blocks. It is fragmented by the M6 and A580, detracting

from its rural qualities, with an indented settlement boundary imposing an urban character [CD4.134p111].

- 4.35 It is considered that the Appellants have under-assessed the value and sensitivity of the landscape character and appearance of the area, with its defining qualities of large-scale open parkland with strong woodland structure creating an interplay of open to closed space. The influence of the M6 and A580, recognised by the LCA, should not be overstated and the LCA concludes that the area is fundamentally rural. The Council assessment provided for this appeal is expressly consistent with that of the LCA. Notwithstanding that the land is not subject to any national or local designation, the appeal site forms part of a valued landscape which is protected by NPPF paragraph 170(a).
- 4.36 Established advice in GLVIA3 is consistent with relevant case law⁴ and makes clear that the lack of national or local designation does not mean that a landscape does not have any value, particularly where recent national policy has discouraged local designations. It further states that an existing LCA and stated strategy of landscape conservation is a good indicator of which landscapes are valued.

Landscape Impact

- 4.37 It is agreed that the site forms part of a fundamentally open, rural landscape where the appeal scheme would result in the direct and irreversible loss of the present large arable fields. The broad, low-lying landform would be substantially altered into development platforms and the previous flat or gently sloping landscape would no longer be legible.
- 4.38 The development would introduce vast logistics development, with buildings up to 48.5m by 180m and 21.5m high, as well as infrastructure such as benched earthworks, retaining structures and associated HGV servicing and parking areas. Moreover, the A49, as part of the key local route network, would be diverted through the site, bringing activity and significant traffic as well as the new accesses junctions off the A49 and A580. The present strong and distinctive horizontal composition of the former estate landscape, with its dynamic interplay between woodland and farmland, would be removed and replaced with utilitarian built form of an unprecedented scale. Such impact is unanswerably significant and the contrary position of the Appellants is untenable.
- 4.39 The magnitude of change is consequently assessed as high adverse and the effect on the core study area major adverse on completion of the development.

Visual Impact

- 4.40 Specific attention is drawn to the visual impact that would be evident from the M6, A580 and A49 as well as from local homes and the Racecourse, where the open rural views across the site, including for pedestrians and cyclists on Lodge Lane and the East Lancashire Road, would be replaced by vast built development as well as new road junctions and the realigned A49. The visual impact would not be moderate to minor, as asserted by the Appellants. The visual impact would be significant.

⁴ ID29.24 paragraph 69

Landscape Mitigation

4.41 In that context, the Appellants place excessive reliance upon the mitigatory effect of the proposed engineered bunding and tree planting which would have an impact of their own. The submitted illustrative material gives an unrealistic and wholly implausible impression that the buildings would be almost completely screened by a green wall of planting. The Council considers that, even 15 years after completion, the maximum height of the new trees would be 7m and that their screening effect would be reduced in winter as the canopy would be thinner. This is borne out by inspection of the previous Florida Farm development. The degree of landscape impact would still be major to moderate adverse, even after 15 years.

Landscape and Visual Impact Overall

4.42 This development would result in the complete opposite of conserving and enhancing the landscape, by introducing logistics development on an unprecedented scale in the North West and in fundamental conflict with the LCA and the identified local character and distinctiveness of the area.

4.43 It follows that there would be conflict with CS Policies CAS5.1-2, CP1.1 and CQL4. The Appellants do not dispute this but attach less weight to it than the Council. Given SO6.2 and the development plan emphasis upon preserving local character and distinctiveness and the objective assessment of the LCA, it is the Council's view that the conflict of the proposed scheme with the development plan in this respect is fundamental and of significant weight. This factor weighs decisively in the Green Belt planning balance and alone justifies the refusal of the application and the dismissal of this appeal.

Access and Highway Network

Impact on M6 Junction 23

4.44 The package of highway works which has been agreed for M6 J23 [CD25.9 – Highways SoCG ##33-36] is necessary to mitigate the impact of traffic generated by the appeal proposal. No lesser scheme has been identified, which would mitigate this impact.

4.45 It is further agreed that the proposed improvements at M6 J23 would provide necessary additional operational capacity for the development and, in addition, some improved operation and safety benefits for other road users. Accordingly, these works would lead to a superior level of operational performance of M6 J23, compared with a future baseline, without the appeal development coming forward.

4.46 The nature and extent of this operational improvement has been modelled by accepted techniques to derive the Practical Reserve Capacity (PRC), a commonly recognised indicator of overall junction performance and available spare capacity. [CD17.29 Appendix 7.1 Transport Assessment Update]

4.47 In the alternative, the Appellants focus upon the Degree of Saturation (DOS) and queuing on selected traffic lanes and links, albeit the result is not disputed in itself.

- 4.48 However, the agreed PRC demonstrates that M6 J23 would still be heavily congested, as at present, with improvements on the junction approaches in the order of only 6.1% and 0.4% in the morning and evening peak periods respectively. With the junction remaining very heavily congested, that level of improvement cannot be described as a material benefit in the planning balance.
- 4.49 Moreover, any such improvement needs to be weighed against adverse impact at other junctions of the A49 with Penny lane and the A580 with Haydock Lane [CD20.12 Table 8].
- 4.50 In practice, however, all these effects are minimal.

Wider Future Improvement to M6 J23

- 4.51 This proposal includes the realignment of the A49 via the appeal site and this is a necessary component of any future comprehensive improvement of M6 J23. Any weight to this factor in the present case is to be judged upon the degree of certainty that attaches to the potential delivery of such a scheme.
- 4.52 In this respect, the facts are not disputed. In essence, these are that there is: no agreed scheme; no resolution to promote any scheme by the Council, Wigan MBC or Highways England; no cost estimate; no funding; no business case as a necessary precursor for funding; and no planning permission. There is also a question of whether third party land would be needed and whether it could be acquired. There is accordingly no reasonable prospect that the wider M6 J23 improvement will proceed.
- 4.53 Therefore, no material weight can attach to the re-alignment of the A49 at this stage. Rather, it falls to be considered as necessary mitigation for the appeal proposal and is therefore neutral in the planning balance.

Other Environmental Effects

Air Quality

- 4.54 The proposed development would cause some harm to air quality in certain locations, which must be weighed against the proposed development. However, the development would not cause any exceedances of standards set out in DEFRA guidance or have a significant effect overall. Harm to air quality should be given very limited weight against the proposal and is not decisive in the planning balance for this case.

Noise and Other Aspects of Residential Amenity

- 4.55 The Appellants have assessed the impact of noise from the development at surrounding sensitive receptors as being from negligible, for example at Park Road and the Thistle Hotel, to major adverse and significant at Haydock Park Gardens and the Holiday Inn, with some uncertainty regarding the Racecourse.
- 4.56 There is the potential for significant harm to amenity due to noise from HGV trailer chillers on site. However, this can be mitigated by conditions restricting their use, setting operational noise limits at the boundary of the site and requiring a noise mitigation and operational management plan. Subject to the imposition of conditions securing these measures, noise from the development would not have a significant adverse impact on the amenity of the nearest residential properties. In this respect, the proposal is compliant with CS Policy

CP1 and any noise impact of the proposed development would not weigh decisively in the planning balance.

- 4.57 As to other aspects of residential amenity, local experience of the operation of the recent development at Florida Farm is that activity generated by logistics development causes disturbance to people living nearby. In the present case, this should be capable of being addressed by planning conditions requiring provision of lorry parking and driver amenities on site and through a scheme of management. The importance of this issue to local residents is not underestimated. The impact of Florida Farm on the local community has been significant and there must be robust planning controls in place, consistent with policy tests, to ensure that such impacts are not replicated on the present appeal site.

Agricultural Land

- 4.58 Policy CP1 also aims to minimise the loss of BMVAL. The appeal proposal would result in the permanent loss of 22.8 hectares of Grade 3a land. However, this is not considered to be significant. Natural England has reviewed the proposals and raised no objection. The loss of agricultural land in this case does not weigh decisively in the planning balance.

Employment Land

Deprivation and Regeneration

- 4.59 The regeneration objective of the CS has very specific policy priority which supports the redevelopment of PP1 and the future Parkside Phase 2 on 63% PDL. It applies with less force to the attractive, open, rural, greenfield appeal site, which lies outside the Haydock and Blackbrook Strategy Area of CS Policy CAS4.
- 4.60 Regrettably and unanswerably, the regeneration imperative has only strengthened, and the level of deprivation in St Helens materially worsened, with the passage of time since the adoption of the CS in 2012. Indices of Deprivation [CD5.168] indicate that St Helens was ranked the 26th most deprived local authority in 2019, compared with 51st in 2010 and 36th in 2015. There are 29 neighbourhoods in St Helens that lie within the 10% most deprived nationally. 50 neighbourhoods are in the 20% category. Six are even in the 1% most deprived. Nearly a quarter of the Borough population, some 42,877 people, reside in these most deprived neighbourhoods. The three main concerns are health (8th most deprived) employment (9th) and income deprivation (34th).
- 4.61 It is in this context that the development plan, in particular CS policy CE1.4, expressly seeks to focus economic development on those sites that are within, near or have easy public transport access to those most deprived areas. As explained in relation to Policy matters (*above*) the Council does not accept that the appeal site meets those locational criteria.
- 4.62 The Council nevertheless accepts the site could be made more accessible by the provision of the new bus route secured by Schedule 3.2 of the completed Section 106 Agreement and that overall the proposed development could contribute to the regeneration of the Borough, consistent with S01.1, provided

conditions were imposed to maximise training and education opportunities for those in need.

Economic Growth Potential

- 4.63 The economic objective of national policy is for a strong, responsive, competitive economy with an adequate supply of land over a range of sites, building on local strengths. It is clear that the key economic strength of St Helens, as a base for logistics development, is its strategic location within the M6 and A580 corridors, proximity to the West Coast Main Line (WCML) and Chat Moss Liverpool-Manchester railways and to the regional poles of Liverpool and Manchester with their international sea- and air-ports. It is accepted and agreed that Haydock Point is in an attractive location for a logistics development in commercial market terms and that the appeal proposal is deliverable.
- 4.64 However, SO5.1 and Policy CE1 of the CS can only be rationally interpreted as seeking to provide sufficient land specifically to meet local employment needs arising within the Borough, as distinct from the Core M6 sub-regional Primary Market Area (PMA) promulgated by the Appellants. The Appellants conceded at the Inquiry that there is no development plan support for the proposition that the St Helens Green Belt is required to meet the need for employment land across the combined authority areas of St Helens with Warrington and Wigan. The Appellants further conceded that neither the Warrington nor the Wigan Councils nor the Liverpool City Region (LCR) local authorities object to the approach of this Council of meeting its own employment land requirement through its eLP and raise no concern regarding the Duty to Co-operate (DtC) in its preparation. Indeed, St Helens would, in any event, be contributing to the needs of Warrington by the draft allocation of the 75ha Omega West extension across the District boundary.
- 4.65 The current statutory development plan for St Helens seeks to meet the need for employment from within the Borough and not the Functional Economic Market Area (FEMA) and the Council rejects the Core M6 sub regional 28 hectares per annum (hapa) employment land requirement put forward by the Appellants. As the Appellants advance no criticism of the Council analysis of employment land need at Borough level, it is the Borough need that should form the basis of the employment land requirement in this appeal.

Employment Land Need and Requirement

- 4.66 It is agreed that the evidence supporting adopted CS Policy CE1 and its provision for 37ha of employment land are numerically out-of-date and carry no material weight and that the evidence base of the eLP contains the up-to-date position on employment land need. It therefore follows that the settlement boundaries set in the CS also carry reduced weight, as it is also agreed that the present employment need cannot be met within the urban areas of the Borough. Detailed, site-specific assessment of the appeal proposal on its own merits is therefore required in relation to settlement and Green Belt boundaries.
- 4.67 Whilst little weight can be accorded to the eLP policies, significant weight must be given to the technical evidence of need that supports the eLP. This has been derived from a range of studies at LCR and district levels. These include the St Helens Employment Land Needs Study (ELNS) [CD5.79-81] and ELNS Background Paper [CD22.19] and the LCR Strategic Housing and Employment

Land Market Assessment (SHELMA) and subsequent studies [CD4.160, CD5.83-84, CD5.92].

- 4.68 The Council, by eLP Policy LPA04, currently plans for a minimum of 219.2ha of employment development between 2018 and 2035. This is unchallenged in this appeal. The Council has identified sufficient land to deliver a larger amount of 265.3ha without the appeal site, which is not therefore required to meet the eLP employment land requirement to 2035. The appeal site is therefore only proposed to be safeguarded for longer-term requirements well beyond 2035.
- 4.69 The Council asserts that its identified short-term need for more employment land is 'acute' whilst the Appellants categorise the short-term need as 'very acute', based on a requirement of 28hapa. The Council does not consider that such a nuanced judgement makes material difference in the planning balance.
- 4.70 Furthermore, the position of the Appellants is disputed because the Council has, in the last two years, granted permission for some 33.4ha of employment land which is already occupied and operational, including Florida Farm (Kelloggs 48,830sqm within a 10.07ha site), Moore Park Way (Amazon 30,000sqm within 13.61ha and Penny Lane (Moviento 34,650sqm within 6.92ha). There is 2.9ha available north of Penny Lane between the HIE and the western side of the M6. If approved by the SoS, the Omega West extension would add another 75ha and PP1 a further 47.9ha. Parkside Phase 2 would release an additional 43ha, subject to the approval of the PLR by the SoS.
- 4.71 The eLP allocations of 265.2ha could be adopted by the end of 2021, subject to the current examination.
- 4.72 There is accordingly no 'very acute need' for employment land on the appeal site in the short term before the adoption of the eLP.
- 4.73 Whilst it is agreed that the appeal site could physically accommodate a 1 million sqft (93,000sqm) unit, so could the Omega West extension site. No specific demand has been identified in this appeal for such a large unit in any event.

Employment Land Overall

- 4.74 In this context, the Council submits, consistent with its evidence to the PP1 Inquiry, that: the CS provides for meeting the local employment needs of St Helens, not those of Warrington or Wigan; neither Warrington nor Wigan Councils object to the St Helens employment land requirement in the eLP or contest that the DtC has been discharged; the appropriate area for assessment of employment need is within the Borough of St Helens; there is a 'significant' but not 'very significant' need for more employment land in St Helens; there is an 'acute' need for employment land in the short term but not a 'very acute' need; such need cannot be met either on PDL or within the settlement boundaries of the Borough; the need must be met on Green Belt sites; the eLP aims to deliver a minimum of 219.2ha of land for employment development between 2018 and 2035; Parkside Phases 1 and 2 are required to contribute to the eLP supply of 265.3ha and are strongly supported for delivery in the short term; the Haydock Point appeal site is not required to meet the minimum eLP employment land requirement of 219.2ha nor to contribute to the proposed supply of 265.3ha; the appeal site could nonetheless contribute physically to meeting the identified need for employment land; there is no need at this time

for the development now proposed on the land safeguarded by the eLP for well beyond 2035.

Economic Benefits

- 4.75 The Appellants estimate that the economic benefits of the proposed development would include 245-266 gross full-time-equivalent (FTE) jobs created annually over the five-year construction period, with 133 FTE jobs and £27m gross value added (GVA) in the wider supply chain, together with 2,290–2,760 gross FTE jobs on site in the operational phase, with associated benefits in the supply chains.
- 4.76 This assessment uses standard employment density assumptions. The Council agrees such assumptions but recognises that final job numbers will depend upon factors including the nature of the final development, the total floorspace delivered and the identity of occupiers. Local residents have questioned the reliability of such assumptions, given the actual level of job creation achieved at Florida Farm and the matter is addressed comprehensively in evidence previously provided to the PP1 Inquiry [CD13.41]. However, the figures are derived from accepted data provided by the Homes and Communities Agency, taking into account potential variables related to such as increasing automation. The Council accepts that significant weight should attach to the level of job creation predicted by the Appellants.

Planning Obligations

- 4.77 The Council provides a CIL Compliance Statement [ID29.17] agreeing that all the planning obligations secured by the completed Section 106 Agreement [ID29.16] are compliant with CIL Regulation 122, in particular the bespoke bus service of Schedule 3.2 to the Agreement which is necessary to render the site more accessible without the use of private cars.

Planning Conditions

- 4.78 The Council agrees, without prejudice, that, if the SoS grants the planning permission sought in this appeal, such approval should be subject to the Schedule of Agreed Draft Conditions [ID29.19] setting a range of pre-commencement and other requirements. These are necessary to control the effects of the development and are otherwise relevant, reasonable and enforceable in terms of the national policy tests.
- 4.79 That is with the exception of Condition 31, where two alternative versions are submitted regarding the details of the re-routed A49 via the appeal site. The Council prefers a pre-commencement condition tying the route to the approved Masterplan, with the road to be adopted as public highway, in order to provide a proper measure of control over this aspect of the development.

Planning Balance and Conclusion

- 4.80 The proposed development would bring significant socio-economic benefits. However, they would not outweigh, and certainly not clearly outweigh, the identified harm to the Green Belt, landscape and other harm.

4.81 It follows that the proposal is contrary to the Green Belt provisions of UDP Policies GB1-2 and S1 and cannot be regarded as representing sustainable development.

4.82 The appeal should therefore be dismissed.

5. The Case for Peel Investments (North) Limited

The case for the Appellants is provided in detail in their Statement of Case [CD23.6] Proofs of Evidence, [CD26.2, CD26.4, CD26.18, CD26.21] and Opening and Closing Submissions [ID29.2, ID29.25], together with Statements of Common Ground [CD25.1-9]

The material points are:

Introduction

- 5.1 The Appellants emphasise the importance of the appeal scheme to the successful delivery of the Northern Powerhouse and Levelling Up agendas, along with regional, city-regional and St Helens Borough plans. This depends upon sufficient land being available and deliverable when needed for development that will form the cornerstone of economic recovery, growth and diversification.
- 5.2 The importance of the scheme is not related simply to the 3,105 additional jobs to be created or the £158 million regional GVA, including £62 million in St Helens itself. It is also relevant to the effects of the logistics sector on the regional and local economy, where logistics is a recognised key enabler for economic development, as noted in the NPPF at paragraph 82. If that sector is under-provided with available land, the Borough and the wider region will miss out on this scale of job creation and investment. This point should be given further weight in view of a high level of deprivation in St Helens.
- 5.3 The case in this appeal is clear-cut, in that the site is locationally and commercially the best available for the proposed use and would deliver the most socio-economic and highways benefits, helping to meet an acute short-term need for employment land. There is little challenge to the compelling case of need put forward by the Appellants. The balance of very special circumstances is not merely in favour of the development in the Green Belt but is overwhelmingly so.
- 5.4 This acute need stems from an historic failure of the plan-making process in St Helens from the adoption of the now out-of-date CS employment land requirement of 37ha through the lack of a subsequent site allocations plan to the present acute need for extensive Green Belt release to meet employment needs to 2035, with the eLP still under examination.
- 5.5 The original Haydock Point application in 2017 was welcomed by the Council, as the site was then being promoted as a draft employment allocation at the Preferred Option stage in the preparation of the eLP. The demotion of the site to safeguarded status was due to highways issues, in particular at M6 J23, which have now been resolved in the appeal proposals.

Green Belt

- 5.6 Judgement on the degree of Green Belt harm that would result from the proposed development is dependent upon the resolution of the landscape and visual issues. There would be definitional harm by virtue of inappropriateness and spatial harm by placing large, permanent built form with a high level of associated activity on the undeveloped site within the Green Belt. There would be visual harm, a matter of judgement on the differences between the evidence of the respective landscape witnesses.
- 5.7 With respect to Green Belt purposes, it is important to distinguish the appeal site from Plot 033 of the GBR, of which the appeal site forms only about 50%. Much of Plot 033 would remain to provide a green gap between the settlements of Haydock and Ashton and the development, the already defensible boundaries of which would be strengthened by new landscape bunding and planting. This would maintain the definition of these settlements with respect to the Green Belt purposes of checking sprawl and preventing towns from merging. Due to the surrounding urban features of the M6, A580 and built development, the site is not presently read as countryside in the sense of the wider open Green Belt. This would temper any effect on the purpose of safeguarding the countryside from encroachment. Overall, the level of harm to the Green Belt would be moderate to significant.
- 5.8 The Council seeks to look in two directions at once with respect to its approach to the eLP examination and this appeal. In connection with the eLP examination, exceptional circumstances are made out to warrant the deletion of the Green Belt designation over the appeal site and elsewhere, whilst a range of sites is identified to meet logistics development needs. Yet, at the same time, the Council argues in the present case that the much greater current employment needs do not warrant the conclusion that very special circumstances exist to justify the appeal development of the same site.

Landscape and Visual Amenity

Overview

- 5.9 Landscape impact is the principle area of dispute between the Appellants and the Council and it is readily accepted that the differences of professional judgement between the respective specialist landscape witnesses can only really be resolved by personal observation by the Inspectors on site. In this respect, reference is made to the photographic visualisations from agreed viewpoints [CD26.8-9, CD26.13-16, ID29.3, ID29.20-23], supported by the Viewpoint Clarification Note [ID29.7].
- 5.10 However, the point is made at the outset that the Council in its eLP, based upon the Green Belt Review [CD3.5 Plot 033], safeguards an area of land which includes the appeal site for exactly the type of development now proposed, subject to substantial mitigatory landscape buffers, such that it is a question of timing as to when the site is brought forward and not one of principle. Yet, in this appeal, the Council landscape witness considers the site inappropriate for large-scale logistics development and expresses scepticism regarding the ability of mitigation to reduce impact to acceptable levels. It is very difficult to square those views which led to the safeguarding proposal of the eLP with the Council's

conclusions in the appeal on the sensitivity of the site which, it implausibly contends, comprises valued landscape, in terms of NPPF paragraph 170(a).

Landscape Character

- 5.11 Happily, the Council, in the Landscape SoCG, accepts the landscape assessment methodology adopted by the Appellants as compliant with GLVIA3 advice [CD25.7para5.1]. The landscape evidence of the Appellants is right that the development post-mitigation would be of highly localised influence, heavily softened in appearance and all but invisible beyond 450m from the site boundaries, showing how well the landscape could accommodate it, notwithstanding the enthusiastic opposition by the Council.
- 5.12 The site is within the Haydock Park landscape character area, noted in the LCA and in the ES [CD15.30Vol3aFig10.3] as predominantly arable farmland within a large-scale, geometric, regular field system and with a strong woodland structure but highly fragmented and divided by the M6 and A580. Development associated with Haydock Park Racecourse, particularly the white grandstands seen above the tree line, the Newton Brook Valley with associated dams and lakes, remnants of former estate structures and the visual prominence of the surrounding settled edges are all noted features.
- 5.13 There are a number of obviously detracting urban features listed in the LCA, including unsympathetic buildings and features associated with the Racecourse, the M6 and A580. These influence the landscape character of the core study area. [CD26.5 – Photos pp 9, 12-13].
- 5.14 Categorisation of the site as 'valued landscape' by the Council specialist witness fundamentally misunderstands that term and is unsupportable. It is evidently not valued landscape in the terms of NPPF paragraph 170(a). It carries no landscape designation and is not so identified in any development plan document; surviving heritage value of the parkland is poor; conservation value of Haydock Park woodlands is external to the site; and historic connections with the Racecourse are of some associative value. These factors are nowhere near sufficient to justify characterisation of the site as valued landscape.
- 5.15 Moreover, the Council's case overemphasises the recreational value of the site in terms of its importance to such as walking and scenic views. That is given the relative lack of public footpaths in the area and the absence of public access over the site itself. Moreover, the landscape is not the primary interest of golf course users and racecourse visitors. The recreational value of the site should attract limited weight. There are no views out of the ordinary in terms of the *Stroud*⁵ judgment, nor is any particular rarity exhibited. Further, there is influence by human activity, intensive farming and major road infrastructure, in contrast with any wildness, tranquillity or remoteness. Finally, any spatial function of the area is not an indicator of its landscape value in terms of either current GLVIA3 advice or draft technical guidance of the Landscape Institute.
- 5.16 Fundamentally, the site consists of a relatively ordinary couple of fields next to a large dual carriageway and close to the M6 motorway, such that it is inconceivable that it constitutes valued landscape.

⁵ *Stroud DC v SSCLG [2016] EWHC 1940 (Admin)*

Landscape Impact

- 5.17 Specific viewpoints provide a snapshot which may be only fleetingly observed on a journey on foot or by car and do not represent the totality of the effect on a particular receptor. For example, the visualisation image of the completed development from the M6 overbridge at J23 would only be available to a car vehicle passenger passing at up to 70mph [CD26.13, ID29.20, ID29.27.19]. From this point the development would be clearly visible but not in a view open to appreciation.
- 5.18 On proper consideration of accepted indicators of landscape susceptibility, the development would have a moderate level of negative landscape impact on completion, reducing to moderate-minor after 15 years as the buildings integrate with mitigation [CD26.4pp23-26]. The effect would be localised to within approximately 400m to the north west and south of the site, 50m to the west and would not extend beyond the site boundaries to the north and east [CD26.4para5.9andMap4]. That is in contrast with the Council's claim of loss of a prominent site and memorable gateway into Haydock, which cannot apply to fields which have no notable features and are bounded by busy roads [CD26.3para6.2.12].
- 5.19 The Council's landscape evidence overstates the impact by inappropriately elevating the value of views by location in the Green Belt or number of receptors, perversely raising judgement of value to travellers on strategic routes above that for walkers close to the site. The Council's evidence also does not account for the type of visual change experienced by receptors, giving insufficient consideration to the baseline from which it occurs and overstates that baseline with respect Lodge Lane, which is not a rural lane as claimed. Any change above minor is categorised as significant whereas it should be no more than moderate.
- 5.20 Overall, the landscape evidence of the Appellants must be preferred, setting out the limited nature of the landscape and visual impacts of the proposed development.

Landscape Mitigation

- 5.21 The increased mitigation of the amended scheme at appeal, including the earth bunding to be concealed within the proposed woodland planting, was requested by the Council. The planting and enhancement of grassland and wetland habitats would be in accordance with the characteristics noted in the LCA. As the Council acknowledges, the proposed planting would strengthen the woodland structure of the landscape. The bunding is designed to enhance the visual screening by increasing its effective height, whilst itself being hidden within the woodland belts.
- 5.22 The key difference between the Appellants and the Council is in the input of landscape and visual impact to the planning balance. If the sensible and justified evidence of the Appellants had been preferred, the Council would not be inviting dismissal of this appeal. For the reasons given above, it is submitted that the Inspectors and the SoS should be inexorably driven to prefer the landscape evidence of the Appellants in this case.

Access and Highway Network

Overview

- 5.23 At the outset, it is essential to stress that there are no highways or transport reasons for rejecting the proposed development, subject only to relevant planning conditions and obligations. The focus of debate between the Appellants and the Council in this regards extends only to the weight to be given to the benefits of the proposed development in highways terms. It is also an accepted position that the present levels of congestion and the long-term operation of M6 J23 is a key issue for the Council and Highways England with respect to the Strategic Road Network (SRN) - so much so, that securing its improvement is a particular strategic transport priority set out in draft Policy LPA07 of the eLP.
- 5.24 It is the firm case of the Appellants that the following highways and transport matters should all be given positive weight in the Green Belt and final planning balance:
- i. the net benefit to the operation of the local highway network that would result from the proposed improvements required to accommodate the appeal development,
 - ii. the contribution to, and enabling of, the long-term improvement to M6 J23 by future comprehensive junction design, once agreed and brought forward, and
 - iii. the sustainable bespoke bus transport, secured by planning obligation, linking some of the most deprived areas in St Helens and the UK to jobs on the appeal site.

Location, Accessibility and Deliverability

- 5.25 It is agreed that the appeal site is optimally located for warehousing and logistics development with direct all-movements access onto the UK SRN via the A580 and M6 J23. The site is strategically placed in the heart of the motorway network of the North West, between Merseyside and Greater Manchester, with connections to the east of England, whilst accessibility for north-south logistics movements is provided by the nationally important M6. The site has a high level of accessibility to key transport hubs, including the Port of Liverpool, Port Salford and Liverpool and Manchester Airports.
- 5.26 There is little doubt that the proposed development would be attractive to the logistics market. Haydock Point is not constrained by infrastructure requirements, unlike some other sites. The infrastructure is in place and the benefits of the scheme would be able to come forward quickly, based on the commercial track record of the Appellants and their delivery partners.

Site Access and Off-site Improvements

- 5.27 To provide access into the appeal development, the proposals include improvements to M6 J23, in particular by securing the diversion of the A49 via the site, as encouraged by the Council and Highways England. It is clear from the M6 Junction 23 Island Capacity Feasibility Study of June 2019 [CD22.2] that it has long been recognised that there is an urgent need to secure

improvements to M6 J23. It is also recognised that any junction improvement would need to secure the diversion of both northern and southern arms of the A49 away from the roundabout. The conclusions of that Study have been endorsed by the Council and promoted via the eLP and are telling as to the highways benefits of the present appeal scheme.

- 5.28 Those conclusions are categoric that the diversion of the A49 Lodge Lane away from the roundabout is an essential prerequisite to any further permanent solution for the improvement of M6 J23.
- 5.29 Thus, the proposed development would bring forward early the diversion of the northern arm of the A49 as an essential element of the wider M6 J23 improvement at nil public cost but valued at some £11.9 million. This must be seen as a major planning benefit of the proposal, whether or not the wider M6 J23 comes forward. This is acknowledged in the officer report to the Planning Committee and in the Highways SoCG [CD25.8], as providing a superior level of operational performance, compared with a future baseline without the appeal development.
- 5.30 The latter benefit does not only arise from the proposed A49 diversion but from the totality of the proposed works to M6 J23. These would result in overall substantial benefits to the performance of the junction.
- 5.31 In its evidence to the Inquiry, the Council focused upon the least informative metric of what the Practical Reserve Capacity (PRC) of the junction would be in the morning and afternoon peak periods, respectively less than 1% and just over 6%, described as minimal, and chose not to compare the same junction approaches when assessing its operation and to ignore arms of the junction where there would be demonstrable benefits.
- 5.32 However, the detail of the true effects of the proposed improvements to the local highway network and M6 J23 are set out in the Transport Assessment Update May 2020 [CD17.29App7.1T8.4-5] and Plans CH13-16 [CD26.19]. In summary:
- i. The westbound A580 approach to M6 J23 would benefit from a reduction in Degree of Saturation (DOS) from 117.6% to 108.1% for through movements and from 112.4% to 89.2% for ahead and left-turning movements. As a result, total queue lengths would reduce by 48% from 171 to 89 equivalent pcus. For the eastbound approach there would be a 20% queue reduction from 172 to 136 pcus. There would be further notable reductions in DOS and queue lengths in the central and other parts of J23.
 - ii. The A49 Lodge Lane southbound approach to M6 J23 currently operates over capacity during the morning peak period with a DOS of 106.2% and queues of 47 pcus, equivalent to 270m in length, mainly in a single lane. There is also blocking back from the A580 affecting the M6 southbound off-slip road. Removal of the A49/A580 node from the rotary junction would resolve this problem, with remaining queuing comfortably within available stacking space. This would bring substantial benefit, whilst traffic diverted via the site could be accommodated at 78% DOS and with 17pcu queueing at the proposed eastern access junction with the A580. For the afternoon peak period,

whilst the Council notes queues on the A580 eastbound approach of 119 pcus, total queueing on this approach would reduce by some 24% from 230 to 175pcus.

- 5.33 Queues and delays are patently a more appropriate measure of the effects of the proposals than PRC. In the morning peak period, overall queue lengths would reduce by 45% from 541 to 241 pcus and delays by 39% from 424 to 257pcu/hr. In the afternoon peak period, overall queue lengths would reduce by 27% from 601 to 436 pcus and delays by 29% from 526 to 374pcu/hr. These benefits can only be described as substantial, carrying weight in the planning balance accordingly.
- 5.34 Moreover, despite there being more traffic at M6 J23 with the development, the highway works to be brought forward by the development would evidently nevertheless produce a vast improvement in its operational performance. This would be in accordance with a key strategic priority of the eLP, necessary to both allocated and safeguarded lands. It is an odd form of myopia which leads the Council to place so little weight on these improvements, which it has itself solicited through this proposal and which its own documentation supports!
- 5.35 In addition, the proposed highway works would produce significant safety benefits, with reduced vehicle, cycle and pedestrian conflicts, as also recognised by the M6 J23 Study. They would also reduce congestion on Haydock Park race days.
- 5.36 It is no answer to this evidence that the wider M6 J23 improvements are speculative, far off and lack funding.

Response to Comments by Wigan Borough Council [CD26.19AppD]

- 5.37 With respect to the road network, traffic impacts at the A580 Golborne roundabout are addressed in the TA Addendum Technical Note [CD 18.3] and correspondence [CD 18.11]. Based on agreed scoping with Wigan Council in terms of trip generation and trip forecasting, the Haydock Point development is predicted to increase traffic at the Golborne roundabout by only 1.8% in the morning peak period and 1.5% in the afternoon peak. Such increases in traffic flow would not give rise to a perceptible change in traffic conditions at the junction. The proposed development would not therefore result in a material impact at the junction.
- 5.38 At the request of Wigan Council, a sensitivity test was undertaken increasing the proportion of development trips using the A580 to the east of the site. This indicated increases in traffic flows of 2.7% and 2.4% for morning and afternoon peaks respectively. Such small increases in traffic would not result in any material impacts at the roundabout.
- 5.39 Junctions further east of the A580 would experience even lesser increases in traffic as a result of the proposed development.
- 5.40 The proposed development would not result in a material or severe impact on the Wigan road network and thus should not be prevented or refused on highways grounds in terms of NPPF paragraph 109.
- 5.41 With respect to periods of assessment, these were scoped and agreed with Wigan Council to include the network peak periods as also agreed with St

Helens Council and Highways England. Any intimation that an inter-peak assessment should be undertaken is unfounded and unreasonable as background traffic flows are some 25% to 35% lower in the inter-peak, compared with peak periods. Adoption of the agreed network peak periods presents the most robust approach to the assessment of potential traffic impacts.

5.42 With respect to the M6 J23 Improvements, the M6 J23 study found that diverting the A49 north and south and reducing the amount of conflict points at J23 is fundamental to successfully improving capacity at the junction. Wigan Council was a partner in the Study and Steering Group. In diverting the A49 via the appeal site to a new junction on the A580, the proposed development achieves reduced conflict and improvements to capacity. It is entirely clear that access to M6 J23 will be maintained and enhanced as part of the package of infrastructure improvements.

Sustainable Transport

5.43 As for access by non-car modes, the appeal site lies close to centres of population and a workforce resident within the 10% most deprived neighbourhoods in the UK. With the proposed improvements, especially to bus service provision secured by planning obligation, it is agreed that there is a high level of accessibility to that deprived population. Moreover, it is further agreed that the proposed bespoke bus service would be self-financing by the end of the initial funding period.

Other Environmental Effects

Ecology and Biodiversity Net Gain

5.44 The Appellants provide an Ecological Statement with BNG calculations appended. [CD26.2App2]

5.45 It is common ground between the Appellants and the Council that the development would fully mitigate and compensate for loss of habitat and biodiversity on the appeal site, by way of the on- and off-site measures secured by planning condition and the Section 106 Agreement [CD25.23].

5.46 The development would bring benefits in terms of grassland, woodland trees and native hedgerows, as well as ditch habitats and bat, water vole and bird habitats of conservation concern. That is with the sole exception of farmland birds.

5.47 The negative effect on farmland birds would be offset by a compensation package secured by Obligation 3 of the Section 106 Agreement, comprising either a dedicated area for wintering lapwing or a contribution to the management of lapwing habitats elsewhere.

5.48 BNG by way of an Enhancement and Offset Scheme would be secured by Obligation 7 of the Section 106 Agreement to provide a minimum 10% BNG, calculated in accordance with the DEFRA Metric Version 2, in connection with each reserved matter application.

5.49 Neither Natural England nor the Council ecological advisers have raised any objection to the appeal proposals with respect to biodiversity.

5.50 Accordingly, the proposal satisfies all relevant policies regarding ecology.

5.51 Indeed, by providing a BNG actually calculated at some 14%, the development would bring a benefit in excess of the 10% enhancement as yet only envisaged as a future legal requirement by the Environment Bill and currently not expressly required by planning policy.

5.52 The benefit of BNG thus carries a degree of positive weight in the overall planning balance.

Air Quality

5.53 The Appellants provide an Air Quality Technical Note [CD26.2App4].

5.54 It is common ground between the Appellants and the Council that, based on the submitted EIA, the majority of the St Helens administrative area has good air quality, except that the annual mean objective for nitrogen dioxide levels is not met close to major roads. However, there are no short-term exceedances and overall the impact of the development on local air quality would not be significant with relevant mitigation, despite some increase in nitrogen dioxide and 10 micron particulate matter emissions [CD25.26].

5.55 Mitigation measures would include provision of electric car charging points, priority parking for hybrid and electric vehicles together with a requirement that fleet vehicles operating out of the development would be electric or hybrid or Euro Class Vi as a minimum. It is agreed that dust impact during construction could be controlled. All these measures would be secured by a Travel Plan and Construction Environment Management Plan (CEMP) secured by planning conditions.

5.56 Accordingly, the Appellants contend that there would be no conflict with CS Policy CP1 and no planning harm with respect to air quality.

Noise

5.57 The Appellants provide a Noise Technical Note [CD26.2App3]

5.58 There is potential for the development to give rise to significant impacts on surrounding receptors. Various design mitigation and conditions are proposed to address these effects and reduce them below the level of significance, satisfying the relevant policies of the development plan and NPPF.

5.59 These measures include acoustic fencing along the northern and southern boundaries of the site, a requirement for further noise assessments as part of future reserved matters applications, restrictions on construction hours and the implementation of the CEMP.

5.60 It is common ground between the Appellants and the Council that there would no noise or vibration reasons why the development should not proceed [CD25.24].

Agricultural Land

5.61 The appeal site was assessed within the EIA by specialist consultants with respect to agricultural land quality [CD15.10].

- 5.62 22.8ha of the site is classified as Grade 3a (good quality), divided between two areas respectively within the northern and southern parts of the site. The remainder of the site is classified as Grade 3b (moderate quality).
- 5.63 Thus, the development would result in the loss of 22.8ha of Grade 3a land. However, this is in the lowest category within the definition of BMVAL. Moreover, the land has some small to moderate moisture deficits and a relatively high number of 212 Field Capacity Days a year when the fields are generally too wet for the use of machinery.
- 5.64 The degree of harm by way of loss of BMVAL and any conflict with CS Policy CAS5 or NPPF paragraph 170(b) in this regard should therefore be accorded limited weight in the overall planning balance.

Heritage

- 5.65 The proposed development would cover a significant part of the former Haydock Park medieval hunting ground, recognised as a non-designated heritage asset. This is considered to be of low heritage significance, given the limited extent to which the asset remains in situ and the degree to which it has been eroded by modern development. The EIA concludes that the development now proposed would not have a significant impact on this asset [CD15.27, CD16.9, CD 17.28]. This is reflected in the Council Statement of Case [CD23.15].
- 5.66 Any resultant conflict with CS Policy CP1 or CQL4 would be of a low order and should carry very limited weight in the overall planning balance in terms of NPPF paragraph 197.
- 5.67 Any as yet unknown archaeological remains under the site could be adequately protected by a programme of archaeological works secured by planning condition without conflict with UDP Policy ENV23, as also acknowledged in the Council Statement of Case [CD23.15].

Employment Land and the Economy

Need for Employment Land

- 5.68 There is little or no challenge to the compelling case of need within the PMA and FEMA of the M6 corridor.
- 5.69 At the Inquiry it was agreed in oral evidence that:
- i. there is an acute short-term need in the PMA for 'big shed' development of units of at least 100,000sqft and in particular of over 500,000sqft and up to 1 million sqft with little land outside the Green Belt to contribute to this need;
 - ii. the supply will worsen in the five- to ten-year medium term, such that the need will remain acute;
 - iii. the Haydock Point site is the best-located, in market terms, of the employment sites currently before this Panel and the SoS;
 - iv. the Council is itself promoting the site for employment use in its eLP, albeit as safeguarded land exceptionally justified for development within the Green Belt; and

- v. there is no alternative site to meet the identified need, other than within the currently designated Green Belt.

5.70 Thus, whether in the long-, medium- or, most importantly, the short-term, there is a clear and demonstrable need for the appeal site to be released for the proposed use.

5.71 It is common ground that the PMA relevant to this proposal is the Core M6 PMA, approximating to the local authority areas of St Helens, Warrington and Wigan, with significant indications that future employment demand will be higher in the coming years than the historic average and that well-located logistics sites in the PMA will improve the overall efficiency of the North West economy.

5.72 In terms of the need for 'big shed' sites, published public sector studies, on which both the Appellants and the Council in common rely, estimate the annual St Helens, wider PMA and regional demand as follows:

- i. in St Helens Borough – 7.6 to 9.6hapa, equivalent to 114 to 144ha over the eLP period to 2035;
- ii. in the LCR – 22hapa;
- iii. in the Greater Manchester Spatial Framework area – 64hapa;
- iv. in the Wider M6 PMA – 58hapa, and.
- v. in the Core M6 PMA – 28hapa.

5.73 In recognition of how the logistics market operates across the three Boroughs that straddle the M6, the most relevant figure of need is that of the Core M6 PMA at 28hapa. This figure, in common with the other estimates, includes a widely accepted 30% uplift on historic demand to take account of the shift towards on-line retail shopping, the shift towards port-centric logistics associated with the Liverpool Superport and the current imbalance between market demand and supply.

5.74 It is not disputed that there is significant need for logistics units over 100,000sqft (9,300sqm), irrespective of the area of analysis. For this, the supply deserves careful scrutiny.

Employment Land Supply

5.75 All of the five logistics sites currently before the SoS, via this Panel and the forthcoming Omega West Inquiry, emerge as the most favoured with respect to the factors of site area, motorway access and market attraction. All could deliver units of at least 500,000sqft (46,470sqm) and at least Haydock Point and possibly Omega West could accommodate even larger units up to 1 million sqft (93,000sqm) in the 1-5 year short-term. However, not all are in the core M6 PMA, with the site West of Wingates, Bolton being the exception. Haydock Point patently has the most direct access to the SRN, without HGVs needing to pass via residential areas.

5.76 If all four of those sites in the Core M6 PMA were approved, they would together provide about 194.6 ha of employment land in the short-term as follows:

- i. Parkside Phase 1 – 47.9ha,

- ii. Symmetry Park Wigan – 54.4ha,
- iii. Haydock Point – 42.3ha, and
- iv. Omega West – 50ha [CD26.21 T9.2a and 9.3]

5.77 It is calculated that the Core M6 PMA supply of land for large employment units would be around a barely adequate 7 years but half that figure if these disputed sites were not to be approved [CD26.21 T10.2-5]. Given the importance of new jobs to St Helens, this is persuasive and largely uncontested evidence that there is sufficient demand to indicate that all four sites are needed.

5.78 The primary and most compelling evidence of employment land need in this appeal is the foregoing from the Appellants. The Council instead focusses upon the also largely uncontentious proposition that the eLP contains sufficient allocations to meet assessed post-2012 residual employment need of about 160ha to the end of the period to 2035. In conceding at the Inquiry that the eLP yet carries limited weight, the Council fell into error in concluding that preference should be afforded its Green Belt employment allocations over the present appeal site, which is itself safeguarded for development in the Green Belt in the longer term. Moreover, the Council adduced no meaningful evidence of short-term need and failed to explain why the eLP allocations are preferred when the factors of access that impeded the allocation of the Haydock Point site have been resolved in the appeal scheme.

5.79 On the foregoing evidence and given the current economic climate and the need to introduce new jobs into a stuttering economy, this scheme should come forward. This is emphasised by the acceptance by the Council that Haydock Point is the best site in terms of commercial attractiveness. Indeed, its conclusion that it is suitable for development in principle is reflected in its proposed safeguarding for future release from the Green Belt.

Economic Benefits

5.80 The Council accepts that substantial weight should be afforded to the socio-economic benefits of the proposed development in terms of job creation, its contributions in terms of GVA and regional economic efficiency, as well as meeting planning requirements as seen in terms of the eLP.

5.81 In reality, the need viewed in the wider Core M6 PMA context is much greater and the benefits that would arise are all the more important in the overall Green Belt planning balance.

Planning Obligations

5.82 The Council provides a CIL Compliance Statement [ID29.17] stating that all the planning obligations secured by the completed Section 106 Agreement [ID29.16] are compliant with CIL Regulation 122. The Appellants made a written response [ID29.18].

5.83 The Appellants agree with the Council CIL Compliance Statement, save with respect to the degree to which Obligation 1, to provide improvements to M6 J23, and Obligation 2, to provide a sustainable bus scheme and fund, are fairly and reasonably related in scale and kind to the development. The

Appellants add more detail emphasising that these two obligations are necessary and related to the proposed development in specific terms.

- 5.84 In particular, the M6 J23 improvements would provide a superior level of operation, compared with the baseline situation, and a substantial contribution to the potential wider improvement to the junction in due course; and the bespoke bus service would serve the site in a manner which current bus services do not.

Planning Conditions

- 5.85 The Appellants agree that planning approval for the proposed development should be made subject to the Schedule of Agreed Draft Conditions [ID29.19] setting a range of pre-commencement and other requirements to control the effects of the development.
- 5.86 That is with the exception of Condition 31, where two alternative versions are submitted regarding the details of the re-routed A49 via the appeal site. The Appellants prefer a pre-commencement condition leaving flexibility in the line and layout of the road in the detailed design yet to be drawn up in reserved matters, within the scope of the approved Parameters Plan.

Planning Balance

- 5.87 The putative refusal of the application was not about employment land or the extent of highways benefits but rather about landscape and visual harm and the knock-on effect on the Green Belt. If the SoS prefers the landscape evidence of the Appellants, then the Council is not inviting dismissal of the appeal.
- 5.88 Further, if it is concluded that the Green Belt very special circumstances test is passed, then it is agreed that there is compliance with the development plan taken as a whole and the Council would not be asking the Panel to recommend anything other than approval.
- 5.89 The very significant weight afforded to the provision of employment land, even by the Council, stems from the current CS Policy CE1 requirement of 37ha being out-of-date and the consequence that the policy boundaries for meeting that need are also out-of-date. This is illustrated by the Council's previous approval of the Florida Farm and Haydock Green Moviento developments, beyond current development plan boundaries.
- 5.90 If the development complies with Green Belt policy it is agreed that it complies with CS Policy CAS5 and the development plan overall. It cannot then be argued that the development could still be inconsistent with the development plan because the demonstration of very special circumstances will have taken into account all other matters, such as landscape impact.
- 5.91 The need for employment land is now acute and it is agreed that this warrants removal of land from the Green Belt because the constraining policy boundaries are also out-of-date and there are no suitable sites in the urban area. The appeal development would extend the HIE consistent with CS Policy CSS1(v) and also consistent with other developments which have been permitted as extensions to it and in line with the intentions of the eLP to safeguard the land for development. The proposal is not contrary to the Spatial Strategy.

- 5.92 The Council support for PP1 jars with its opposition to the Haydock Park proposal due to the policy equivalence of both schemes.
- 5.93 The constraints noted in the GBR that led to the site being safeguarded but not allocated in the eLP have all been met. Those were in relation to highway capacity and M6 J23, biodiversity, air quality, sustainable transport, visual impact addressed by landscape buffers and regarding the Racecourse which does not now object.
- 5.94 Prompt release of the appeal site would not only meet the agreed acute need in the Core M6 PMA and St Helens but its job creation would also be immediately deliverable.
- 5.95 If it is accepted that the employment need is derived from the Core M6 PMA, it carries maximum weight compared with the substantial weight accorded by the Council to the need within the St Helens Borough.
- 5.96 It has been a theme of the Council case that technical witnesses have stood in opposition to the formal position of their client authority. In particular, that is with respect to the weight to be accorded to improvements to M6 J23 and with regard to the outright rejection of the site in landscape terms, when it is accepted that its release is a matter of timing and not one of principle.
- 5.97 The Appellants emphasise that, in their submission, this case is not finely balanced with respect to very special circumstances, in the terms of the officer recommendation to the Planning Committee. The need is much greater than was identified by the Council at that stage, as are the benefits from highways improvements, the extent of the landscape mitigation measures and even the BNG calculated at 14%.
- 5.98 The Appellants firmly submit that the aggregate economic and highways benefits of the scheme clearly outweigh the definitional and actual Green Belt harm and any other harm. Other benefits to be taken into account are operational improvements to the highway network, new woodland planting, cycle and pedestrian network improvements and the apprenticeship fund provided by Obligation 4 of the Section 106 Agreement.
- 5.99 On a further judgement, the significant economic, benefits of the scheme satisfy the test of very special circumstances. When the M6 J23 highway improvements and other benefits are added, the totality of benefit not only clearly but comprehensively outweighs the planning harm.
- 5.100 In all the circumstances of the case, the Appellants invite the Panel to recommend to the SoS that this appeal proposal is development plan compliant, demonstrates very special circumstances and that the appeal should be allowed.

6. Oral Representations by Interested Parties

Culcheth and Glazebury Parish Council and Croft Parish Council

[ID29.6, CD20.20, CD20.24]

Each of the two Parish Councils made separate but similar written representations on the original and amended appeal proposals [CD20.20 and CD20.24] and were represented jointly at the Inquiry [ID29.6].

The material points are:

Introduction

- 6.1 Culcheth and Glazebury Parish Council and Croft Parish Council both represent substantial rural communities to the east of the appeal site. Their objection is based on the extensive knowledge of people who live and work in the area.
- 6.2 Notwithstanding a low attendance, at the Virtual Inquiry, there is substantial public opposition to the appeal proposal but people have public inquiry fatigue after the earlier PP1 and PLR Inquiry and many people have full-time jobs. Communities have limited resources to take part in person.
- 6.3 The Council failed to determine the application for almost three years despite apparently having all the information it needed to do so. Its dilemma is understandable. If approved, the development would compete with the preferred scheme at Parkside and, if refused, the same planning objections would apply to Parkside.

Local and National Policy and Green Belt

- 6.4 St Helens does not have an up-to-date local plan and there is no prospect of one in the immediate future. This means that policies in the NPPF have a greater prominence.
- 6.5 The potential allocation of the appeal site in the eLP and its proposed removal from the Green Belt must be given very little weight. It is irrelevant that the site has been accepted in the emerging plan as suitable for development, as that policy has not been subject to public examination.
- 6.6 No-one in this appeal appears to be contesting the following three statements:
 - i. that the development is by definition inappropriate in the Green Belt,
 - ii. that the development is not in accordance with the adopted development plan and little weight can be given to the eLP as it has not been subject to any public examination, and
 - iii. that substantial Green Belt release through ad-hoc planning applications, appeals and public inquiries is wholly unsatisfactory.
- 6.7 The proposed development would not meet any of the purposes of including land within the Green Belt.
- 6.8 It is difficult to understand how a case for a storage and distribution park in the Green Belt could constitute very special circumstances in any planning application anywhere in the UK. In the North West there are several competing proposals for distribution parks. There is no reason why the search should be

confined to this Borough as distribution parks are footloose and can locate almost anywhere on the SRN. Sites are available or planned in a number of other Greater Manchester and Merseyside locations. Moreover, the criteria adopted by the Appellants are for the very largest operation of this kind and these are rare. An operation of this size is much more likely to want to locate near Manchester Airport, for instance, where large-scale logistics warehouses are available and more are planned.

Landscape

6.9 These Parish Councils agree with the elected Members who were minded to refuse the application on landscape grounds. The area is St Helens Council Local Character Area WFE2, Haydock Park. This is characterised by flat, large-scale, agricultural and open parkland landscape with strong woodland structure creating interplay of open to enclosed space and is assessed as generally unsuitable for large-scale development. Like Cambridgeshire fenland, these extensive landscapes with long views should not be valued less than other landscape types. It is hard to see how a gigantic logistics warehouse could fit into that landscape under any circumstances.

6.10 The Appellants have supplied additional landscape information, but this does not address the landscape objection because:

- i. landscape zones would not be solid woodland but broken up by entrances and wide sight lines. There would be no woodland or ecological continuity,
- ii. woodland planting belts would be 20-30m maximum width. If planted with a native tree mix it would still be possible to see through them even in summer. In winter, when leaves fall, substantial views of the building would be possible,
- iii. the maximum building height would be 21.5m. It would take trees many years to provide even modest screening to the massive bulk of the warehouses. The expected growth rate of the English oak is about 0.5m per year. If 3m specimens were planted, then this could take 36 years to screen the buildings, even if they were able to attain this height in this location,
- iv. some planting is proposed just a few metres away from the built units. For instance, woodland planting is illustrated up against the west of the north unit. Woodland species would neither thrive in this location nor be allowed to remain by the operator,
- v. the main access road would run to the east of the southern unit. This would sever the woodland planting, and.
- vi. in practice, the operation and lighting of the development would extend over 24 hours a day and it would be impossible to monitor and enforce a lighting condition.

6.11 The thin ribbons of woodland proposed would make little difference to the extent or biodiversity of Lady Hill Plantation, which is on the eastern boundary

of the site. This measure cannot accurately be described as 'extending the Haydock Park Woodlands'.

Access and Highways - Traffic and Transportation

6.12 This development would generate large volumes of traffic that would cause congestion on the SRN. During the increasingly frequent times of disruption, this would cause the country lanes and communities to the north of Warrington, such as Croft, Culcheth and Glazebury, to be overwhelmed by traffic, including HGVs, with associated dangers of noise, pollution, severance, and traffic danger.

6.13 The submitted Transport Assessment is defective in that it:

- i. fails to include both local committed developments and background traffic growth and therefore underestimates the effect of the proposed scheme on road congestion and on local communities,
- ii. fails to include the stated growth ambitions of either Merseyside, Warrington, North Cheshire or Greater Manchester. All these ambitions are based on substantial additional development on Green Belt land and greenfield sites near motorway junctions and on substantial population growth. Greater Manchester is planning industry and warehousing at points on the north, south, east and west of the M60, which will significantly increase car dependence and heavy traffic on the SRN, including in the Haydock Point area,
- iii. fails to assess any effects within Warrington Borough or on the communities to the north of Warrington and there appears to have been minimal contact or consultation with Warrington Borough Council,
- iv. fails to consider the potential effects on minor roads and communities when there is disruption on the major road network, as is bound to increase if the development is allowed,
- v. fails to include an assessment of Saturday traffic, and
- vi. includes illogical statements that cast doubt on whether the assessment is objective.

Environmental Considerations - Biodiversity

6.14 The submitted EIA is defective and does not meet the required legal standard because it presents an overly optimistic picture of the effects of the scheme regarding traffic, sustainable transport modes and walking and cycling, even suggesting that there would be a positive effect on cycling. It is neither independent nor objective. The effects on air quality and the M6 and Newton-le-Willows Air Quality Management Areas (AQMAs) are inadequately assessed. The proposed mitigation measures would be ineffective. Development could result in exceedances of pollution standards in other communities north of Warrington at times of disruption to traffic.

6.15 The NPPF refers to the environmental role of planning to adapt to climate change with a low-carbon economy. The development proposed would be extensive, would add to urban sprawl and provide low-density jobs, almost entirely dependent on road transport. The NPPF suggests that local authorities should actively manage patterns of growth to make the fullest possible use of

public transport, walking and cycling and focus significant development in sustainable locations. As proposed, this development would be difficult to access except by car as walking and cycling in the area is already inconvenient, indirect and dangerous, due to traffic speeds and volumes and poor air quality.

- 6.16 The NPPF also provides that development should contribute towards conserving and enhancing the natural environment and reducing pollution. The currently green, open site would be covered by an urban sprawl, and the main access method would be by diesel-powered HGVs that would produce particulate matter and oxides of nitrogen that are known to cause hundreds of early deaths each year in the St Helens area and thousands nationally.
- 6.17 The proposed development could not possibly meet the accepted policy requirement of BNG. It is more likely that the increased human and industrial activity next to the existing woodlands would degrade them. To follow the logic of the Appellants would be to encourage building huge sheds on every inch of the Green Belt so that there was BNG. This is patently absurd.

Employment

- 6.18 The Parish Councils want St Helens and the surrounding communities to grow and thrive as places with a good quality of life and jobs. They are not just saying that – they really believe it. But the current application would deliver a desperately low and uncertain number of poor-quality jobs on a large Green Belt site that is prominent in the landscape. Once you net off jobs that are relocated and allow for the increasing automation in the logistics sector, the development would supply maybe 69 direct net additional full-time-equivalent jobs on a 43ha site in the most unsustainable way imaginable. That is even ignoring the manufacturing jobs that would be lost because the warehouses would facilitate cheap imports. The benefits of the proposal are grossly overstated. Are we really saying that a conglomeration of logistics jobs is the best we can do in the Northern Powerhouse?

Cumulative Impact

- 6.19 Haydock Point is just one of several large, entirely road-served distribution parks proposed in the region which would continue current dependence on the highway network for freight transport and on diesel-powered HGVs which create noise and pollution.
- 6.20 There are two key resultant cumulative aspects of this case: the quantum of road-based development proposed in the wider area is greater than is examined in the Transport Assessment or the EIA; and the Parkside development could in future include a Strategic Rail Freight Interchange linked to main lines, offering the prospect of a more environmentally acceptable option for trunk haulage, albeit at great cost. The approval of Haydock Point, without a rail connection and therefore at lower cost, would make it almost impossible to create a viable rail-served development at Parkside. This does not mean that the Parish Councils would support any application at Parkside. However, Haydock cannot be considered in isolation when other sites might have environmental advantages.

Conclusion

- 6.21 To summarise:

- i. it is accepted that the proposed scheme would be inappropriate development in the Green Belt,
- ii. the proposal clearly poses substantial landscape harm that a small amount of landscaping could not possibly mitigate,
- iii. the small number of jobs created could not possibly constitute very special circumstances; indeed much larger economic benefits were held not to constitute such circumstances in the recent Stobart decision in Warrington [CD3.16], and.
- iv. big sheds are not the way to economic prosperity or sustainable development.

Mr Andrew Shaw

The material points are:

- 6.22 Mr Shaw has lived in Haydock for 43 years within one mile of the proposed Haydock Point development and objects to the appeal proposal because Haydock Island and the section of the M6 motorway around M6 J23, both northbound and southbound, are already too congested for all road users and this development can only worsen this, regardless of any more road improvements.
- 6.23 When commuting via M6 J23 to Manchester Airport it often takes 20 minutes just to travel the one mile to the Haydock Island and a further 20 minutes to travel three miles on the M6. The proposed southbound re-routeing of the A49 through the appeal site and back along the A580 to J23 would only cause anger and frustration for all road users.
- 6.24 Because of this congestion many road users try to avoid the area and therefore many local side roads and A-roads have also regularly become congested, including an increase in articulated lorries travelling through Haydock to avoid the congestion.
- 6.25 Queueing regularly occurs in the slow lane of the M6 prior to the exit slip road at M6 J23 Haydock Island, whilst through traffic passes at 70mph in the middle and fast lanes, alongside stationary vehicles. This is a safety hazard.
- 6.26 There have been many well-intended attempts to improve the layout of the roundabout. However, none of these has eliminated the core problem of too much traffic but instead they have created a complicated and confusing junction where vehicles switch lanes due to confusion.
- 6.27 Any further development in this area would only add to the congestion and safety issues.
- 6.28 Finally, with respect to the small on the number of interested parties taking part in the Inquiry; many people are working and are unable to give time to the Inquiry and have assumed that the local Councillors' rejection of the application would be the end of the matter.
- 6.29 Haydock has already given more than its fair share to the economy, having given up Green Belt land for warehousing, including the Amazon and Kelloggs sites. Haydock Point would be a shed too far.

7. Written Representations

Member of Parliament for Makerfield

The MP for Makerfield made a written representation to the Council (redacted) [CD20.27] of which the material points are:

Introduction

- 7.1 The MP for Makerfield objects to the proposed development on behalf of constituents.
- 7.2 Although the appeal site is not within the Borough of Wigan, the impacts of the proposed development would principally be felt by residents of Ashton and Golborne. Increased traffic congestion, detrimental impact on air quality and loss of Green Belt are all issues of concern.

Air Quality and Traffic Congestion

- 7.3 Air pollution is a cause for serious concern as tens of thousands of people die early every year in the UK because of air pollution and the UK routinely exceeds the legal levels of pollution. The logistics warehousing activities on the proposed development would exacerbate existing pollution levels in the area. Together with the traffic from Florida Farm and potentially the other three employment areas in close proximity, identified in the emerging local plan for employment use, this would create an air quality issue which needs to be considered. All these developments border the Makerfield constituency.
- 7.4 Levels of traffic congestion linked to M6 J23 are already at unsustainable levels throughout the area of Ashton and Golborne. On most mornings there are long queues on the A49 through Ashton town centre in both directions, linked to congestion on the M6. People currently face long journeys to work. In addition, the increased traffic associated with Haydock Racecourse on event days causes severe traffic problems for commuters in Ashton. To add major logistics facilities into this mix would make a bad situation completely intolerable.
- 7.5 Any new development linked to an already overburdened M6, generating thousands of additional lorry movements every year, should only be considered in areas that have the capacity to absorb them. That is not the case here.
- 7.6 It is of concern that there is a lack of joined-up working in relation to the plans of neighbouring authorities and that the cumulative impact of proposed developments in adjoining constituencies is not being adequately addressed. There are two large development proposals on land a short distance from this section of the M6 in the Wigan Council area. The full impact of the Haydock Point development, together with other development proposals on both sides of the M6, is not being taken into account. It is not clear whether the cumulative impacts on air quality and traffic of the proposed development areas around this stretch of the M6 through Wigan, together with existing developments, have been investigated.

Green Belt Purposes

- 7.7 The Green Belt status of this site contributes to the divide between neighbouring communities. It is important that this should be maintained. Without it, the

communities of Ashton and Haydock will see urban sprawl that denies them the green open space, clean air and wildlife habitat which they currently enjoy. It is just as important and necessary to protect this green space now as it was when its Green Belt status was first designated.

- 7.8 The removal of land from the Green Belt in this area to allow employment development would also have the potential to undermine efforts to promote regeneration of brownfield sites elsewhere. Developers will opt for less complex developments that provide greater return.
- 7.9 The SoS is asked please to consider these observations when determining this appeal.

Wigan Borough Council [CD20.30]

The material points are:

Principle – Current Position

- 7.10 Wigan Council does not object in principle to the proposed development or question the need for employment land provision. However, the Council does have a number of substantial highway and environmental protection concerns which form part of the overall planning balance. The amended plans and briefing note now at appeal do not address these matters and objection is maintained to the proposals in their amended form.

Highways

- 7.11 An appraisal of the updated Transport Assessment (TA) of May 2020 was undertaken by Wigan Council Highways Officers in 2018. This raised objections in respect of potential impact on the Golborne Roundabout. These concerns remain and have not been sufficiently addressed.
- 7.12 Trip generation and forecasting are deemed to be robust and acceptable. However, a traffic increase along the A580 above accepted thresholds is proposed and requires further junction assessments.
- 7.13 With respect to impact on the local junction and the wider network, the A573 Warrington Road and A580 East Lancashire Road, Golborne roundabout would be the most significantly affected. The 2027 with-development ratios of flow to capacity (RFCs) would be above the accepted practical maximum of 0.85, with queuing significantly increasing as capacity is exceeded. Whilst this is to be expected, it is accepted practice that, in these circumstances, modelling should assess delay in seconds, which in this case would appear to be excessive.
- 7.14 The 'with-development' capacity assessment for the A580/Warrington Road/Bridge Street junction appears to be reasonable, however, factors such as turning flows may provide optimistic results. For example, a high proportion of vehicles turning right to Warrington Road in the PM peak would reduce queuing on the left/ahead lane and minimise the impact of development traffic. The TA and TA Addendum do not provide this level of detail. Instead, the focus of the capacity assessment is on network peak periods rather than developments, which is at odds with a development which generates significant volumes of traffic throughout the course of the day, especially during interpeak periods. This should be investigated further.

- 7.15 The traffic which is generated by the proposed development is considered in the context of the level of traffic which already passes through the respective junctions. This process is fundamentally flawed as it has the potential to conceal significant changes in capacity as a result of the development traffic. The junctions of interest located to the east of the site along the A580 corridor require further investigation.
- 7.16 In previous representations, Wigan Council requested an additional sensitivity test to examine the impact of 25% of light-vehicle development traffic arriving at and departing from the site from the east. The journey to work information derived from the 2011 Census advocates this assumption, as the majority of prospective employees appear to originate mainly from St Helens but also from Ashton to the north of the site. However, Class B2-B8 developments generate heavy volumes of HGV traffic. It is unclear what proportion of HGV development traffic travels east along the A580. The TA and TA Addendum do not sufficiently address this consideration.
- 7.17 There are also identified concerns in respect of the wider M6 J23 Improvement Study, which recommended progression of the 'Diverging Diamond' option, alongside the diversion of the A49 north and south. The study revealed that diverting the A49 north and south and reducing the amount of conflict points at the junction was fundamental to successfully improve capacity of the junction. It is unclear as to how the development proposes to retain access to the M6 J23. As such, an objection to this aspect is maintained due to the potential to restrict potential capacity improvements.
- 7.18 In addition, there do not appear to be traffic figures showing development flows and opening-year-with-development scenarios which has resulted in the highway officers being unable to verify whether any changes have taken place in respect of current forecast flows, compared with those previously checked and accepted by the Council. These concerns have also been raised by Traffic for Greater Manchester.

Environmental Protection

- 7.19 Wigan Council's Environmental Protection Officers raise concerns in respect of the absence of sufficient information to determine the noise impact of the development on nearby noise receptors. A summary of their current position, including with regard to the amended scheme now at appeal, is set out in the written submission. [CD20.30]
- 7.20 On the basis of the above, it was concluded within the representation submitted on 5 November 2020 and addendum information of 10 November 2020, that insufficient information in respect of background noise receptors was provided, and there is a need for further monitoring to be undertaken. Whilst it is acknowledged that the scheme is in outline, and that additional information could be secured by way of condition, it should be noted that it is Wigan Council's Environment Protection Officers' view that the information submitted as part of the planning application is insufficient and not robust.
- 7.21 With respect to the amended scheme now at appeal, it is considered that the information submitted in the Briefing Note of December 2020 and the amended plans does not affect the concerns highlighted in the original representation.

Planning Policy

- 7.22 Separate representations have been submitted to St Helens Council in relation to the present appeal site, as part of Local Plan consultation process. The areas of concern have a direct bearing on the appeal. These concerns relate specifically to draft Policy LPA06 which safeguards land north east of M6 J23 for future employment.
- 7.23 In relation to emerging policy matters which affect the appeal, it is Wigan Council's position that:
- i. the improved highways infrastructure required should be in place before any development on the site is operational,
 - ii. if the A49 is to be diverted to secure the strategic improvement needed to M6 J23, accessibility between Ashton-in-Makerfield and Newton-le-Willows should be maintained and improved, particularly for bus services, cycling and walking and regarding the opportunity to strengthen links with the railway station, and
 - iii. if the A49 is to be diverted, the approach to Wigan Borough from the south, and Ashton-in-Makerfield in particular, needs appropriate consideration befitting such a gateway route, with particular emphasis on the environmental quality of that route.

Conclusion

- 7.24 On the basis of the above, Wigan Council maintains its objection to the amended proposed development in terms of highway and environmental protection matters.

Mayor of Greater Manchester [ID29.3]

The material points are:

Traffic

- 7.25 The Mayor strongly supports Wigan Council and the residents of neighbouring communities in Ashton-in-Makerfield, Golborne and Lowton, in expressing serious concerns about the impact of traffic from this development on the roads and the environment.
- 7.26 Significant adverse impact of this development will fall on the neighbouring Borough of Wigan and the developer has failed to set out how this impact would be mitigated, impacts which are too significant for planning permission to be granted.
- 7.27 Significant impact of this development would also fall on Ashton-in-Makerfield. This is a town which is already book-ended by M6 J23 and 24. The Mayor does not consider that sufficiently robust evidence has been provided by the Appellants to demonstrate that there would not be an unacceptable level of traffic increase along the A580 and the wider road network.

Noise and Air Quality

- 7.28 There are similar concerns about the level of evidence provided in relation to noise impact from the development and the potential impact on air quality,

albeit recognising that the application is currently in outline form. Greater Manchester is working hard to tackle air pollution, which is damaging the health of its residents. The Government has instructed Greater Manchester authorities to develop Clean Air Plans to bring levels of nitrogen dioxide on local roads within legal limits as soon as possible and we are working together to produce a single approach for the whole region. Reference is made to Clean Air Greater Manchester (cleanairgm.com). It is unclear what impact the development would have on the ability of neighbouring Greater Manchester to meet the targets set by Government.

Landscape

7.29 Additionally, the land in question is historic green space in front of Haydock Racecourse. It provides not only for the vital recreational amenity of residents of Ashton and Golborne but also for an impressive view of the Racecourse which is one of the prime sporting assets of the North West. It is not considered that sufficiently robust evidence has been provided to demonstrate that the impact on this asset would be acceptable.

Planning Balance

7.30 Finally, the Appellants have failed to demonstrate that very special circumstances exist for this development to be permitted in the Green Belt.

Conclusion

7.31 For these reasons, the Mayor strongly objects to the appeal proposal, which has generated significant concern within the neighbouring authority area of Wigan. The legitimate concerns of Wigan residents about impact of the development on local roads and the environment have not been properly considered and mitigated by the Appellants, a view shared by the St Helens Planning Committee. The appeal should therefore be dismissed and this important location protected.

Jockey Club Racecourses - Haydock Park Racecourse [CD20.22]

The material points are:

7.32 Jockey Club Racecourses (JCR), as owners of the Haydock Park Racecourse, have been involved in extensive discussions with the Appellants throughout the application process and have reviewed the appeal proposals in detail.

7.33 JCR consider that there would be some harm to the amenity and operation of the Racecourse as a result of the proposed development. This would be contrary to adopted CS Policy CP1, which specifically provides that the amenity of the Racecourse should be safeguarded.

7.34 However, JCR consider that this harm could be mitigated to an acceptable level, but only if the agreed planning conditions are included in any permission granted.

7.35 Therefore, with that proviso, JCR does not consider it necessary to raise an objection to the appeal scheme. It is accepted that the agreed conditions meet the tests of the PPG.

Parkside Action Group (PAG) [ID29.4]

The material points are:

Introduction

- 7.36 PAG is a voluntary residents' working group which was formed in 2006 with the aim of protecting the land around the former Parkside colliery in Newton-le-Willows from development it regards as unsuitable.
- 7.37 The PAG written submission examines the planning and environmental case for the proposed Haydock Point development in the context of other operational and proposed Class B8-B2 development in the locality.

General

- 7.38 PAG broadly objects to the use of Green Belt for Class B8-B2 development. The Haydock proposals would harm the landscape and visual amenity and generate significant volumes of traffic with associated air quality, noise and health impacts. The appeal site is in use for agriculture and regularly generates high value crops and the development would result in the loss of BMVAL.

Planning Committee

- 7.39 The Planning Committee putatively refused the application, and overruled its own officers' recommendation to grant approval, for the primary reason of harm to the landscape. The Council is inconsistent, given that the same Committee resolved to approve the PP1 and PLR applications where Parkside East has equivalent if not greater landscape and visual amenity value compared with Haydock Point.

Green Belt

- 7.40 The proposal constitutes inappropriate development in the Green Belt in the terms of the NPPF. The development would cause definitional, spatial, and visual harm to openness and permanence.
- 7.41 Proposals in the eLP to amend the boundaries of the Green Belt are being contested and carry limited weight. There are no very special circumstances to justify the development now proposed within the Green Belt. The economic need for it has not been demonstrated and cannot be established amid the current level of uncertainty.
- 7.42 Green Belt land should not be released incrementally or speculatively but only via consideration of strategic alternatives and sustainability appraisal.

Strong Competitive Economy

- 7.43 PAG strongly supports the need for a strong, competitive and diverse economy, as set out in the NPPF.
- 7.44 Many of the employment allocations in the eLP comprise logistics development. The LCR Local Industrial Strategy highlights the lack of complexity in the St Helens economy. The narrow focus on logistics, which is typically low value, would be exacerbated by the current proposal, which would fail to create diverse economic opportunity or support a prosperous rural economy.

- 7.45 The loss of BMVAL to development would further narrow the economic base of the area and harm the prospects of the rural economy, specifically farming, in the future. This is accorded too little weight by the Appellants. PAG contends that only a limited proportion of the jobs would find their way to deprived areas, based on experience of recent similar nearby schemes. The real need of the area is for more skilled and high-density employment. People seeking a career outside of logistics are currently forced to commute to other areas.
- 7.46 Taking into consideration other committed Class B8 developments and proposals in the area, including Florida Farm, Omega South, Warrington Omega, and Wigan J25, a blanket saturation of the same type of development is unlikely to stimulate the right mix of skills needed to lift the capabilities of the future workforce and boost the economy, leaving it extremely vulnerable to economic shocks.

Employment Land

- 7.47 It is understood that, at the national and regional scale, logistics is viewed as an important economic sector, and in recent years take-up has been buoyant. However, there is concern at the unplanned speculative surge in warehousing at a scale that is causing economic harm, based on low-value employment. This is in addition to the environmental harm it causes.
- 7.48 The impacts of the Covid19 pandemic and Brexit on distribution and office needs are unknown at present. Many large retail concerns have gone into administration, resulting in their wholesale premises in out-of-town locations, and high street outlets becoming vacant.
- 7.49 Need and demand for employment land should be considered through a more rigorous and strategic plan-making process, rather than pre-emptive planning applications. There is insufficient information and analysis to allow proper consideration of the appeal proposals. Poor decisions at this time will have adverse consequences for the local economy
- 7.50 At the Parkside Inquiry, the Council made a huge play on the need to deal with deprivation in Newton-le-Willows. Deprivation was acknowledged to have actually increased in spite of the Omega Class B8-B2 scheme at Warrington coming on stream over the last few years and being only 3-4km away, and on good transport links. Clearly, Class B8-B2 development is not the solution to the deprivation problem of St Helens.
- 7.51 Moreover, the general trend towards automation means that employment levels in storage and distribution is on a downward path. For example, the Florida Farm development was forecast to provide 2,500 jobs but Amazon and Kelloggs have occupied those units, creating only 320 jobs.

Highways

- 7.52 It is understood that the proposed development would have direct access from the A580 and would involve re-routeing the A49 at M6 J23. Such improvements would be welcome. The roundabout has been the subject of numerous modifications over many years but remains a national accident black spot, as identified by Highways England.

7.53 Most residents would agree that the lane structure on the roundabout is confusing and weaving between lanes often causes difficulty.

7.54 The A49 south exit from the roundabout is easily blocked by HGV trailers exiting the M6 for Liverpool on the A580. This causes queuing at peak times on the southbound leg of the A49 as there is no means for traffic to join the roundabout and no means for traffic on the roundabout to exit south on the A49.

Air Quality

7.55 As public transport to the appeal site is limited, it is a reasonable assumption that most employee commutes would be by car. Surveys from the Warrington/Omega development have shown that 81% of commutes are by car, according to the Council officers' report on Omega South.

7.56 By its nature, Class B8 road-based distribution implies a high increase in commercial traffic, including LGV and HGV movements. The result would be a significant increase in traffic with associated depreciation in air quality. The Newington Inquiry Appeal Decision, upheld by both the High Court and later the Court of Appeal in 2019, concluded that there was no firm evidence that mitigation measures, which included electric vehicle charging points, the promotion of sustainable transport and a travel plan, would be effective in reducing the numbers petrol and diesels cars on the road.

7.57 The SoS needs to determine whether the development proposed in this case would bring about unacceptable levels of air pollution and whether this would have an adverse effect on the health of local residents. The landmark Ella Kissi Debrah case found that death occurred as a result of exposure to oxides of nitrogen in excess of EU limit values and particulate matter concentrations in excess of WHO limit values.

Climate Change

7.58 The proposal, being essentially road-based, is clearly retrograde in terms of addressing climate change. The scheme would have negative impacts on air quality and green landscape. Against the context of climate change, it is difficult to justify the proposal.

Need as Justification

7.59 In the light of the Covid19 pandemic, the economic case put forward by the Appellants is very uncertainly based. The eLP evidence base includes the ELNS, forecasting the amount of employment land needed over the plan period 2012-37 as 190-239ha. This is highly optimistic and exceeds the Borough labour resource.

7.60 When tabulated [ID29.4p11], the sites in operation or to be decided within the scope of the eLP and the ELNS, including Haydock Point, provide about 170ha of employment land of the 190ha, 16 years ahead of the time frame to 2035.

7.61 Even allowing for construction time, but given that there is growing evidence that housing and employment need has been exaggerated nationally, PAG submits that granting all the Class B8 developments now before the SoS would

be excessive and would not justify associated cumulative release of Green Belt land.

7.62 PAG would always wish to protect Green Belt and green space as a priority. However, if the SoS were minded to approve a limited amount of Class B8 development, in terms of prioritisation PAG would ask the Inspector and the SoS to review the relative harm of each scheme.

Public Consultation

7.63 The appeal scheme appears to have been rushed before Planning Committee ahead of the Inquiry. Several documents including the Transport Assessment were not published in good time ahead of the Committee meeting. The local community has not been consulted about the A49 proposals which would make the journey between Newton-le-Willows and Ashton along the A49 disjointed. School children from Newton-le-Willows attending Birchall High School would be adversely affected by the proposed change to the road system.

Conclusion

7.64 In summary:

- i. The scheme is not compliant with the adopted local development plan.
- ii. The schemes is contrary to national and local Green Belt planning policy.
- iii. Very special circumstances have not been demonstrated to justify development in the Green Belt.
- iv. The consideration of substantial Green Belt release through ad-hoc planning applications rather than a proper development plan process is unsatisfactory.
- v. The scheme would harm the rural economy and enable development that would fail to diversify economic opportunity and is of marginal and questionable economic value.
- vi. The scheme would not provide a viable solution to meet the need to improve deprivation in the area.
- vii. The scheme would cause harm to landscape character and visual amenity.
- viii. The scheme would generate high volumes of commuting and commercial traffic leading to depreciation in air quality with associated health impacts.
- ix. The scheme would have adverse impacts in terms of climate change.
- x. Although PAG does not support the Haydock Point scheme, it would cause less harm overall than the Parkside proposals.

Mr Peter Astles [ID29.5]

The material points are:

Background

7.65 Mr Astles has a background in finance within a number of sectors but his personal passion is wildlife and nature, having observed and photographed local wildlife over 30 or 40 years.

Biodiversity

7.66 The application site is pure agricultural land alongside the M6 and A580. It is not a known ornithological area or an area for species study and it has no records. It supports some farmland bird species such as skylark, lapwing and meadow pipit and has a good number of common buzzards, likely attracted by high road kill. Otherwise, the site currently has a very low biodiversity asset value.

7.67 The Illustrative Masterplan shows wetland, grassland, scrub, meadow and woodland on what is now agricultural land. This is on-site mitigation, the highest status in the mitigation hierarchy, and therefore could conceivably achieve BNG or at worst neutrality. This assertion is complemented by the site being adjacent to one of the key and last remaining wildlife corridors in the local area. That is the land around Dean Dam, Haydock Park Golf Course and leading to Castle Hill and Golborne Hollows. It is also complemented by the adjacent woodland habitat around Haydock Park Racecourse and south of Golborne.

7.68 The site would benefit from habitat improvements to complement existing wildlife corridors. The impact of the development would be limited to the site itself and would not act as an enabler for further extensive development. Therefore, the development would achieve BNG and, although it would cause harm, its impact is the least adverse option environmentally for Class B8 logistics development on a localised basis.

Landscape

7.69 The putative reason for refusal on landscape impact is difficult to understand. Views of the site from the M6 and A580 are limited and there are no public footpaths across it. Existing views include warehousing immediately west of the M6 and the development now proposed would include further landscape screening.

7.70 The short-term view would be of a logistics site at one of the busiest highway junctions in the North West, not a panoramic countryside view by any reasonable measure. After 15 years the woodland view would be a visual improvement. The present landscape view should be accorded little weight.

Other Local Residents

7.71 Many local residents responded to the various stages the development of the current proposal in terms similar to those set out above.
[CD20.19-21, CD20.23]

Peel Ports Group Limited [CD20.22]

The material points are:

General

- 7.72 Peel Ports Group Limited supports the proposed development.
- 7.73 Peel Ports is the second largest ports group in the UK. As well as major North West ports, including the Port of Liverpool, the Group owns and operates ports in Ireland at Dublin, Scotland at Clydeport and on the South East and East coasts, at Medway-Sheerness in Kent and at Great Yarmouth.
- 7.74 The Port of Liverpool has grown in the past ten years from the 7th to the 4th largest port in the UK, handling 34 million tonnes of freight in the last 12 months. It is the UK's most central port and an essential part of the nation's supply chain across a diverse range of sectors.
- 7.75 Peel Ports owns and operates the Manchester Ship Canal (MSC) and the Port of Heysham in Lancashire. There are major investments planned along the route of the MSC, including at Port Salford. The Port of Heysham is located approximately 50 miles to the north of Haydock Point, directly accessible via the M6 and the recently opened A683 Heysham to M6 link road. In combination, these North West ports handle 46 million tonnes of freight per annum.
- 7.76 Peel Ports' recent £400 million investment in the Liverpool2 Container Terminal has created a new, in-river, deep-water terminal that has secured the role of Liverpool as a primary UK port of entry and exit. Liverpool2 is predicated on shifting freight patterns towards Liverpool and away from ports in less central and more congested parts of the country.
- 7.77 Factors creating this shift include: haulier operating profile with a shortage of HGV drivers and working time limitations requiring drivers to be as close to market as possible; favourable cost differential between transport to much of the UK from Liverpool compared with southern ports; and considerations of sustainability and climate change in using ports that are closer to market.
- 7.78 In addition, and despite the Covid pandemic, the strategic role of Liverpool as the UK's principal west coast container port can only benefit from the macro-economic and political changes associated with Brexit, which is likely to increase trade between the UK and Ireland and the USA. The UK will need to place greater reliance on a wider port network and Liverpool offers potential as freeport.

Liverpool and Port-centric Logistics

- 7.79 The growth of the Port of Liverpool has fuelled regional demand for port-centric logistics, the supply chain that is inherently linked to the port, building upon wider growth in the logistics sector driven by the shift to online retail, technology and general economic and demographic growth. Peel Ports seeks to capture port-centric logistics activities within in its own operational estate where it can. However, its operational estate is fully utilised as the Port of Liverpool itself is heavily land-constrained with only limited development opportunities within and adjoining it.

- 7.80 The Mersey Ports Master Plan proposed a number of development opportunities within and adjacent to the Port, including along the MSC, but also identified a residual shortage of land to serve the Port. Alongside Liverpool2, some of these development opportunities have now been implemented, whilst others require significant infrastructure investment to be progressed. As demand has grown, so has the shortage of space within and around the Port. Peel Ports intends to update the Master Plan to fully review this position over the next two years.
- 7.81 Clearly the Port of Liverpool continues to rely heavily upon off-port logistics sites across the LCR and beyond where they are physically and operationally linked to the Port via the strategic highway network and located in major employment areas.
- 7.82 There has been no co-ordinated policy to ensure that the region can accommodate growing demand.
- 7.83 Ultimately, it is apparent that the selective development of Green Belt sites is the only way to meet the growing demand for accessible port-centric and general logistics facilities. Whilst some local authorities have allocated and allowed individual developments, the scale and pace of supply has clearly not kept up with demand.
- 7.84 Liverpool's hinterland extends to areas outside the administrative boundaries of the LCR, such as Warrington, parts of north Cheshire, south Lancashire and Greater Manchester. Some of these areas have been more proactive than others in supporting major logistics developments, including Omega near Warrington and Logistics North in Bolton. However, these have largely been taken up by domestic logistics operations and none have responded to the need for port-centric logistics to meet demand arising from the expansion of the Port of Liverpool and the increase in freight coming into the North West via this route.
- 7.85 Outside the LCR, Port Salford4 on the MSC in Greater Manchester will become a nationally important multi-modal freight interchange that provides an inland bookend to the Liverpool2 project. The site adjoins the M60 orbital and M62 motorways.

Haydock Point

- 7.86 The appeal site is ideally located to benefit from demand for port-centric logistics linked to North West regional ports. The site is highly accessible to the Port of Liverpool, utilising the A580/M57 or M6/M58 routes. Haydock Point would be highly attractive to existing and potential Port customers, for example companies looking for a UK national distribution centre close to Liverpool with its links to both the USA and Europe. The Haydock Point site, located right on the M6, is also likely to be of interest to companies serving demand in Scotland and the Midlands. Furthermore, whilst the site is clearly most attractive to Liverpool, it is also close enough to the Port of Heysham to develop that connection too.
- 7.87 Whilst these demand drivers give Haydock a strategic advantage, the involvement of three interlinked infrastructure and property companies is highly beneficial.

8. Conclusions by the Inspectors

Numbers in [square brackets] refer to paragraphs of the Report from which conclusion are drawn

The Appeal Proposal

8.1 This appeal for determination by the SoS follows the failure to determine an outline application for up to 167,225sqm of employment floorspace in large storage, and distribution and business units. The appeal site comprises 42.3ha of current agricultural land in the Merseyside Green Belt, immediately north east of Junction 23 of the M6 motorway with the A580 East Lancashire Road and the A49 Lodge Lane, which runs between Newton-le-Willows and Ashton-in-Makerfield. The proposal includes details of new junctions to provide access from the A49 and the A580, diverting the A49 via the appeal site, as well as off-site highway works, in particular alterations to M6 J23. [2.1-10]

Planning Considerations

8.2 The main considerations in this case are summarised as follows:

- i. the acceptability of the proposed employment development in principle, having regard to national and local adopted and emerging development plan policy and in particular the extent to which the proposed development is consistent with Government policies protecting Green Belt land,
- ii. the effects of the proposed development with respect to the appearance and character of the landscape,
- iii. the effects of the development with respect to access and the wider highway network,
- iv. other environmental effects of the development with respect to:
 - ecology and biodiversity net gain (BNG)
 - air quality
 - noise and other aspects of residential amenity
 - best and most versatile agricultural land (BMVAL), and
 - heritage and archaeology
- v. the level of need for and available supply of employment land within St Helens Metropolitan Borough (SHMB) and the wider area and the contribution the proposed development would make to meeting that need, compared with any available alternative sites,
- vi. the extent to which the proposed development would be consistent with Government policies for building a strong, competitive economy,
- vii. whether the proposed development would give rise to socio-economic or environmental benefits to be weighed in the planning balance,

- viii. the degree to which the planning obligations put forward in the completed Section 106 Agreement would be necessary and directly fairly and reasonably related in scale and kind to the development,
- ix. planning conditions necessary to control the effects of the development if the SoS decides to grant approval,
- x. any considerations arising from any interrelationship between other employment proposals in St Helens or elsewhere, including those under consideration by the Panel at the Parkside Colliery site⁶ also in St Helens, at M6 J25⁷in Wigan, and West of Wingates Industrial Estate, Bolton⁸, and
- xi. in the overall planning balance, if the development is considered to be inappropriate in the Green Belt, whether any factors in its favour would amount to the requisite very special circumstances to outweigh policy harm and any other harm to justify granting permission for the development.

Policy

- 8.3 Planning law and policy relevant to the determination of this application are summarised above. [3.1-25]
- 8.4 The relevant policies of the development plan are consistent with the NPPF and are to be regarded as up-to-date. That includes UDP Policies S1, GB1-2 (read together) and Core Strategy (CS) Policies CAS5.1 and CSS1(ix), prohibiting inappropriate development in the Merseyside Green Belt, unless it is justified by very special circumstances, and CS Policy CE4, which provides for a minimum of 37ha of employment land within the Borough. However, there is no dispute that this employment land provision is no longer valid on the current evidence of greater employment need, brought forward in the preparation of the emerging Local Plan (eLP).
- 8.5 The policies and site allocations of the eLP are subject to objection and ongoing examination for soundness and therefore carry little weight in themselves at this time. However, its employment evidence base is germane to the present proposal and carries weight as a material consideration in this case. [4.10-12, 4.16, 44.66, 5.4, 5.87-88, 5.90, 6.4-5, 7.22, 7.59]
- 8.6 The question for this appeal is whether material considerations, including evidence of employment need over a wider, sub region of the North West, indicates that the proposed 42.3ha of employment development in the Green Belt is justified by very special circumstances. If so, the development would be in accordance with the up-to-date development plan, taken as a whole, and should be approved without delay as sustainable development, under paragraph 11(c) of the NPPF. If not, it should be dismissed with reference to Section 38(6) of the PCPA 2004. [3.1, 3.3]

⁶ APP/H4315/V/20/3253194

⁷ APP/V4250/V/20/3253242

⁸ APP/N4205/V/20/3253244

Green Belt

- 8.7 There is no dispute that the proposed development would be inappropriate in its Green Belt location, giving rise to harm by definition. This carries substantial weight as a matter of established national and adopted local planning policy, including NPPF paragraph 144 and UDP Policies S1 and GB1-2 and CS Policies 5.1 and CSS1(ix). [3.4, 3.13, 4.16, 5.6, 6.6, 6.21, 7.40, 7.64]
- 8.8 The appeal proposal would lead to the spatial loss of 42.3ha of Green Belt land to permanent built development on a vast scale with a high level of associated activity. In its current state, the site is essentially free from buildings or other visual obstructions, such that there are clear views across it. Consequently, the development would have a very significant impact on the openness of the Green Belt.
- 8.9 In visual terms, external views of the site are relatively local and the M6 and A580, the Holiday Inn and the grandstands and other buildings of Haydock Park Racecourse lie close to its eastern, southern and northern boundaries respectively. Almost immediately west of the M6 is the extensive Haydock Industrial Estate (HIE). However, the proximity of these urban influences and features would do nothing to offset but, on the contrary, would serve to emphasise the permanent loss of openness, notwithstanding the relative containment of external views. Moreover, the proposed landscape bunding and tree screening round the site, intended to soften the appearance of the buildings in the landscape, would aggravate the obvious loss of the essential and fundamental openness of the Green Belt. That loss carries substantial planning weight against the appeal. [4.17-22, 5.6]
- 8.10 The appeal site forms only about 50% of Plot 033 of the Green Belt Review (GBR) so that much of the Plot would survive, still to provide a green gap between the clearly defined boundaries of the development and the towns of Haydock and Ashton. Whilst these towns would retain their separate definition, this does not alter the fact that the development would extend large-scale built form across the M6 into presently open fields within rural St Helens. Surrounding major roads and urban features serve to emphasise the open rural nature of the site itself, contrary to the proposition of the Appellants that it is not read as open countryside in the manner of the wider Green Belt. Consequently, the development would cause a significant measure of harm to the purpose of the Green Belt to prevent urban sprawl and would also compromise, to some extent, the purpose of preventing neighbouring towns from merging. Furthermore, it is clear that the built development would encroach blatantly into the countryside of rural St Helens, in further contravention of the purposes of including land in the Green Belt. [4.23-28, 5.7]
- 8.11 The overall definitional and practical harm to the Green Belt, its openness and purposes that the proposed development would cause carries substantial weight in the balance of planning considerations. [4.29, 5.7]

Appearance and Character of the Landscape

Basis of Judgement

- 8.12 There is a high level of agreement between the Appellants and the Council regarding the methodologies adopted for the assessment of landscape character

and landscape value, with reference to the advice provided by GLVIA3. The issue of landscape impact, as the principle area of dispute in this appeal, thus turns largely on visual judgement between the opposing conclusions of the respective specialist landscape witnesses. It is accepted that this judgement can properly be reached within a relatively tightly defined area of influence, based on a 1km offset from the site boundaries, because available external views of the site are relatively local. [4.30-32, 4.35, 5.9]

Landscape Character and Value

- 8.13 In terms of the Landscape Character Assessment (LCA), the appeal site is part of the Wooded Former Estate of Haydock Park, comprising flat open fields and blocks of mature woodland. This historic park landscape has been fragmented with the advent of major highways and built development and eroded by relatively intensive arable farming. [4.32, 4.34, 5.12-13, 6.9, 7.29]
- 8.14 The area is not noted for tranquillity, wildness or remoteness, or any views out of the ordinary. The recreational value and public appreciation of the appeal site is limited by an absence of direct access, with no rights of way crossing the site. The site and surrounding area are not subject to any formal local or national landscape designation. [5.14-16, 7.69]
- 8.15 In national policy terms, paragraph 170(a) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting valued landscapes in a manner commensurate with their identified quality in the development plan. GLVIA3, supported by case law, advises that the lack of formal designation does not mean that a landscape has no value. It is also advised that an existing LCA is a good indicator as to which landscapes are to be valued. [3.6, 4.35-36, 5.14]
- 8.16 From observation, the value of the landscape of the appeal site is as indicated by the LCA. Its value lies in its openness, in striking contrast with the adjacent urban influences, especially to the west and south, and the interplay of the large arable fields of the appeal site and the strong woodland structure immediately to the east and north. In the development plan, the site is within an area outside any settlement and subject to the provisions of CS Policy CAS5 to resist development in Rural St Helens., whilst CS Policies CQL4-5 and CP1-2 seek to protect local character and distinctiveness. [3.17, 4.32, 4.35]
- 8.17 For these reasons, whether or not the appeal site is to be regarded as part of a valued landscape in the strict terms of NPPF paragraph 170, it clearly has perceived and actual local landscape value. There is also a small degree of value by historic association with the Haydock Park estate and the Racecourse. [4.35, 5.14, 5.16]
- 8.18 It follows that any significant degree of adverse impact, or indeed positive enhancement affecting the landscape of the appeal site, would be a material consideration to be weighed in the overall planning balance.

Landscape Impact

- 8.19 It is inescapable that the proposed buildings, at their vast scale with their associated earthworks, road infrastructure and user activity, would radically alter the currently open rural landscape and its immediate surroundings. This

would permanently render it highly urban in character by, in effect, extending the HIE across the M6. [4.37-38, 4.40]

- 8.20 This degree of impact can only be categorised as high adverse. That is even accepting that visualisation from specific agreed viewpoints provides a stationery snapshot of what would, in many cases, be a fleeting view to passing motorists within the relatively localised area visually influenced by the development. [4.31, 4.39, 5.11, 5.17-20]

Landscape Mitigation

- 8.21 The proposed mitigatory landscape bunding and tree planting around the site would undoubtedly soften the visual impact of the built development and urban infrastructure on the appeal site, assuming that it would mature as predicted. However, there is no guarantee that it would do so. In any event, whilst all the development would have some degree of boundary screening from the start, the screening would never be as visually impermeable as the photographic visualisations might suggest, especially when the trees were in winter canopy.
- 8.22 Moreover, mere screening would do nothing to offset the removal of a large area of open, rural landscape but rather would accentuate its loss by imposing a virtually continuous visual impediment to views across the site. This would override any perceived enhancement by way of the proposed strengthening of and increase in the total extent of woodland in the area, coupled with intended enhancement of grassland and wetland habitats. [4.41, 5.21, 6.10, 7.29, 7.70]

Conclusion on Visual Impact and Landscape

- 8.23 There is no dispute that the development would cause adverse landscape and visual impact, even taking into account the extensive mitigation measures that would be secured by planning condition. Judged on all the written, oral and photographic evidence and direct inspection, the degree of harm to the landscape would be major adverse, only becoming major to moderate adverse after at least fifteen years.
- 8.24 The appeal proposals are accordingly in substantive conflict with the protective provisions of CS Policies CAS5.1-2, CP1.1 and CQL4 with respect to the landscape. This consideration carries significant weight in the planning balance.
- 8.25 There is natural tension between this conclusion and the draft proposal of the eLP to safeguard the very same land for similar development to that subject to this appeal. Crucially however, that proposal carries the very limited weight of an eLP under objection and still in the early stages of examination. Moreover, even if adopted without modification, the safeguarding merely contemplates such development well beyond the Plan period, and thus also beyond at least two periodic local plan reviews. The draft safeguarding therefore has minimal bearing on the present assessment of the effects of the development now at appeal. [4.42-43, 5.10, 5.19-20, 5.22]

Access and Highway Network

Accessibility and Deliverability

- 8.26 The appeal site is optimally located for warehousing and logistics development with direct, all-movements access onto the UK SRN via the A580 and M6 J23.

The site is strategically placed at the heart of the motorway network of the UK, and is unconstrained by infrastructure requirements, save for the current congestion levels at and on the approaches to M6 J23. [5.25, 6.20]

Off-site Improvements

- 8.27 It is undisputed that present levels of congestion at M6 J23 and its long-term operation are key issues for the Council and Highways England with respect to the SRN, duly highlighted in the M6 J23 Island Capacity Feasibility Study, as well as in the eLP. It is also accepted that any future comprehensive improvement to the capacity of M6 J23 will need to include the diversion of the A49 Lodge Lane away from the main M6-A580 intersection. [5.23, 5.27-28]
- 8.28 The proposed development would advance the works to divert the northern arm of the A49, valued at £11.9 million but delivered at no public cost. At the same time, off-site works would create improvements to the layout and capacity of M6 J23 as a whole. These improvements would marginally improve the overall Practical Reserve Capacity (PRC) of M6 J23, even with the proposed development in operation. More importantly, they would result in significant reductions in peak queue lengths and waiting times. In addition, there would be some improvement in safety due to reduced potential for pedestrian and cycle conflicts with vehicles and an easing of congestion on Haydock Park race days. [4.45-50, 5.27, 5.29-35, 6.12-13, 7.52-54]
- 8.29 The technical highways evidence of the Appellants is not challenged by the Council, save in respect of the preferred method of assessing traffic capacity benefits and the weight to be accorded improvements. The only detailed technical challenge comes in the written submissions of Wigan Council, not represented at the Inquiry but supported, also in writing, by the Mayor of Greater Manchester and orally by Culcheth and Glazebury and Croft Parish Councils. However, the reasoned response to these comments, provided in the written and oral evidence of the Appellants, is persuasive that all the criticisms made have been addressed or are unfounded or are based on misunderstanding. In the absence of any comparable criticism from the Council or any objection to the appeal from Highways England, the evidence of the Appellants is to be preferred. [5.37-42, 7.11-18, 7.23, 7.25-27]
- 8.30 Local residents, accustomed to commuting from north of the A580 via the A49 and M6 J23, understandably fear greater congestion at M6 J23 and view as an imposition the prospective longer diversion of the A49, via the Appeal site and a new signal junction on the A580 and thence back to M6 J23. The evidence is, however, that the diversion, although longer, would save time overall with the other improvements in place, even with the proposed development operational. Clearly, the A49 diversion would be in the wider public interest in this context. [6.22-29]

Sustainable Transport

- 8.31 The appeal site lies close to centres of population and a workforce resident within the 10% most deprived neighbourhoods in the UK. With the proposed improvements to cycle accessibility at the A580 frontage and especially the bespoke bus service secured by Obligation 2 of the Section 106 Agreement (*below*) the appeal site would enjoy an acceptable level of accessibility for employees from those deprived areas. [1.18, 2.6, 4.77, 5.43, 5.82]

Conclusions on Access and Highway Network

- 8.32 With the additional bespoke bus service, the site would be appropriately accessible overall for operators and employees and compliant with NPPF paragraph 103 in this respect. The prospective benefit of improved accessibility to employment from deprived areas carries a limited degree of weight in favour of the appeal. [3.8]
- 8.33 It is clear and undisputed that the proposed off-site highway works, as they affect M6 J23, are the minimum required in practice to accommodate the additional traffic that would be generated by the development. These include the diversion of the northern arm of the A49 via the site, serving both as its main access road and as the through route of the A49 north of the A580. [4.44, 4.51, 5.24]
- 8.34 Furthermore, the removal of the northern A49 node from M6 J23 and the traffic lane improvements to J23 itself would make a permanent contribution, in both substantial financial and practical operational terms, to the ultimate, long-sought, permanent, wider improvement to M6 J23. That is notwithstanding that a wider improvement currently remains aspirational and devoid of detailed design or funding. [4.52, 5.34]
- 8.35 There would be other benefits in terms of highway safety and reduced congestion.
- 8.36 Overall, the development would avoid severe highways impact in compliance with NPPF paragraph 109. [3.8]
- 8.37 The highway benefits of the appeal proposals carry a moderate degree of planning weight in their favour. [4.53, 5.34, 5.36]

Other Environmental Effects

Ecology and Biodiversity Net Gain

- 8.38 It is unchallenged common ground between the Appellants and the Council that the proposed development would achieve a 14% BNG, in excess of the minimum 10% stipulated in Obligation 7 of the Section 106 Agreement. The development would fully mitigate ecological impacts. This would be achieved directly by way of on-site grass and tree planting and new ditch habitat, save for disruption to farmland birds, for which off-site replacement habitat would be created. This would comprise a dedicated area for wintering lapwing or equivalent financial contribution as required by Obligation 3 of the Section 106 Agreement. Notwithstanding the misgivings of some interested parties, there is no objection from Natural England and no substantive evidence to contradict the agreed position. The excess BNG would amount to a small positive benefit of the development. [5.44-52, 6.17, 7.66-68]

Air Quality

- 8.39 Is common ground between the Appellants and the Council that, based on the submitted EIA, the majority of the St Helens administrative area has good air quality, except that the annual mean objective for nitrogen dioxide levels is not met close to major roads. However, there are no short-term exceedances. Overall, the impact of the development on local air quality would not be

significant with relevant mitigation, despite some increase in nitrogen dioxide and 10 micron particulate matter emissions.

- 8.40 Mitigation measures would include provision of electric car charging points and priority parking for hybrid and electric vehicles. There would also be a requirement that fleet vehicles operating out of the development would be electric or hybrid or Euro Class VI as a minimum. It is also agreed that construction dust impact could be controlled. All these measures would be brought about by the implementation of a Travel Plan and Construction Environment Management Plan (CEMP) secured by planning condition.
- 8.41 Accordingly, despite expressed local concerns, there is no clear evidence of conflict with CS Policy CP1 with respect to air quality.
[4.54, 5.53-56, 6.14, 6.16, 7.3-6, 7.28, 7.55-58, 7.64]

Noise and Other Aspects of Residential Amenity

- 8.42 Noise impact from the development at surrounding sensitive receptors would range from negligible to significant at Haydock Park Gardens and the Holiday Inn, with potential for harm to amenity due to noise from HGV trailer chillers on the site. However, it is clear from submitted technical evidence, that this could be mitigated by conditions requiring further noise assessments with future reserved matters applications, as well as restrictions on construction hours and the implementation of the CEMP, setting operational noise limits. Acoustic fencing is proposed at the site boundaries. Noise from the development would then not have a significant adverse impact on the amenity of the nearest residential properties or the Racecourse. In this respect, the proposal is compliant with CS Policy CP1 and any residual noise impact of the proposed development would not weigh decisively in the planning balance.
[4.55-56, 5.58-60, 7.19-21, 7.28, 7.32-35]
- 8.43 As to other aspects of residential amenity, local experience of the operation of the recent development at Florida Farm is that activity generated by logistics development causes disturbance to people living nearby. These concerns can be allayed by planning conditions requiring the provision of lorry parking and management with driver facilities on site. [4.57]

Agricultural Land

- 8.44 The development would result in the permanent loss of 22.8 hectares of Grade 3a agricultural land. However, this is the lowest category of BMVAL and Natural England has raised no objection. On the evidence available, the loss of agricultural land in this case, and any conflict with CS Policy CAS5 in this regard, does not weigh decisively in the planning balance in this case.
[4.58, 5.62-64]

Heritage

- 8.45 The proposed development would cover a significant part of the former Haydock Park medieval hunting ground, recognised as a non-designated heritage asset. This is of low heritage significance, given the limited extent to which the asset remains in situ and the degree to which it has been eroded by modern development. The appeal development would not have a significant impact on this asset and any conflict with CS Policy CP1 or CQL4 would be of a low order,

carrying very limited weight in the overall planning balance in terms of NPPF paragraph 197. [5.65-66]

- 8.46 Any as yet unknown archaeological remains under the site could be adequately protected by a programme of archaeological works secured by planning condition without conflict with UDP Policy ENV23 [5.67]

Employment Need and Supply

- 8.47 The regeneration imperative of the St Helens CS has strengthened since its adoption, with increasing levels of urban deprivation evident from recognised Indices. These show St Helens to have been the 26th most deprived local authority in 2019. CS Policy CE1.4 seeks to focus economic development on sites within or accessible from those most deprived areas. The Council does not regard the rural appeal site as meeting those locational criteria. That is even accepting that its cycling and bus accessibility could be improved, in particular by the bespoke service secured by the Section 106 Agreement. [4.59-61]
- 8.48 The Council does accept that the proposed development at Haydock Point would contribute to Borough regeneration, at a strategically attractive location. [4.62-63]
- 8.49 At the same time, the Council interprets the objectives of CS Policy CE1 as relating specifically to providing for employment land strictly to meet the requirement identified within the Borough, as distinct from any wider FEMA. On that basis, there is no current adopted policy support for the development of the appeal site. Nor is there any potential support for it in the eLP, wherein draft allocations would more than meet the employment land requirement derived from its evidence base. That requirement amounts to 219.2ha, increased from 37ha in the adopted CS of 2012. That figure is calculated from the recognised data sources of the ELNS and LCR SHELMA. It is evident that a supply, in excess of requirement, of some 265ha could be available, including some sites within the Green Belt but without the present appeal site at Haydock Point. [4.64, 4.66-68, 5.78]
- 8.50 The Appellants argue that employment need derived from the wider, sub regional Core M6 PMA should take precedence over local Borough requirements and that the appeal scheme should accordingly come forward now, in particular as it could accommodate the very large storage and distribution units in the shortest supply. The Council accepts that the Core M6 PMA sub regional demand of 28hapa represents an acute, short-term need, in particular for large logistics units over of 500,000sqft (46,470sqm) floorspace, but does not accept it as the basis for deciding this appeal [5.68-75, 5.79]
- 8.51 The Council has already recognised the pressing need for more land for larger-scale logistics development in supporting the previous Florida Farm development as well as the PP1 and PLR applications before this Panel and the SoS. However, even if all currently disputed sites were approved, the supply of sites suitable for large-scale logistics development in the sub region would only be in the order of 7 years. [5.76-77]
- 8.52 Both cases are persuasive from their respective standpoints. There is no dispute concerning the figures of need and supply. The difference for resolution in this appeal is the degree of weight to be accorded to the acute, short-term

employment land shortage as a material consideration in the ultimate planning balance.

Economic Benefits

8.53 It is plain, from the foregoing assessment of employment need and supply in St Helens, that the proposed development, if allowed on the overall balance of all planning considerations, would contribute substantially to the national policy imperative to promote and support a strong competitive economy. That would be particularly with regard to the need for storage and distribution facilities at a variety of scales, including the largest scale, in accessible locations.

8.54 This is further emphasised in supporting representations highlighting recent investment in and continuing growth of the Port of Liverpool to become the most central, and the 4th largest UK port. Also highlighted is projected investment in the Manchester Ship Canal and Port Salford, fuelling regional demand for new port-centric logistics development post Brexit. [4.75-76. 5.80-81. 7.43-46, 7.79-87]

Planning Obligations

8.55 The formally executed Section 106 Agreement establishes a series of effective and legally sound planning obligations upon the developer, properly related to the appeal land if the permission sought is granted. [1.18-19]

8.56 That is subject to the caveat, provided to the SoS by conditionality clause 2.4, to consider whether the obligations set out in the Deed are compliant with the statutory tests of CIL Regulation 122. Where the SoS expressly states in the Decision Letter that any one or more of the obligations do not carry any weight or do not comply with CIL Regulation 122, the obligations so specified shall not have effect and shall not be given by the Owner.

8.57 On the evidence provided however, including the Council CIL Compliance Statement and comments upon it by the Appellants and the conclusions reached above, it is clear that the seven obligations under Schedules 3.1-7 to the Agreement are necessary to make the development acceptable in planning terms. They are also directly, fairly and reasonably related in scale and kind to the development. These obligations provide for requisite off-site highway works to M6 J23, sustainable bus transport, a compensatory lapwing habitat creation scheme, local employment support, safeguarding of land for a future road link into the site from the A49, management of HGV delivery, routing and site operations and overall BNG by an enhancement and offset scheme. [5.82-84]

8.58 For these reasons the planning obligations of the Section 106 Agreement are compliant with the tests of CIL Regulation 122 and are thus material considerations in the planning balance. [3.2, 4.77, 5.82-84]

Planning Conditions

8.59 The Appellants and the Council provided a largely agreed schedule of planning conditions to be imposed if the SoS decides to grant planning permission. This forms the basis of Appendix 1 to this Report, subject to the following comments. [5.85, 4.78]

- 8.60 Apart from standard requirements for the submission of reserved matters (Conditions 1, 4), a phasing plan is required to ensure comprehensive development in line with the submitted Parameters Plan and to afford overall control of the development as proposed (2). For the same reason a further condition confirms the numerical Class B8 and B2 floorspace approved, providing appropriate control over the amount and effects of the development (7). A further condition also specifies the minimum size of buildings to ensure that the site is used to provide the large units that would be exceptionally justified (8). Conditions requiring the reserved matters applications to accord with the plans approved at this outline stage are also necessary for the avoidance of doubt and in the interests of proper planning (6, 12). The approved plans include the site location plan defining the site boundary and highways plans showing unreserved access details.
- 8.61 In the interests of appropriate development management, agreed pre-commencement conditions appropriately require the submission, as part of the reserved matters for each phase, of details site levels, external facing materials, a lighting strategy, a CEMP, a construction risk assessment, contaminated land remediation, landscaping, badger protection, drainage, highway access, cycleway and footway construction works and archaeological investigation (3, 5, 9, 10, 11, 14, 15, 20, 25, 26, 27, 29, 30, 32, 39).
- 8.62 With respect to securing construction details of the southbound diversion of the A49 via the site (31), the Council prefers a pre-commencement condition tying the route to the approved Masterplan with the road to be adopted as public highway. However, we consider that a condition requiring such details to be submitted as part of the first phase of reserved matters in accordance with the approved Parameters Plan would be sufficient. This would allow for a degree of flexibility in the precise line of the main road and the location of individual access points, given the approval is otherwise in outline. Any requirement for adoption is for separate highway legislation. [4.79, 5.86]
- 8.63 A condition to promote local employment is appropriate to comply with Policy CSS.1 on the local economy (13).
- 8.64 A suite of conditions secures the protection of trees, landscape, wildlife habitats and ecology in compliance with the approved scheme (16-19, 21-24).
- 8.65 A further suite of conditions ensures the essential completion of highway access works, motorbike, cycle and lorry parking provision, the provision of a Travel Plan and the appointment of a Travel Plan Co-ordinator; also bus stop provision and enhancements prior to the occupation of any building (28, 30, 33-38).
- 8.66 In the interests of amenity, conditions are required to limit air pollution and noise emissions from the site, including the provision of the approved acoustic barriers (40-48).
- 8.67 The agreed conditions encompass all of the controls advocated and accepted within the respective cases. All of these requirements are necessary and relevant to the development and to planning and are reasonable and enforceable, in terms of established national guidance for the use of conditions.

8.68 If the SoS decides to approve the application, we consider that planning permission should be made subject to those conditions, as set out in Appendix 1 to this Report.

Relationship to Other Employment Development Proposals

8.69 There are two aspects where, at the outset of the call-in of the several applications and recovery of this appeal now under consideration by this Panel, it might reasonably have been foreseen that there could have been some degree of interrelationship between the respective planning effects of the schemes, to be taken into account in their determination by the SoS. [1.2-5]

8.70 These aspects refer to broad needs for employment development in the North West and also to traffic generation on the SRN.

8.71 The evidence of need for employment land and of traffic generation demonstrates that no significant cross-boundary matters arise between the several planning authorities.

8.72 As previously reported separately in relation to the Inquiry into the Wingates proposal in Bolton, this is due to the substantial intervening distance between the Wingates site and the other schemes in St Helens and Wigan and different market focus. In the case of the Symmetry Park Scheme in Wigan, also as previously reported following a separate Inquiry, there is sufficient commercial demand in the M6 sub-region to accommodate the Symmetry Park development as well as those in St Helens, geared to demand in different areas. Within St Helens, whilst comparisons are made between the present appeal scheme at Haydock Point and PP1 at Newton-le-Willows, the two proposals fall for separate assessment on the individual balance of all planning considerations, albeit under similar evidence of employment need. No substantive case is advanced of direct competition between the two schemes in terms of planning need or land supply. [4.7-9, 5.77, 6.3, 7.39, 7.62, 7.64]

8.73 It follows that the Instant appeal may appropriately be determined independently by the SoS on the basis this Report alone. [1.6-7]

Overall Planning Balance and Conclusion

8.74 The proposed development would give rise to harm to the Green Belt by definition and also by significantly reducing its essential spatial and visual openness and by compromising the purposes of including land in the Green Belt. In particular, it would harm the purposes to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment. This harm to the Green Belt carries substantial weight.

8.75 The development would also cause harm to the landscape and visual amenity. This harm carries significant weight.

8.76 Accordingly, the proposed development would be in conflict with the development plan and the appeal should be dismissed, unless there are very special circumstances to justify it within the Green Belt.

8.77 The development would bring certain benefits to be weighed in the overall planning balance.

- 8.78 There would evidently be a calculated net improvement in the traffic capacity and performance of M6 J23. This would result from its enhancement by the off-site highway works required to accommodate traffic generated by the development once operational. At the same time it would bring forward, at no public cost, a permanent contribution to the necessary long-term improvement of J23. Allied to this would be an improvement to traffic flow and safety along the A580 and the A49. These benefits carry moderate weight.
- 8.79 There would also be some benefit in improved cycle accessibility and the proposed bespoke bus service improving access to employment from deprived areas, carrying a limited degree of weight.
- 8.80 There would evidently be a calculated 14% biodiversity net gain, in excess of the 10% requirement contemplated in draft legislation. This also carries a limited degree of weight in favour of the scheme.
- 8.81 More important and central to the planning balance is the degree of benefit that would arise from the early provision of a major logistics and business development, well-located beside M6 J23, as a key node of the SRN, a site that is capable of accommodating the very large storage units for which market need is greatest.
- 8.82 Although the eLP is under examination for soundness and carries little weight at the present time, its evidence base demonstrates that, although the policy requirement for employment land in the current development plan is out-of-date and inadequate, it is likely that the eLP will ultimately provide for sufficient employment land for the needs of St Helens Borough. That would be at least for the Plan period to 2035 without a need for the present appeal site to be allocated. The eLP would simply safeguard the appeal land for employment development well beyond 2035 and, it follows, beyond at least two reviews of the Plan meanwhile.
- 8.83 Notwithstanding the tension between the proposed safeguarding, on the one hand, and the opposition of the Council to this proposal, on the other, the draft safeguarding clearly carries minimal weight in connection with this appeal. The fact that there is evident likelihood of a sufficient supply of employment land, excluding the appeal site, is the more cogent consideration in the present case.
- 8.84 Accordingly, on the evidence of the Council, based upon the employment needs of St Helens Borough alone, there is no overriding need for the appeal site to provide employment and the identified benefits of the development do not outweigh the substantial harm to the Green Belt and the landscape. Therefore, from the Borough standpoint, the proposal would be in conflict with the development plan, as a whole, and the appeal should be dismissed.
- 8.85 However, it is imperative also to take into account, as is agreed between the Appellants and the Council, that there exists an immediate, acute shortage of land for large-scale logistics employment in the sub regional Primary Market Area of St Helens, Wigan and Warrington, within the M6 corridor. This amounts to another strong, material consideration in favour of the appeal development that might indicate that the appeal should be allowed under Section 38(6) of the PCPA.

- 8.86 Ultimately, the outcome of this appeal depends on whether this immediate acute need is judged sufficient, with the other identified benefits of the development, to outweigh the substantial harms to the Green Belt and the Landscape.
- 8.87 In this respect, concluding on every aspect of the appeal, the case becomes finely balanced. It follows that, in terms of NPPF paragraph 144, the substantial weight carried by the potential harm to the Green Belt and the other identified harms might be together outweighed, but are not clearly outweighed, by the other considerations.
- 8.88 On that basis, the requisite very special circumstances to justify the development in the Green Belt do not exist. The proposal is accordingly contrary to the development plan as a whole and the appeal should be dismissed, as recommended below.
- 8.89 If, in the alternative, the SoS were to reach the judgement that the considerations in favour of the development would clearly outweigh the harms, very special circumstances would exist. The development would then accord with the up-to-date development plan and the proposal should be allowed without delay, under NPPF paragraph 11(c), subject to the conditions recommended without prejudice, as set out at Appendix 1 to this Report.

Recommendation

- 8.90 It is recommended that the appeal be dismissed.

Brian J Sims
Inspector

Dominic M Young
Inspector

APPENDIX 1
PLANNING CONDITIONS
Recommended to be Imposed
if the Secretary of State Grants Planning Permission

General Conditions

1. All reserved matters applications must be made within three years of the date of this decision notice and development must be commenced before the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. As part of the first reserved matters application, a Phasing Plan shall be submitted to and agreed in writing with the local planning authority. The Phasing Plan shall identify the general phased delivery of the development as approved including identifying which parts of shared infrastructure and structural landscape shall be delivered alongside each phase. The development shall be implemented in accordance with the agreed Phasing Plan.
3. Precise details of proposed site levels for each phase of the development shall be submitted to and agreed with the local planning authority as part of the first reserved matters application for that phase. The development shall be implemented in accordance with those details.
4. No development shall take place on any phase until details of the following reserved matters relevant to that phase have been submitted to and approved in writing by the Council as Local Planning Authority: (i) appearance, (ii) landscaping, (iii) scale and (iv) layout. The development shall be carried out in accordance with the reserved matters as approved.
5. Reserved matters applications for layout, scale and appearance shall include full details of facing materials for that phase. The proposed facing materials shall be selected to minimise the visual prominence of the main buildings and their effectiveness in this regard shall be demonstrated through a written justification and a series of photomontages. The development shall be implemented in accordance with these details.
6. The alignment of the main estate road shall be in accordance with drawing 30926-FE-008A6 Parameters Plan.
7. The development hereby approved permits a total of up to 167,225 square metres of employment floor space within use classes B8 and B2. Up to 20% of the floor space will be provided for occupation within class B2 only as per Environmental Statement Addendum 2 Volume 2 Main Report May 2020 paragraph 3.13.
8. The gross external floor area of any main building used for B2 or B8 uses shall not be less than 22,298 square metres.

9. Reserved matters applications shall include a lighting strategy for the phase to which it relates, which shall include details of light columns, lighting specifications, a light spillage plan showing the LUX levels in relation to the closest nearby properties/highways and details of baffles. The lighting scheme shall be designed to maintain the amenity of neighbouring residents, ensure highway safety and protect ecology, including bats, by preventing excessive light spill onto sensitive habitats. There should be reference to the document '*Bats and Lighting in the UK, Bats and the Built Environment Series, Bat Conservation Trust and Institute for Lighting Engineers*'. The development shall be implemented in accordance with the agreed details.
10. No development shall take place on any phase of the development until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and agreed in writing with the local planning authority and based on the principles of the Outline Draft CEMP appended to the Planning Statement Addendum (December 2017). The CEMP should address and propose measures to minimise the main construction effects of the development and amongst other things, should include details of ecological mitigation, construction and demolition waste management, pollution prevention and soil resource management. It shall include but not be limited to:
- Details of phasing;
 - A dust management plan which includes details of the proposed dust monitoring programme, both before and during construction, with proposed locations and duration of monitoring;
 - Details of how retained habitats within and adjacent the site will be protected during construction, including the central watercourse and its banks;
 - Reasonable avoidance measures (RAMs) for protected and notable species;
 - Pollution prevention control measures including the measures stated in section 14.93 of the Environmental Statement Volume 2 (March 2017);
 - Soil resource management;
 - Site waste management;
 - Construction traffic routes;
 - The location and numbers of parking spaces for contractors;
 - Temporary roads/areas of hard standing;
 - A schedule for large vehicles delivering/exporting materials to and from site;
 - A scheme of street sweeping/street cleansing;
 - Details of lighting which is designed to minimise impacts on the surrounding highway network, residential amenity and ecology;
 - A surface water management plan, including a drainage management plan ;
 - Contact details of the principal contractor;
 - Confirmation that the principles of Best Practicable Means for the control of noise and vibration will be employed, as defined within the Control of Pollution Act 1975;
 - Confirmation that the good practice noise mitigation measures detailed within BS5228-1: 2009+A1:2014 shall be employed; and
 - Confirmation of inclusion of noise mitigation measures detailed within paragraph 12.153 of the Environmental Statement Volume 2: Main Text (March 2017) and paragraph A12.55 of the Environmental Assessment Addendum Volume 2 – Main Report (December 2017).

The development shall be carried out in accordance with the agreed CEMP.

11. No development shall take place on any phase until a construction risk assessment method statement (RAMS) for construction of the proposed development for that phase has been submitted to and approved by the Council as local planning authority. The statement shall outline the potential impacts from all construction activities, including vibration, on water infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to this infrastructure both during and after construction. The development shall be undertaken in accordance with the approved RAMS.
12. Reserved Matters applications shall be in accordance with the following plans:
 - Site Location Plan ref: 30926-FE-001
 - 30926-FE-008A6Parameters Plan
 - 30926-FE-027U Green Infrastructure Mitigation Plan
 - VN60647/P-08 Rev A Proposed A580 highway improvements NMU proposals
 - VN60647/PL-001 Rev A Proposed development access off A49 Lodge Lane
 - VN60647/PL-002 Rev B Proposed A580 Highway Improvements: Development Access

Local Employment

13. No development shall take place on any phase until a scheme to promote the use of local suppliers of goods and services during the construction of that phase has been submitted to and agreed in writing with the Council local planning authority. The development shall be implemented in accordance with the agreed scheme.

Ground Conditions

14.
 - i No development shall take place until a scope of works for a Phase Two Ground Conditions Site Investigation to include analysis and risk assessment methodologies has been submitted to and agreed by the Council prior to any site investigations being carried out.
 - ii The Phase 2 Site Investigation shall be carried out in accordance with the approved scope and findings of the assessment submitted to and approved by the Council prior to the commencement of development.
 - iii Should the Phase 2 investigation identify any requirements for remediation then a remedial strategy, including a validation methodology, shall be submitted to and approved by the Council as part of the submission made pursuant to 14ii..
 - iv The scope of works and the Phase 2 investigation shall be completed by a competent person in accordance with government and Environment Agency guidance, namely "Land Contamination: Risk Management" (<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>).

15. No unit within any phase of development shall be occupied until the agreed remedial strategy (if required by the information submitted under Condition 14) has been implemented and a site validation/completion report for that phase has been submitted to and approved in writing with the Council.

For the avoidance of doubt, the site validation/completion report shall include, but will not necessarily be limited to; i) full details of all remediation works undertaken; ii) validation (in accordance with the validation methodology detailed within the agreed remedial strategy) of the adequacy of the remediation; iii) sampling, testing and assessment of the suitability of any imported or site won soils; iv) the fate of any excavated material removed from site. The site validation/ completion report(s) shall be completed by a competent person in accordance with government and Environment Agency guidance, namely "Land Contamination: Risk Management" (<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>).

Landscape and Ecology

16. All works carried out to existing trees affected by the development must be undertaken to British Standard: BS3998 (2010).
17. No grassland clearance or tree or hedgerow felling, lopping or pruning shall take place from 1st March to 31st August inclusive, unless a survey for breeding birds has been undertaken and the results, together with a scheme of mitigation and protection measures has been submitted to and approved in writing by the Council. Should grassland clearance, tree or hedgerow felling take place between the dates stated above, the agreed mitigation and protection measures shall be implemented in full and retained through the duration of the relevant works.
18. No development shall take place within any phase until details of the temporary measures to provide physical protection of all trees, hedges and shrubs proposed to be retained have been submitted to and agreed in writing with the local planning authority in relation to that phase. These details must specify tree protection measures which will be put in place to not only protect the existing retained trees, hedges and woodlands but also any new tree planting and landscaping delivered as part of any development on site. All tree protection measures must be to at least BS 5837 (2012) standard. Arboricultural Method Statements must also be included wherever it is not possible to comply with BS5837 (2012) by the use of temporary protection measures alone and particularly where there are impacts to root protection areas and ground protection or special no dig surfacing is required. All protection measures must be in place prior to any demolition or development taking place on any phase and all measures described by a method statement must be implemented in full and at the appropriate time. The provision of any exclusion zones defined within the tree protection detail shall be kept free of machinery, stored materials of all kinds and any form of ground disturbance not specifically catered for in the agreed measures, for the duration of all site and building works (including works that may be carried out within the any adjacent area of the site).

19. No development shall take place within any phase until a scheme of arboricultural supervision in relation to that phase has been submitted to and agreed in writing with the Council. The arboricultural supervision scheme shall aim to ensure that all tree work and tree protection measures, including, any special measures that are detailed within an Arboricultural Method Statement that is approved under Condition 18, are both delivered and maintained in accordance with the agreed details. The scheme shall include the level of supervision, reporting mechanisms to the Council and frequency of site visits and reporting, as well as provision for a meeting on site prior to works taking place on site between the, developer, developer's relevant contractors and arboricultural consultant as well as the local planning authority.
20. Reserved matters applications for each phase of development must include fully specified landscape plans for that phase which must be in accordance with the Green Infrastructure Mitigation Plan ref: 30926-FE-027U and where appropriate:-
- Be in accordance with the species recommendations and principles in paragraph 8.142 of the Environmental Statement Volume 2 (March 2017) and paragraph A8.149 of the Environmental Assessment Addendum Volume 2 (December 2017).
 - The development shall be implemented in accordance with the landscape plans approved as part of reserved matters applications and any trees, shrubs and plants and meadow areas planted / sown, which within a period of 5 years from the date of planting / sowing die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size, species and quality unless the Local Planning Authority gives written consent to the variation.
21. No development shall take place within any phase until a detailed landscape and habitat management plan based on the information set out in Appendix 8.7 of the Environmental Statement Volume 4 (March 2017) for that phase has been submitted to and approved in writing by the Council as Local Planning Authority. The plan shall include but not be limited to the followings:
- Details of long-term management over a minimum period of 30 years;
 - Habitat creation methodologies;
 - Planting schedule and species lists; and
 - Details of the management company responsible for the works, including maintenance.
22. No development shall take place until a scheme for the provision and management of an 8 metre wide buffer zone alongside the central watercourse has been submitted to and agreed in writing by the Council as local planning authority. The development shall be carried out in accordance with the approved scheme. The buffer zone scheme shall be free from built development. The scheme shall include:
- Plans showing the extent and layout of the buffer zone;
 - Details of any proposed planting scheme (for example, native species);
 - Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including

- adequate financial provision and named body responsible for management plus production of detailed management plan; and
- Details of any proposed footpaths, fencing, lighting.
23. The water vole mitigation measures shall be carried out in accordance with the strategy set out in Appendix A8.6 Water Vole Mitigation Strategy (TEP Ltd, 25th October 2017, 5843.010 version 3). Details of the management of the central watercourse during the operational phase including measures to ensure that the movement of water vole along the ditch is not impeded shall be included in the full landscape and habitat management plan required by condition 21.
24. The measures outlined in the Common Toad Mitigation Strategy (TEP Ltd, April 2018, 5843.0108 version 1) shall be implemented in accordance with the Strategy and retained thereafter.
25. No development shall take place on any phase of the development until the results of a pre-commencement inspection for badgers across the site have been submitted to and approved in writing by the Council as local planning authority. Such inspection shall identify the requirement for any specific mitigation measures to protect badgers prior to commencement of the first phase of development. The development shall be carried out and the required mitigation measures implemented in accordance with the approved details.

The presence of badgers shall be reassessed prior to the commencement of construction for each subsequent phase of the development, along with any further mitigation measures required to be taken. The results of the inspection shall be submitted to and agreed in writing with the Council as local planning authority.

Water Environment

26. Foul and surface water shall be drained on separate systems.
27. No development shall take place within any phase until a surface water drainage scheme that includes a management and maintenance plan for that phase has been submitted to and agreed in writing with the Council. The scheme shall be broadly based upon the principles set out in the preliminary drainage strategy (Environmental Statement Volume 4: Appendix 14.1 Section 7 (March 2017) and Environmental Assessment Addendum Volume 3: Appendix A14.1 Section 7 (December 2017)). The agreed scheme shall be implemented before the first use of any building hereby permitted in that phase and managed/maintained as agreed thereafter.

Highways

28. No part of the development shall be occupied until the following highway improvement works have been implemented:
- The closure of the A49 southbound approach to M6 Junction 23 as illustrated on Vectos Drawing VN60647/P-09 Revision H

- The provision of the A580 eastbound carriageway widening scheme on approach to and through Junction 23 as illustrated on Vectos Drawing VN60647/P-09 Revision H
- The provision of the A580 westbound carriageway widening scheme on approach to, through and departing from Junction 23 as illustrated in Vectos Drawing VN60647/P-09 Revision H

29 No development shall take place, except for site clearance and remediation, until the full design and construction details of the required highway improvements to the M6 Junction 23 with the A580 and A49 as shown in outline on Vectos drawing number VN60647/P-09 revision H have been submitted to and approved in writing by the Council as local planning authority. The details to be submitted shall include:

- Final details of how the scheme interfaces with the existing highway alignment;
- Final traffic signal operating parameters;
- Full signing and carriageway marking details;
- Full construction details;
- Confirmation of compliance with current departmental standards (as set out in the Design Manual for Roads and Bridges) and policies (or approved relaxations/departures from standards); and
- An independent Stage 2 Road Safety Audit carried out in accordance with current departmental standards and current advice notes.

No part of the development shall be occupied until the agreed details have been implemented, including the satisfactory completion of a Stage 3 road safety audit.

30 The first reserved matters application shall include a scheme for the design of the site accesses off the A580 and A49. The accesses shall be designed in accordance with the principles set out in the approved drawings, as follows:

- A49 site access as illustrated on Vectos Drawing VN60647/PL-001 Revision A (December 2019)
- A580 site access as illustrated on Vectos Drawing VN60647/PL-002 Revision B (dated December 2019)

The first reserved matters submission shall include a programme for the completion of the site accesses for approval. The approved site accesses shall subsequently be constructed to surfacing level and completed prior to the closure of the A49 southbound approach to Junction 23 and prior to first occupation. The accesses shall be kept available for use at all times.

31 The first reserved matters application shall include the route and design of the A49 link road through the site and incorporating the closure of the southbound approach to Junction 23 in accordance with the details shown on Parameter Plan reference 30926-FE-008A6 and plan reference VN60647/P-09 Rev H for the Council's approval.

The approved scheme for the diversion of the A49 shall subsequently be constructed to surfacing level and completed prior to the closure of the A49

southbound approach to Junction 23 and prior to first occupation. The A49 link road shall be kept available for use at all times.

- 32 No development shall take place, except site clearance and remediation, until a scheme for the design of the following highway improvement works has been submitted to, and approved in writing by, the Council as Local Planning Authority:

- Construction of a shared-use footway/cycleway along the northern side of the A580 carriageway between the eastern side of the A49 arm at M6 Junction 23 to the proposed A580 site access junction as illustrated in Vectos Drawing VN60647/P-08 Revision A (May 2017) and VN60647/PL-002 Revision B (December 2019).

The approved scheme shall subsequently be implemented prior to first occupation of any unit of the development.

- 33 Each reserved Matters applications shall include precise details of car, motorbike and cycle parking for that phase either in accordance with the Council's adopted standards.

The details shall include the provision of 1no priority parking space for hybrid and electric vehicles with an electric charging point for every 2000m² of commercial floor space.

No building proposed in any phase of development shall be brought into use until the agreed parking provision associated with that building has been provided and is available for use, including that the parking areas have been surfaced, drained and permanently marked out or demarcated in accordance with the details agreed. The parking and servicing areas shall be retained as such thereafter and shall not be used in a manner that would prevent the parking of vehicles.

- 34 The development shall not be occupied until a site wide Travel Plan Coordinator has been appointed by the developer. The Travel Plan Coordinator shall be responsible for the implementation, delivery, monitoring and promotion of each of the site specific sustainable transport initiatives. The site wide Travel Plan Coordinator will be responsible for overseeing a Travel Plan steering Group which will include a representative from each occupier of the development. The Steering Group will also have overall responsibility for the development and management of a Sustainable Bus Scheme serving the site. The details (name, address, telephone number and email address) of the Travel Plan Coordinator shall be notified to the Council as Local Planning Authority upon appointment and immediately upon any change.

- 35 No individual building shall be occupied until a phase-specific Travel Plan for the phase in which that building is operated has been submitted to and approved in writing by the Council as local planning authority. The Travel Plan(s) will be prepared in accordance with the principles set out in the approved Framework Travel Plan document to ensure consistency of approach. The Travel Plan(s) shall include immediate, continuing and long-term measures to promote and

encourage alternative modes of transport to the single occupancy car. For the avoidance of doubt, each Travel Plan shall include to the following:

- Contact details of the site wide Travel Plan Coordinator
- Contact details of the Travel Plan Steering Group representative for the occupier
- Operational details of a shuttle bus service;
- Involvement of employees;
- Information on existing transport policies, services and facilities, travel behaviour and attitudes;
- Updated information on access by all modes of transport;
- Resource allocation including Travel Plan Coordinator and budget;
- A parking management strategy;
- A marketing and communications strategy;
- An action plan including a timetable for the implementation of each such element of the above; and
- Mechanisms for monitoring, reviewing and implementing the travel plan including details of how the Travel Plan Steering Group will operate.

The approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied and in use.

An annual report shall be submitted to the Council no later than 1 month following the anniversary of the first occupation of the development for a period of 5 years. The annual report shall include a review of the travel plan measures, monitoring data and an updated action plan.

- 36 A scheme for the enhancement of 2 existing bus stops adjacent to the site access on Lodge Lane shall be submitted to and agreed in writing with the Council as local planning authority prior to the commencement of development. The enhancement scheme shall include access kerbs, shelters, new bus stop information and signage and road markings. No unit of the development shall be occupied until the agreed works have been implemented.
- 37 Prior to first use any building on the site, a scheme for the provision of no less than three sets of bus stop pairs to be sited within the development shall be submitted to and agreed in writing by the Council as local planning authority. The bus stops shall be provided in accordance with a bus stop delivery phasing plan that shall be included in the submission and retained as such thereafter.
- 38 Each reserved matters application shall include details of lorry parking provision and facilities and evidence to demonstrate that the level of provision is adequate for that phase of the development. The development shall be implemented in accordance with the agreed details and those areas shall be retained as such thereafter.

Archaeology

- 39 No development shall take place within any phase until a written scheme of archaeological investigation for that phase has been submitted to and agreed in writing by the Council as local planning authority. The scheme shall include

geophysical surveys and targeted archaeological investigations if shown to be necessary, as set out in table 15.1 of the Environmental Statement Addendum 2: Volume 2 (May 2020). The Written Scheme of Investigation shall be carried out as approved.

Noise

- 40 Construction works shall not take place outside of the following:
- Monday to Friday 08:00 – 18:00 hrs;
 - Saturday 08:00 – 13:00 hrs; and
 - Not at all on Sundays or Public/Bank Holidays
41. No temporary power plant shall be used outside the permitted hours of construction unless the details have been submitted to an approved in writing by the Council as local planning authority, prior to its use on site. Any such plant shall only be operated in accordance with the approved details.
42. As part of any reserved matters application an updated noise assessment shall be submitted to and approved in writing by the local planning authority which specifies the provisions to be made for the control of noise emanating from fixed and non-fixed plant and activities at the site.

The following noise levels shall be met after implementation of the scheme:

For fixed plant, the rating level of noise emitted from the site, measured at the closest boundary of the nearest residential dwellings shall be no higher than the existing background sound level. Measurement and assessment shall be made according to British Standard BS 4142:2014 + A1:2019.

The assessment shall be carried out by a suitably qualified acoustic consultant/engineer and can be done so by calculation or measurement.

All works that form part of the scheme shall be implemented in full in accordance with the scheme as agreed.

- 43 No additional external plant or equipment or any additional openings are to be formed in the elevations or roof of the buildings hereby permitted which directly ventilate the building or which discharge from any internal plant or equipment.
- 44 No part of the development shall be occupied until full details of the acoustic barriers/bunds identified on 30926-FE-008A6 Parameters Plan have been submitted and approved in writing with the Council as the local planning authority. The development shall be carried out in accordance with the approved details.

Any timber/acoustic fencing used in the boundary treatment shall be treated to give a minimum design service life of 15 years in accordance with the requirements for fencing timber in BS5589.

- 45 Prior to occupation of any building, an operational noise management strategy must be submitted to the Council as local planning authority for approval. The approved strategy shall be implemented and retained as such thereafter.
46. Within three months of the occupation of each phase of development, a verification assessment report which demonstrates that sound levels from fixed plant at the development comply with the requirements of Condition 42 shall be submitted to the Council as local planning authority. Should the report reveal sound levels in excess of the requirements of Condition 42, a scheme of additional mitigation, including a timetable for implementation, shall be submitted to and agreed with the Council as local planning authority. Any additional mitigation shall be installed in accordance with the timetable for implementation.

Air Quality

- 47 The measures set out in the Environmental Statement Volume 2 Table 11.22 (March 2017) shall be implemented and remain in place for the duration of the construction phase.
- 48 Following occupation of each phase of the development, fleet vehicles owned by the unit occupiers and which operate out of the development shall be Electric/Hybrid or Euro class VI as a minimum.

End of Schedule

APPENDIX 2 - APPEARANCES

FOR ST HELENS BOROUGH COUNCIL – LOCAL PLANNING AUTHORITY

Giles Cannock of Queens Counsel
and
Mark Howells of Counsel

They called:

Anthony Meulman MRegDev	Associate Director, BE Group
Edward Mellor CEng MICE MIGHT	Divisional Director, Mott Macdonald
Xanthe Quayle BSc (Hons) DipLA CMLI	Xanthe Quayle Landscape Architects
Alyn Nicholls BA (Hons) MRTPI	Planning Consultant
Mark Fisher Solicitor	St Helens Borough Council
Melanie Hale BSc (Hons) MA MCD MRTPI	St Helens Borough Council

FOR PEEL INVESTMETNS (NORTH) LIMITED – APPELLANTS

Paul Tucker of Queens Counsel
and
Phillip Robson of Counsel

They called:

Rory Brooke BSc MSc MRTPI	Director, Savills Economics
Chris Hargreaves BEng (Hons) MSc DIC	Managing Director, Vectos
Rebecca Knight BSc (Hons) DipLA MA CMLI	Director Landscape Planning, LUC
Andrew Bickerdike BA (Hons) MSc MRTPI	Planning Director, Turley
Richard Lloyd Solicitor	Eversheds-Sutherland

Francis Hesketh
BSc (Hons) CEnv MCIEEM
CMLI MICF

TEP Environment Partnership

Mike Brownstone
BEng MIOA

Resound Acoustics

Lesley Goodall
IAQM CIEH

Director, Miller Goodall Env Consultants

INTERESTED PERSONS

Mr Peter Black
MRTPI MAA

Culcheth and Glazebury and Croft Parish Councils

Mr Andrew Shaw

Local Resident

APPENDIX 3

PLANS AND INQUIRY DOCUMENTS

Document References are as displayed and available electronically via the St Helens Council website.

Plans for Determination (also CD 28.1 below)

- Plan 1 – Parameters Plan ref: 30926-FE-008A6
- Plan 2 – Green Infrastructure Mitigation Plan ref: 30926-FE-027U
- Plan 3 – Proposed A580 highway improvements NMU proposals ref: VN60647/P-08 Rev A
- Plan 4 – Proposed development access off A49 Lodge Lane ref: VN60647/PL-001 Rev A
- Plan 5 – Proposed A580 Highway Improvements: Development Access ref: VN60647/PL-002 Rev B
- Plan 6 – M6 Junction 23 Proposed Highway Improvements ref: VN60647/P-09 Rev H
- Plan 7 – Site Location Plan ref: 30926-FE-001
- Plan 8 – Illustrative Masterplan ref: 30926-FE-042U

General

1. National Planning Policy Documents

CD 1.1 National Planning Policy Framework (2019)

2. Development Plan Documents

CD 2.1 St Helens Unitary Development Plan (1998)

CD 2.2 St Helens Core Strategy (2012)

CD 2.3 Joint Merseyside and Halton Waste Local Plan (2013)

CD 2.4 Draft GMSF (October 2020)

CD 2.5 St Helens UDP (1998) Saved Policies (as 2.1)

CD 2.6 The St Helens Local Plan policies CAS 3.2 and CP1 - Environmental Quality PPS

CD 2.7 Warrington Local Plan Core Strategy (Adopted July 2014)

CD 2.8 Warrington Local Plan Policies Map (2014)

CD 2.9 Warrington Proposed Submission Version Local Plan (2019)

CD 2.10 St Helens Core Strategy Inspector's Report (2012)

CD 2.11 North West of England Regional Spatial Strategy to 2021 (2008)

3. SPD/Guidance/Other Planning Documents

CD 3.1 St Helens Biodiversity SPD (2011)

- CD 3.2 St Helens Ensuring a Choice of Travel SPD (2010)
- CD 3.3 St Helens Local Economy SPD (2013)
- CD 3.4 St Helens Design Guidance SPD (September 2007)
- CD 3.5 St Helens Local Plan Green Belt Review 2016-2018
- CD 3.5A Extract 033 St Helens Green Belt Review 2018
- CD 3.6 Planning Practice Guidance: Design Process and Tools (1st October 2019)
- CD 3.7 Planning Practice Guidance: Natural Environment (21st July 2019)
- CD 3.8 Planning Practice Guidance: Open space, sports and recreation facilities, public rights of way and local green space (6th March 2014)
- CD 3.9 Planning Practice Guidance: Historic Environment
- CD 3.10 National Policy Statement for National Networks (December 2014)
- CD 3.11 Warrington Supplementary Planning Document: Design and Construction (February 2016)
- CD 3.12 Warrington Supplementary Planning Document: Environmental Protection (May 2013)
- CD 3.13 Warrington Supplementary Planning Document: Planning Obligations (January 2017)
- CD 3.14 Warrington Green Belt Assessment (October 2016)
- CD 3.15 Warrington Landscape Character Assessment (2007)
- CD 3.16 SoS Decision Land at Barleycastle Lane, Appleton Thorn, Warrington Appeal Ref: APP/M0655/W/19/3222603 & APP/M/0655/V/20/3253083 together with Location Plan
- CD 3.17 St Helens Council Sustainability Appraisal (2019)
- CD 3.18 St Helens Submission Draft Local Plan (2020-2035) (2019)
- CD 3.19 St Helens Submission Draft Local Plan (c) Consultation Statement
- CD 3.20 Planning Practice Guidance: Green Belt
- CD 3.21 St Helens Submission Draft Local Plan (2020-2035) Schedule of Changes (October 2020)
- CD 3.22 St Helens Local Plan (2020-2035) Preferred Options Written Statement
- CD 3.23 St Helens Local Plan (2020-2035) Preferred Options Proposals Map

Landscape

- CD 4.134 St Helens Landscape Character Assessment

Job Creation

- CD 13.41 Parkside Phase 1 Employment Impact Note

Haydock Point Inquiry

15. Application Submission Documents – March 2017

CD 15.1 Application Forms and Certificates

CD 15.2 Application Cover Letter, prepared by Turley (10 March 2017)

CD 15.3 Further Information Submission Cover Letter (21 March 2017)

Application Documents and Reports

CD 15.4 Planning Statement, prepared by Turley (March 2017)

CD 15.5 Design and Access Statement, prepared by Parkinson Inc (Revision 00, March 2017)

CD 15.6 Economic Statement, prepared by Turley (March 2017)

CD 15.7 Statement of Community Engagement, prepared by Turley (March 2017)

CD 15.8 Sustainability and Energy Statement, prepared by Turley (March 2017)

CD 15.9 Alternative Sites Assessment, prepared by Turley (March 2017)

CD 15.10 Agricultural Land Classification and Soil Resources, prepared by Reading Agricultural Consultants Ltd

Application Plans and Drawings

CD 15.11 Site Location Plan (drawing ref: 30926-FE-001)

Environmental Statement

CD 15.25 Environmental Impact Assessment Scoping Opinion Request: Scoping Report (November 2016), prepared by Turley

CD 15.26 Environmental Statement Volume 1: Non-Technical Summary (March 2017)

CD 15.27 Environmental Statement Volume 2: Main Text (January 2017), prepared by various

Environmental Statement Volume 3a: Figures

CD 15.28 Figure 10.1 – Site Location and Study Area Figure

CD 15.29 10.2 – Planning Context

CD 15.30 Figure 10.3 – Landscape Character Areas

CD 15.31 Figure 10.4 – Site Appraisal

CD 15.32 Figure 10.5 – Photographic Viewpoint Locations

CD 15.33 Figure 10.6 – Visual Receptors

CD 15.34 Figure 10.7 – Viewpoints (1-7)

CD 15.35 Figure 10.8.1 – Verified Photomontage Haydock Racecourse Viewpoint 01

CD 15.36 Figure 10.8.2 – Verified Photomontage Haydock Racecourse Viewpoint 02

CD 15.37 Figure 10.8.3 – Verified Wireframe LVIA Viewpoint 01

CD 15.38 Figure 10.8.4 – Verified Photomontage LVIA Viewpoint 04

CD 15.39 Figure 10.8.5 – Verified Wireframe LVIA Viewpoint 05

CD 15.40 Figure 10.8.6 – Verified Wireframe LVIA Viewpoint 06

CD 15.41 Figure 10.8.7 – Verified Wireframe LVIA Viewpoint 06 (cont.)

CD 15.42 Figure 10.8.8 – Verified Photomontage LVIA Viewpoint 10

CD 15.43 Figure 10.8.9 – Verified Photomontage LVIA Viewpoint 11

Environmental Statement Volume 3b: Other Assessment Figures

CD 15.44 Figure 3.1 – Parameter Plans

CD 15.45 Figure 3.2 – Illustrative Plans

CD 15.46 Figure 4.1 – Parameters – Initial Proposals (9 November 2016)

CD 15.47 Figure 4.2 – Parameters – Initial Proposals (23 November 2016)

CD 15.48 Figure 4.3 – Parameters Plan (23 November 2016)

CD 15.49 Figure 4.4 – Parameter Plans (15 February 2017)

CD 15.50 Figure 8.1 – Site Location Plan

CD 15.51 Figure 8.2 – Phase 1 Habitat Survey

CD 15.52 Figure 8.3 – Pond Location Plan

CD 15.53 Figure 8.4 – Ground Based Bat Assessment

CD 15.54 Figure 8.5 – Bat Activity Transect – June 2016

CD 15.55 Figure 8.6 – Bat Activity Transect – July 2016

CD 15.56 Figure 8.7 – Bat Activity Transect – August 2016

CD 15.57 Figure 8.8 – Ornithological Assessment

CD 15.58 Figure 8.9 – Water Vole Survey

CD 15.59 Figure 11.1 – Study Area for Construction

CD 15.60 Figure 11.2 – Study Area for Operational Traffic

CD 15.61 Figure 11.3 – Receptor Locations

CD 15.62 Figure 11.4 – AQMA Location

CD 15.63 Figure 11.5 – Local Authority Monitoring

CD 15.64 Figure 11.6 – Grid Squares

CD 15.65 Figure 11.7 – Baseline 2017 'without development' NO₂ contour

CD 15.66 Figure 11.8 – Baseline 2022 'without development' NO₂ contour

CD 15.67 Figure 11.9 – Baseline 2017 'with development' construction traffic NO₂ contour

CD 15.68 Figure 11.10 – Baseline 2022 'with development' NO₂ contour

CD 15.69 Figure 12.1 – Noise Monitoring Locations

CD 15.70 Figure 12.2 – Construction Noise Assessments

CD 15.71 Figure 12.3 – Operational Noise Assessment Locations

Environmental Statement Volume 4: Technical Appendices

CD 15.72 Appendix 5.1 – Review of Scoping Comments

CD 15.73 Appendix 5.2 – Cumulative Assessment Correspondence

CD 15.74 Appendix 7.1 – Transport Assessment

CD 15.75 Appendix 8.1 – Desk Based Research

CD 15.76 Appendix 8.2 – Habitats and Flora

CD 15.77 Appendix 8.3 – Bats

CD 15.78 Appendix 8.4 – Birds

CD 15.79 Appendix 8.5 – Great Crested Newts

CD 15.80 Appendix 8.6 – Water Vole Mitigation Measures

CD 15.81 Appendix 8.7 – Landscape and Habitat Management Plan

CD 15.82 Appendix 8.8 – Winter Bird Report

CD 15.83 Appendix 9.1 – Historic Environment Desk-Based Assessment

CD 15.84 Appendix 9.1 Figure 1 – Location of Known Heritage Assets

CD 15.85 Appendix 9.1 Figure 2 – Location of Known Heritage Assets – Haydock

CD 15.86 Appendix 9.1 Figure 3 – OS County Series 1849

CD 15.87 Appendix 9.1 Figure 4 – OS County Series 1908-1909

CD 15.88 Appendix 9.1 Figure 5 – OS Plan 1993-1995

CD 15.89 Appendix 10.1 – LVIA Method

CD 15.90 Appendix 10.2 – Visual Impact Tables

CD 15.91 Appendix 10.3 – NCA 56

CD 15.92 Appendix 10.4 – St Helens LCA

CD 15.93 Appendix 11.1 – SHC Consultation Document

CD 15.94 Appendix 11.2 – WMBC Consultation Document

CD 15.95 Appendix 11.3 – ADMS Inputs

CD 15.96 Appendix 11.4 – Dust Risk Assessment

CD 15.97 Appendix 12.1 – Glossary of Terminology

CD 15.98 Appendix 12.2 – Assessment Standards and Guidelines

CD 15.99 Appendix 12.3 – Full Survey Results

CD 15.100 Appendix 12.4 – Construction Plant

CD 15.101 Appendix 13.1 – Phase 1 Geo-environmental Site Assessment

CD 15.102 Appendix 13.2 – Historical Mapping

CD 15.103 Appendix 14.1 – Flood Risk Assessment and Drainage Statement

CD 15.104 St Helens Response to the Scoping Opinion Request (letter from Melanie Hale dated 10 January 2017)

16. Supplementary Application Submission Documentation **January 2018**

CD 16.1 Cover Letter, prepared by Turley (6 January 2018)

Documents and Reports

CD 16.2 Planning Statement Addendum, prepared by Turley (December 2017)

CD 16.3 Design and Access Statement Update, prepared by Parkinson Inc (January 2018)

CD 16.4 Addendum Alternative Sites Assessment prepared by Turley (December 2017)

Environmental Statement Addendum

CD 16.8 Environmental Statement Volume 1: Non-Technical Summary Addendum (December 2017)

CD 16.9 Environmental Assessment Addendum Volume 2 – Main Report (December 2017)

Environmental Statement Addendum Volume 3: Technical Appendices and Figures

CD 16.10 Appendix A3.1 – Parameter Plan Ref 30926-FE008P and Green Infrastructure Mitigation Plan ref 30926-FE0027G

CD 16.11 Appendix A7.2 – Transport Assessment Addendum

CD 16.12 Appendix A7.3 – Framework Travel Plan

CD 16.13 Appendix A8.2 – Habitats and Flora

CD 16.14 Appendix A8.6 – Water Vole Mitigation Strategy

CD 16.15 Appendix A8.8 – Winter Bird Survey Report

CD 16.16 Appendix A8.9 – Barn Owl Survey

CD 16.17 Appendix A8.10 – Winter Bird Habitat Compensation

CD 16.18 Appendix A10.2 – LVIA Table

CD 16.19 Appendix A10.11 – Unit 1 and 3 Illustrative North Elevations

CD 16.20 Appendix A11.2 – Study Area for Operational Traffic

CD 16.21 Appendix A11.3 – ADMS Inputs

CD 16.22 Appendix A11.3a – Operational Receptor Locations

CD 16.23 Appendix A11.5 – Local Authority Monitoring

CD 16.24 Appendix A11.8a – Baseline 2022 ‘Without Development’ NO2 Contour in the Wigan Area

CD 16.25 Appendix A11.10a – Baseline 2022 ‘With Development’ NO2 contour in the Wigan Area

CD 16.26 Appendix A12.4 – Construction Plant

CD 16.27 Appendix A14.1 – Flood Risk Assessment and Drainage Statement

CD 16.28 Plan A8.2 – Phase One Habitat Survey

CD 16.29 Plan A8.9 – Water Vole Survey

CD 16.30 Plan A11.7 – NO2 Contours for 2017 Baseline

CD 16.31 Plan A11.8 – NO2 Contours for 2022 Baseline

CD 16.32 Plan A11.9 – No2 Contours for 2017 ‘With Development’ (Construction Traffic)

CD 16.33 Plan A11.10 – No2 Contour for 2022 ‘With Development’ (Operational Traffic)

CD 16.34 Plan A12.2 – Construction Noise Assessment Locations

CD 16.35 Plan A12.3 Operational Noise Assessment Locations

17. Supplementary Application Submission Documentation – May 2020

Documents and Reports

CD 17.1 Planning Statement Addendum 2, prepared by Turley (May 2020)

CD 17.2 Design and Access Statement, prepared by Parkinson Inc (May 2020)

CD 17.3 Economic Statement - Update, prepared by Turley (May 2020)

CD17.4 Sustainability and Energy Statement Update, prepared by Turley (May 2020)

CD 17.5 Alternative Sites Assessment Addendum 2, prepared by Turley (May 2020)

Plans and Drawings

CD 17.19 Proposed A580 Highway Improvements: NMU Proposals (Drawing ref: VN60647/P-08 Rev A)

Environmental Statement Addendum 2

CD 17.27 Environmental Statement Addendum 2: Volume 1 Non-Technical Summary

CD 17.28 Environmental Statement Addendum 2: Volume 2 Main Report

CD 17.29 Environmental Statement Addendum 2: Volume 3 Technical

Appendices and Figures/Plans

Appendix 1.1 – Parameters Plan

Appendix 1.2 – Green Infrastructure Mitigation Plan

Appendix 1.3 – Proposed A580 Highway Improvements NMU Proposal

Appendix 1.4 – Proposed Development Access off A49 Lodge Lane

Appendix 1.5 – Proposed A580 Highway Improvements Development Access

Appendix 7.1 – Transport Assessment Update

Appendix 8.1 – Desk Based Research V3
Appendix 8.2 – Habitats and Flora V4
Appendix 10.5 – Illustrative Landscape Plan Option 1
Appendix 10.6 – Illustrative Landscape Plan
Appendix 11.11 – Updated ADMS Inputs
Appendix 11.12 – Baseline Conditions 2017 NO2 Contours
Appendix 11.13 – Baseline Conditions 2024 NO2 Contours
Appendix 11.14 – Construction Phase Road Traffic 2024 NO2 Contours
Appendix 11.15 – Operational Phase Road Traffic 2024 NO2 Contours
Appendix 12.2 – Assessment of Standards and Guidelines
Appendix 12.5 – Off Site Road Traffic
Figure 10.7 – Viewpoint Sheets 1-4
Plan 12.2 – Construction Noise Assessment Locations
Plan 12.3 – Operational Noise Assessment Locations

18. Ad Hoc Application Submission Material

CD 18.1 Barn Owl Assessment (27 June 2017), prepared by TEP
CD 18.2 Addendum Transport Technical Note (March 2018), prepared by Vectos
CD 18.3 Addendum Transport Technical Note – WMBC/TFGM (March 2018), prepared by Vectos
CD 18.4 Common Toad Mitigation Strategy (April 2018), prepared by TEP
CD 18.5 Letter from Shepherd Gilmour Consulting Engineers: Summary of Amendments made to Haydock Point Flood Risk Assessment and Drainage Strategy (C124120170013 Version Rev A) (July 2018)
CD 18.6 Addendum Transport Technical Note 2 (July 2018), prepared by Vectos
CD 18.7 Letter to Alan Kilroe (SHMBC) dated 21 December 2018 from Richard Whiting at Vectos
CD 18.8 Addendum Transport Technical Note 3 (March 2019), prepared by Vectos
CD 18.9 Addendum Transport Technical Note 4 (April 2019), prepared by Vectos
CD 18.10 Letter to Adam Johnson (Highways England) dated 19 July 2019 from Richard Whiting at Vectos
CD 18.11 Letter to Kenny Strode (WMBC) dated 19th August 2019 from Richard Whiting at Vectos
CD 18.12 Letter to Alan Kilroe (SHMBC) dated 23 September 2019 from Richard Whiting at Vectos
CD 18.13 Letter to Alan Kilroe (SHMBC) dated 3 February 2020 from Richard Whiting at Vectos
CD 18.14 Transport information submitted to SHMBC 21 July 2020:
M6 Junction 23, Haydock Island – Road Safety Audit Stage 1 dated 27 May 2020, prepared by TMS
CD 18.15 A49 Highway Improvements - Road Safety Audit Stage 1 dated 14 July 2020, prepared by TMS

CD 18.16 A580 Highway Improvements - Road Safety Audit Stage 1 dated 14 July 2020, prepared by TMS

CD 18.17 Proposed Development Access off A49 Lodge Lane (drawing ref: VN60647/PL001 Rev A)

CD 18.18 Proposed A580 Highway Improvements: Development Accesses (drawing ref: VN60647/PL-002 Rev B)

CD 18.19 M6 Junction 23 Proposed Highway Improvements (drawing ref: VN60647/P-09 Rev H)

CD 18.20 Proposed A49 Highway Improvements: Swept Path Analysis (Sheet 4 of 5) (drawing ref: VN60647/TR121)

CD 18.21 Planning Statement Addendum 2 Clarification letter to Melanie Hale (SHMBC) dated 23 July 2020 from Andrew Bickerdike

19. Other Application Documents

CD 19.1 Application validation letter dated 23 March 2017

CD 19.2 Email agreement to a request for an extension of time for determination of the application dated 28 May 2020

20. Consultation Responses

CD 20.1 Coal Authority consultation responses received 6 April 2017 and 7 July 2020

CD 20.2 Environmental Health Division, Contaminated Land: consultation responses received 4 April 2017, 31 January 2018 and 16 July 2020

CD 20.3 Environmental Health Division, Noise: consultation responses received 16 October 2020

CD 20.4 Environmental Health Division, Pollution: consultation responses received 7 June 2017 and 20 February 2018

CD 20.5 Department for Communities and Local Government, consultation response received 7 June 2017

CD 20.6 Environment Agency consultation responses received 20 April 2017, 13 October 2017 and 22 July 2020

CD 20.7 Fire and Rescue consultation response received 5 April 2017

CD 20.8 Highways England consultation responses received 14/07/2017, 13/09/2017, 31/10/2017, 27/11/2017, 28/12/2017, 4/06/2018, 28/06/2018, 13/09/2018, 17/07/2019, 14/08/2019, 23/10/2019, 25/02/2020, 2/07/2020, 14/07/2020

CD 20.9 Lead Local Flood Authority consultation responses received 30 April 2017 and 25 January 2018

CD 20.10 Merseyside Environmental Advisory Service consultation responses received 2 August 2017, 9 May 2018, 22 February 2018 and 24 July 2020

CD 20.11 Mersey Travel consultation response received 18 April 2017

- CD 20.12 Mott MacDonald Technical Note on behalf of St Helens Council dated 22 October 2020
- CD 20.13 Natural England consultation response received 18 April 2017
- CD 20.14 St Helens Borough Council Highways consultation response received 18 May 2017
- CD 20.15 Penspen (Shell) consultation response received 4 April 2017 and 3 July 2020
- CD 20.16 United Utilities consultation response received 12 May 2017, 27 February 2018 and 30 July 2020
- CD 20.17 Wigan Council consultation response received 20 April 2017 and 4 November 2020
- CD 20.18 Woodlands and Countryside Development Officer consultation response received 31 January 2018, 17 July 2020 and 18 September 2020
- CD 20.19 Resident and stakeholder comments received March 2017 – December 2017
- CD 20.20 Resident and stakeholder comments received January 2018 – April 2020
- CD 20.21 Resident and stakeholder comments received June 2020 – July 2020
- CD 20.22 Consultation response made to the Planning Inspector after submission of the appeal
- CD 20.23 Residents Responses January 2021
- CD 20.24 Culcheth and Glazebury PC & Croft PC Response January 2021
- CD 20.25 Environment Agency Consultation Response January 2021
- CD 20.26 Local Lead Flood Authority Consultation Response January 2021
- CD 20.27 Makerfield MP Consultation Feedback January 2021
- CD 20.28 Merseyside Fire Rescue Authority Consultation Response January 2021
- CD 20.29 United Utilities Consultation Response January 2021
- CD 20.30 Wigan Borough Council Consultation Response January 2021
- CD 20.31 Mott MacDonald Technical Note February 2019

21. Committee Report

- CD 21.1 St Helens Council Planning Committee Report for 24th November 2020 committee (published 17 November 2020)
- CD 21.2 St Helens Council Planning Committee Late Update Report Addendum (23rd November 2020)

22. Other Technical and Policy Related Documents

- CD 22.1 St Helens letter dated 5 March 2020 regarding publication of the Junction 23 Study

CD 22.2 M6 Junction 23 Haydock Island Capacity Feasibility Study Revision A (June 2019)

Appendices:

CD 22.3 Appendix A - Development Proposals Affecting M6 J23 Rev A

CD 22.4 Appendix B - Accident data summary - Last 5 years

CD 22.5 Appendix C - Traffic Survey Report

CD 22.6 Appendix D - Notes of Site Meeting - 30th May 2018

CD 22.7 Appendix E - M6 J23 Study - Workshop Discussions and Conclusions

CD 22.8 Appendix F - Strategic Traffic Modelling Report

CD 22.9 Appendix G - M6 Jn 23 Local Junction Modelling Report R5

CD 22.10 Appendix H - Drawings of preferred Options

CD 22.11 Appendix I - Cost Estimates Revised

CD 22.12 Appendix J - Assessment of Alternative Options - June 2019

CD 22.13 Transport for the North Strategic Transport Plan (2019)

CD 22.14 Atlantic Gateway Strategic Plan (January 2018)

CD 22.15 Greater Manchester Employment Land Demand Analysis Note (2018)

CD 22.16 Greater Manchester Employment Land Supply Statement (2018)

CD 22.17 St Helens City Growth Strategy 2008 - 2018

CD 22.18 St Helens Plan 2015 -2018

CD 22.19 St Helens Employment Land Need and Supply Background Paper (October 2020)

CD 22.20 Review of Employment Land in St Helens to 2027 (2011)

CD 22.21 St Helens Infrastructure Delivery Plan (December 2018)

CD 22.22 St Helens Transport Impact Assessment (January 2019)

CD 22.23 Defining the Housing Market Area & Functional Economic Market Area Liverpool City Region, Final Report, July 2016

Document withdrawn from Core Documents

CD 22.25 Wigan Local Plan (September 2013)

CD 22.26 Wigan Initial Draft Plan: Allocations and Development Management Plan (2015)

CD 22.27 Bolton's Core Strategy: Development Plan Document (March 2011)

CD 22.28 Bolton's Allocation Plan (December 2014)

CD 22.29 WYG: How Far Do People Walk? Presented at the PTRC Transport Practitioners' Meeting London, July 2015

CD 22.30 Highways England, The Strategic Road Network: Planning for the Future (September 2015)

- CD 22.31 DfT Cycle Infrastructure Design: Local Transport Note 1/20 (July 2020)
- CD 22.32 Institute of Highways and Transportation: Guidelines for Planning for Public Transport in Developments (1999)
- CD 22.33 The Third Local Transport Plan for Merseyside Part One: The Strategy Overview
- CD 22.34 The Third Local Transport Plan for Merseyside Part Two: Delivering Our Goals
- CD 22.35 The Third Local Transport Plan for Merseyside Part Three: Implementation Plans
- CD 22.36 The Mersey Forest Plan (2014)
- CD 22.37 Merseyside Historic Characterisation Project (2012) Part 2
- CD 22.38 Merseyside Historic Characterisation Project (2012) Part 3
- CD 22.39 ODPM Strategic gap and green wedge policies in structure plans: main report (January 2001)
- CD 22.40 A580/M6 J23 Improvement Options Supplementary Report: Junction Assessment Results (September 2019)
- CD 22.41 Greater Manchester Spatial Framework Revised Draft (2019)
- CD 22.42 Planning Practice Guidance – Housing and Economic Needs Assessment (2019)
- CD 22.43 Planning Practice Guidance – Housing and Economic Land Availability Assessment (2019)
- CD 22.44 St Helens Preferred Options Local Plan (2016)
- CD 22.45 St Helens Council Planning Committee Report (27th October 2020) – Land to the West of Omega South & South of the M62, Bold (LPA ref: P/2020/0061/HYBR)
- CD 22.46 Peel Holdings Land and Property Developments Ltd representations to the Submission Draft Local Plan (RO1959)
- CD 22.47 Natural England National Character Area Profile: 56. Lancashire Coal Measures
- CD 22.48 St Helens Inspector’s Preliminary Views on Matters and Issues for the Examination (December 2020)
- CD 22.49 Landscape Institute and Institute of Environmental Management and Assessment (2013) Guidelines for Landscape and Visual Impact Assessment, Third Edition (Routledge)
- CD 22.50 Wigan Landscape Character Assessment: Character Type 1 – Undulating Enclosed Farmland (March 2009)

23. Appeal Submission and Call in Documents

- CD 23.1 Notification of intent to submit an appeal (3 July 2020)

CD 23.2 Appeal submission cover letter (24 July 2020) and Appeal Submission Documents List

CD 23.3 Appeal Form

CD 23.4 Appeal Notice cover letter

CD 23.5 Appeal Notice to the landowner

CD 23.6 Peel L&P Developments Ltd (appellant) Statement of Case

CD 23.7 St Helens Council Interim Statement of Case

CD 23.8 Appellants Initial Statement of Common Ground

CD 23.9 Appeal recovery letter (11 August 2020)

CD 23.10 Pre-Inquiry Case Management Conference Agenda for meeting on 2 October 2020

CD 23.11 Pre-Inquiry Case Management Conference Note (22 September 2020)

CD 23.12 Second Case Management Conference Agenda for meeting on 10 December 2020

CD 23.13 Second Pre-Case Management Conference Note (3 December 2020)

CD 23.14 Second Case Management Conference Summary and Directions (16 December 2020)

CD 23.15 St Helens Statement of Case (1 December 2020)

CD 23.16 Haydock Point Summary and Directions 9th Oct 2020

CD 23.17 Inquiry Programme

24. Information the Appellant Submitted Since Making the Appeal

CD 24.1 Email to correct drawing error on Parameters Plan dated 27 November 2020 and submission of an updated Parameters Plan (ref: 30926-FE-008A2)

CD 24.2a and 24.2b Letter to The Planning Inspectorate regarding scheme amendments (15 December 2020) (includes appendices)

Consultation Material:

CD 24.3 December 2020 Consultation Briefing Note

CD 24.4 Parameters Plan (ref: 30926-FE-008A6)

CD 24.5 Green Infrastructure Mitigation Plan (ref: 30926-FE-027U)

CD 24.6 Illustrative Masterplan Option (ref: 30926-FE-042U)

CD 24.7 Vectos - Sustainable Transport Strategy Advice Note (4 November 2011)

CD 24.8 Vectos letter to Melanie Hale dated 11 November 2020

CD 24.9 Peel Group letter dated 19 January 2021

CD 24.10 8 Feb 2021 Haydock Consultation Summary Note

25. Statements of Common Ground

CD 25.1 Planning Statement of Common Ground

CD 25.2 Flood Risk Statement of Common Ground
CD 25.3 Ecology Statement of Common Ground
CD 25.4 Noise Statement of Common Ground
CD 25.5 Ground Conditions Statement of Common Ground
CD 25.6 Air Quality Statement of Common Ground
CD 25.7 Signed Landscape Statement of Common Ground
Supplementary Landscape Statement of Common Ground
CD 25.8 Highways Statement of Common Ground with St Helens Council and Vectos
CD 25.9 Employment Land Statement of Common Ground

26. Proofs of Evidence

CD 26.1 Summary Proof of Evidence – Andrew Bickerdike
CD 26.2 Proof of Evidence – Andrew Bickerdike
Proof of Evidence of Andrew Paul Bickerdike Errata Included
Errata Proof of Evidence of Andrew Paul Bickerdike
CD 26.3 Appendices to Proof of Evidence – Andrew Bickerdike
CD 26.4 Proof of Evidence – Rebecca Knight
CD 26.5 Proof of Evidence (Summary) – Rebecca Knight
Appendices to Proof of Evidence – Rebecca Knight:
CD 26.6 Appendix A – Evolution of the Green Infrastructure Mitigation Plan
CD 26.7 Appendix B – Review of TEP’s Landscape and Visual Impact Assessment
CD 26.8 Appendix C – Updated Visualisations produced by TEP, January 2021

- Verified Photomontage LVIA Viewpoint 1 Sheets 1 - 4 IN8365.002A
- Verified Photomontage LVIA Viewpoint 4 Sheets 1 - 4 IN8365.003A
- Verified Photomontage LVIA Viewpoint 5 Sheets 1 - 4 IN8365.004A
- Verified Photomontage LVIA Viewpoint 6 Sheets 1 - 8 IN8365.005A
- Verified Photomontage LVIA Viewpoint 10 Sheets 1 - 4 IN8365.006A
- Verified Photomontage LVIA Viewpoint 11 Sheet 1 - 4 IN8365.007A

CD 26.9 Appendix D – Updated Photomontages from Haydock Racecourse, January 2021

- Verified photomontage, Haydock Racecourse Viewpoint 1, Sheets 1 - 4 IN8365.008A
- Verified photomontage, Haydock Racecourse Viewpoint 2 Sheets 1 - 4 IN8365.009A

CD 26.10 Appendix E – Sections produced by LUC, January 2021

- Plan – Indicative Landscape Sections Reference Map ref: 11249_LD_SEC_001
- Plan – Indicative Landscape Sections A and B ref: 11249_LD_SEC_002
- Plan – Indicative Landscape Sections C and D ref: 11249_LD_SEC_003

CD 26.11 Appendix F – Illustrative Landscape Strategy prepared by LUC, January 2021 ref: 11249_LD_GA_001

CD 26.12 Appendix G – Tree Removal and Protection Plans

Blink Image Visuals:

CD 26.13 225780_IM01_F03_S

CD 26.14 225780_IM02_F03_S

CD 26.15 225780_IM03_F03_S

CD 26.16 225780_IM04_F03_S

CD 26.17 Summary Proof of Evidence – Chris Hargreaves

CD 26.18 Proof of Evidence – Chris Hargreaves

CD 26.19 Appendices to Proof of Evidence – Chris Hargreaves

CD 26.20 Summary Proof of Evidence – Rory Brooke

CD 26.21 Proof of Evidence – Rory Brooke

CD 26.22 Appendices to Proof of Evidence – Rory Brooke

CD 26.23 POE Alyn Nicholls

CD 26.24 Summary POE Alyn Nicholls

CD 26.25 HPN Highway Proof of Evidence Mr Edward Mellor

CD 26.26 HPN Summary Highway Proof of Evidence Mr Edward Mellor

CD 26.27 HPN Proof of Evidence Appendices Mr Edward Mellor

CD 26.28 Proof of Evidence Haydock Point Anthony Meulman

CD 26.29 Proof of Evidence Haydock Point Appendices Anthony Meulman

CD 26.30 POE Xanthe Quayle

CD 26.31 POE Xanthe Quayle Professional Experience

CD 26.32 POE A 0034 Figures 12 210126 Xanthe Quayle

CD 26.33 POE A 005 Workings Findings 210126 Xanthe Quayle

CD 26.34 POE A 006 Effects Tables 210126 Xanthe Quayle

CD 26.35 POE A 002 Definition of Terms 210126 Xanthe Quayle

CD 26.36 Xanthe Quayle Proof of Evidence Erratum Street

27. Legal Agreement

CD 27.1 Haydock Point Draft Section 106 Agreement

28. Other Documents

CD 28.1 Plans for determination

- Plan 1 – Parameters Plan ref: 30926-FE-008A6
- Plan 2 – Green Infrastructure Mitigation Plan ref: 30926-FE-027U
- Plan 3 – Proposed A580 highway improvements NMU proposals ref: VN60647/P-08 Rev A
- Plan 4 – Proposed development access off A49 Lodge Lane ref: VN60647/PL-001 Rev A
- Plan 5 – Proposed A580 Highway Improvements: Development Access ref: VN60647/PL-002 Rev B
- Plan 6 – M6 Junction 23 Proposed Highway Improvements ref: VN60647/P-09 Rev H
- Plan 7 – Site Location Plan ref: 30926-FE-001
- Plan 8 – Illustrative Masterplan ref: 30926-FE-042U

CD 28.2 Hard Copy Plan Schedule

CD 28.3 Conditions agreed with SHBC

CD 28.4 Conditions/condition wording in dispute

CD 28.5 St Helens Council Draft Conditions

29. Haydock Point Inquiry Documents

ID 29.1 St Helens LPA Haydock Point Opening

ID 29.2 Appellant Opening Final

Appellant Opening Erratum

ID 29.3 Haydock Point Inquiry Statement - Andy Burnham

ID 29.4 PAG Interested Party Statement Haydock Point Public Inquiry Final

ID 29.5 Peter Astles Haydock Point Interested Party Statement

ID 29.6 Pater Black Obo Haydock Point Parish Council's PI Readout

ID 29.7 Viewpoint Clarification Note

ID 29.8 Andrew Shaw Speaking Note Haydock Point 10 Feb 2021 Inquiry

ID 29.9 SHBC001 Response to Inspectors Preliminary Questions

ID 29.10 Andrew Shaw Further Written Statement

ID 29.11 Letter to Inspector from A Piatt Obo Parkside Regeneration

ID 29.12 Screenshot 2021-02-12 at 102632-002

ID 29.13 Supplementary Note from Landscape Round Table

ID 29.14 Landscaping Strategy

ID 29.15 Florida Farm Layout Plan

ID 29.16 S106 Agreement 16 February 2021

ID 29.17 Haydock Point CIL Compliance Statement Draft 3 16th Feb 2021

ID 29.18 CIL Compliance Statement Comments from the Appellant

ID 29.19 Agreed Draft Conditions

ID 29.20 IM01 Photo from Landscape Round Table

ID 29.21 IM02 Photo from Landscape Round Table

ID 29.22 IM03 Photo from Landscape Round Table

ID 29.23 IM04 Photo from Landscape Round Table

ID 29.24 Closing Statement LPA

ID 29.25 Closing Statement Appellant

ID 29.26 Agreed Site Visit Itinerary

ID 29.27 Hard Copy Plans



Ministry of Housing, Communities & Local Government

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RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.