



Department for Levelling Up,  
Housing & Communities

Parkside Regeneration LLP  
C/O Mr W Mulvany  
Spawforths  
Junction 41 Business Court  
East Ardsley  
Leeds  
WF3 2AB

Our ref: APP/H4315/V/20/3253194  
Your ref: P/2018/0048/OUP

11 November 2021

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77  
APPLICATION MADE BY PARKSIDE REGENERATION LLP  
FORMER PARKSIDE COLLIERY EAST OF A49, WINWICK ROAD, NEWTON LE  
WILLOWS WA12 8DB  
APPLICATION REF: P/2018/0048/OUP**

1. I am directed by the Secretary of State to say that consideration has been given to the report of D M Young JP BSc (Hons) MA MRTPI MIHE & B J Sims BSc (Hons) CEng MICE MRTPI, who held a public local inquiry on 5-29 January 2021 into your client's application for planning permission reference P/2018/0048/OUP dated 16 January 2018 for:
  - The construction of up to 92,900m<sup>2</sup> of employment floorspace (use class B8 with ancillary B1 (a)) and associated servicing and infrastructure including car parking; vehicle and pedestrian circulation space; alteration of existing access road including works to existing A49 Junction; noise mitigation; earthworks to create development platforms and bunds; landscaping including buffers; works to existing spoil heap; creation of drainage features; substations and ecological works.
2. On 21 May 2020, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the local planning authority.
3. The Inquiry was divided into two parts, the first considering evidence related to the Parkside Phase 1 development, and the second with the Parkside Link Road proposal. The Secretary of State's conclusion on the Parkside Link Road proposal are set out in a separate letter.

**Inspector's recommendation and summary of the decision**

4. The Inspectors recommended that planning permission be granted subject to conditions and planning obligations of the Section 106 Agreement.

Department for Levelling Up, Housing and Communities  
Phil Barber, Decision Officer  
Planning Casework Unit  
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London SW1P 4DF

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5. For the reasons given below, the Secretary of State agrees with the Inspectors' conclusions and agrees with their recommendation. He has decided to grant planning permission. A copy of the Inspectors report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

### **Environmental Statement**

6. In reaching this position, the Secretary of State has taken into account the Environmental Statement (ES) and addendum ES which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (IR.1.12). Having taken account of the Inspectors' comments at IR1.13, the Secretary of State is satisfied that the Environmental Statement and other additional information provided complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

### **Matters arising since the close of the inquiry**

7. An updated Framework was published in July 2021, after the close of the Inquiry. The Secretary of State is satisfied that as the updated Framework has not changed as regards the main material considerations in this case, the update does not affect his decision and does not warrant a referral back to the parties. References to paragraph numbers in the NPPF used in this letter refer to the July 2021 Framework.
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 adopted St Helens Core Strategy 2012 (CS) and the St Helens Unitary Development Plan 1998 (the UDP) (Saved Policies). The Secretary of State considers that relevant development plan policies include those set out at IR5.14-5.26.
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'), as well as the Community Infrastructure Levy Regulations 2010 ('the CIL regulations') and the other relevant documents set out at IR5.35.
12. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.

### *Emerging plan*

13. The emerging plan comprises the St Helens Borough Local Plan 2020-2035 Submission Draft 2019 (the eLP) (IR5.27-5.34).
14. 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. For the reasons given at IR5.34 the Secretary of State considers that the policies in the eLP carry limited weight due to the eLP being the subject of a significant number of objections. However, the Secretary of State agrees with the Inspectors that the additional documents listed at IR5.35 are considered of particular relevance. In addition, he further agrees for the reasons given at IR5.34-5.42 & IR12.11, that the eLP's substantial body of up-to-date technical evidence documents, are highly relevant to the proposal and carry significant weight as a material consideration.

### **Main issues**

15. The Secretary of State agrees that the main issues are those set out by the Inspectors at IR12.1.

### **Policy**

16. For the reasons given at IR12.2, the Secretary of State agrees with the Inspectors' conclusions on the most important and relevant development plan policies. Furthermore, he agrees for the reasons given at IR12.3 that Policies GB1 and GB2 of the St Helens UDP when read together are consistent with Green Belt policy in the Framework.
17. The Secretary of State agrees with the Inspectors for the reasons given at IR12.4-12.9 that there would be conflict with Policies CAS 3.2 and CSS1(viii), but for the reasons given these conflicts carries only minimal weight against the development (IR12.8 and IR12.9). He further agrees for the reasons given at IR12.10 that the development would comply with the other parts of Policy CSS1 which encourage the reuse of PDL in sustainable locations, and that Policy CE1 has little effect.
18. For the reasons set out at IR12.12 the Secretary of State agrees that the proposal would clearly accord with the aims of CE1 (criterion 4). For the reasons given at IR12.13, the Secretary of State agrees there would be some conflict with heritage UDP Policy ENV25, however, further agrees, that it is acknowledged to be inconsistent with the Framework and therefore carries limited weight accordingly.
19. Overall, the Secretary of State agrees with the Inspectors' reasoning at IR12.14 that accordingly, it is compliance with Policy GB1/GB2 that will prove determinative in this case.

### **Green Belt**

#### *Inappropriate Development*

20. For the reasons given at IR12.15-12.16, the Secretary of State agrees with the Inspectors that the proposed development constitutes inappropriate development in the Green Belt giving rise to harm by definition, which carries substantial weight. He further agrees that 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 development, is clearly outweighed by other considerations (IR12.17).

### *Openness*

21. For the reasons given at IR12.18-12.23 the Secretary of State agrees that there would be harm to the openness of the Green Belt, but that the harm is reduced by the characteristics of the site, including its urbanised legacy. The Secretary of States also agrees that the harm to openness would be no more, and in all probability less, than that envisaged by Policy CAS 3.2 in contemplating the SFRI as inappropriate development (IR.12.21). He further agrees that the harm to openness would be significant but fairly localised in its extent and that structural landscaping would help to mitigate the impact such that the harm would reduce to moderate in the medium to long-term (IR12.23).

### *Green Belt Purposes*

22. For the reasons given at IR12.24-12.25, the Secretary of State agrees that there is no conflict with Green Belt purpose a) (IR12.25). For the reasons given at IR12.26-12.27 he therefore considers that there is no conflict with purpose b).

23. The Secretary of State agrees for the reasons given at IR12.28, that in terms of Green Belt purpose c), the scheme would undeniably encroach into an area that is predominately open but given the reasons noted at IR12.29 agrees that the level of harm would be 'moderate'.

24. For the reasons given at IR12.30 he agrees that there would be no conflict with Green Belt purpose d). He similarly agrees, for the reasons given at IR12.31, that the application would not offend Green Belt purpose e).

### *Overall Impact on the Green Belt*

25. For the reasons given at IR12.15-12.31 the Secretary of State agrees with the Inspectors at IR12.32 that there would be definitional harm to the Green Belt by virtue of the development being inappropriate. He further agrees that there would be moderate harm to the openness and Green Belt purpose c). Overall, he agrees that collectively, these harms must carry substantial weight in the overall Green Belt balance in accordance with paragraph 148 of the Framework (IR12.32).

26. As it is not disputed that the proposed development could not be accommodated on a preferable site in St Helens either within or outside the Green Belt (IR12.33), he agrees that it is therefore material that a loss of spatial and visual openness and associated landscape harm would be an inevitable consequence of any large B8/warehouse development in the Borough.

27. The Secretary of State also agrees for the reasons set out at IR12.34-12.35 that the adopted CS was willing to accept Green Belt harm in exchange for regeneration of the site. He further agrees at IR12.36 that the eLP proposes to remove the site from the Green Belt and allocate for employment purposes. However, in agreement with the Inspectors although the eLP policies carry limited weight at this time, the evidence base, including the GBR, are a significant consideration (IR12.36). The Secretary of State agrees that the Green Belt harms attract substantial weight (IR12.166).

## ***Economic Considerations***

### ***Employment Need and Supply***

28. The Secretary of State has had regard to IR12.128. However, overall, for the reasons given at IR12.37-12.42, 12.129 and IR12.170, the Secretary of State agrees with the Inspectors at IR12.43 that there is clearly a pressing commercial need for new logistics floorspace at a local, Liverpool City Region (LCR) and North West level and an evident need for development of the type proposed, and that the need for employment land has to be afforded very substantial weight (IR12.170).

### ***Building a Strong Economy***

29. For the reasons given at IR12.44-12.52, the Secretary of State agrees that the proposal would generate a substantial number of jobs which would represent a significant economic benefit (IR12.51). He further agrees with the Inspectors at IR12.51 that there would be further economic benefits from jobs generated during construction and during the increased economic output and household spending power across the local economy during the operation of the development. He agrees with the Inspectors' analysis of the additional economic benefits as detailed at IR12.130-12.132. For the reasons given at IR12.133 and IR12.171 the Secretary of State agrees that regeneration benefits would include bringing back a vacant, former industrial legacy site suffering from a history of antisocial behaviour back into active use, creating a significant number of jobs and economic benefits for the local community in the process. He further agrees that these benefits must carry additional weight given the proximity of the site to areas which suffer from high levels of economic deprivation (IR12.171). As such he agrees (IR12.171) that these regeneration benefits should attract substantial weight.

30. He further agrees for the reasons given at IR12.134 and IR12.172 that locationally the site boasts excellent accessibility, and agrees the locational benefits of the site carry significant weight in favour of the application (IR12.172).

### ***Economic Considerations Overall***

31. Overall, for the reasons given at IR12.53 the Secretary of State agrees that the proposed development would accord with the objectives of paragraphs 81 and 83 of the Framework by promoting and supporting a strong competitive economy, particularly with regard to the need for storage and distribution facilities.

## ***Highways***

32. The Secretary of State agrees with the Inspectors' analysis of transport evidence at IR12.54-12.70. For the reasons given at IR12.54-12.58 he agrees that the development would comply with paragraphs 8, 103 and 108(a) of the Framework (IR12.58). Overall, he agrees that the scheme would not give rise to any unacceptable highway impacts and thus would comply with paragraphs 110 and 111 of the Framework (IR12.70).

## ***Environmental Considerations***

### ***Landscape and Visual Impact***

33. For the reasons given at IR12.71-12.80 the Secretary of State agrees with the Inspectors' conclusions that overall, there would be moderate adverse but localised landscape and visual harm that would conflict with CS Policy CQL4 (IR12.80). The Secretary of State

agrees for the reasons given by the Inspectors that the landscape and visual harm carries only limited weight against the development in the planning balance (IR12.80).

#### *Residential Amenity*

34. Overall, for the reasons given at IR12.81-12.82, given the likely distance between the nearest houses and the units, the Secretary of State agrees with the Inspectors who do not consider the resulting outlook for these residents would be unacceptably poor. He further agrees that overall subject to mitigation there would be no significant adverse impact on the amenity of local residents.

#### *Noise*

35. For the reasons set out at IR12.83-12.86, the Secretary of State agrees with the Inspectors that significant adverse noise effects would be avoided, and any adverse effects would be mitigated and minimised in accordance with the Framework paragraph 185a) and CS Policy CP1 (IR.12.86).

#### *Air Quality*

36. For the reasons given at IR12.87-12.95, the Secretary of State agrees with the Inspectors that whilst there would be no significant air quality effects, there would be some minor impacts at a small number of locations, which the recommended conditions would help to mitigate (IR12.95).

37. Overall, notwithstanding the concerns expressed by local residents in respect of air quality matters, there is no clear evidence of conflict with CS Policy CP1 or Framework paragraph 186 with respect to air quality (IR12.95).

#### *Ecology*

38. The Secretary of State agrees, for the reasons given at IR12.96-12.103, that the effect of the development on ecology has been appropriately assessed (IR12.103). He further agrees that the mitigation would be sufficient to compensate for the loss of habitat caused by the development. He agrees that overall, there would be no conflict with paragraph 174 of the Framework or CS Policies CQL2 and CQL3 (IR12.103).

#### *Climate Change*

39. For the reasons given at IR12.104-108, the Secretary of State agrees with the Inspectors' conclusions on climate change.

#### *Conclusion on other harms*

40. The Secretary of State therefore agrees (IR12.167-12.168) that the harms by way of noise, landscape, air quality and residential amenity collectively attract limited weight.

#### **Heritage**

41. For the reasons given at IR12.109-12.117, the Secretary of State agrees that there would be some inevitable harm to the Registered Battlefield, but that the harm would be limited (IR12.117). For the reasons given at IR12.118-12.123 the Secretary of State agrees that the level of harm to the Newton Park Farmhouse and Barn would be limited. The Secretary of State agrees (IR12.127) that the heritage harm is 'less than substantial'

and is significantly below the threshold of what might be considered substantial. As such the harm will be assessed against any public benefits the scheme will bring as required by paragraph 202 of the Framework. For the reasons given at IR12.126-12.127 the Secretary of State that these harms should be afforded moderate weight.

42. The Secretary of State agrees for the reasons given at IR12.124 that there would be no harm to the setting of St Oswalds Church or St Oswalds Well. He further agrees with the Inspector's conclusions at IR12.125 on the Battlefield of Maserfield and the spoil tip on the site

### ***Other Benefits***

43. For the reasons given at IR12.31, IR12.33 and IR12.173 the Secretary of State agrees that the development cannot be accommodated on a non-green Belt site or a more preferable Green Belt site. For the reasons given at IR12.173 he thus further agrees that the lack of an alternative site carries significant weight.

44. The Secretary of State agrees, for the reasons given, with the Inspectors' analysis of biodiversity net gain at IR12.100-12.101 and 12.138. He further agrees, for the reasons set out at IR12.135-12.138, with the Inspectors' conclusions on pedestrian and right of way improvements, the introduction of formal public access over parts of the site, remediation of the site, flood alleviation works and bus stop improvements. He thus further agrees that collectively these benefits carry moderate weight in favour of the application (IR12.174).

### ***Other Matters***

#### *Cumulative Effects*

45. For the reasons given at IR12.154-12.158, the Secretary of State agrees with the Inspectors that the cumulative effects have been properly assessed as part of the application.

#### *Public Consultation*

46. For the reasons given at IR12.159-12.161, the Secretary of State agrees with the Inspectors that the level of consultation carried out by the Applicant was appropriate.

#### *Cross-boundary Considerations*

47. The Secretary of State has given careful consideration to the Inspectors' analysis at IR12.162-12.164 and agrees, for the reasons given, that cross-boundary issues do not arise and therefore the Parkside Phase 1 and Parkside Link Road schemes can be determined independently (IR12.164).

### **Conditions**

48. The Secretary of State has given consideration to the Inspectors' analysis at IR12.145-12.153, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 56 of the Framework and that the conditions set out at Annex B should form part of his decision.

## **Planning obligations**

49. Having had regard to the Inspectors' analysis at IR12.139-12.144, the planning obligation dated 25 January 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 IR12.144 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework.

## **Planning balance and overall conclusion**

50. For the reasons given above, the Secretary of State considers that the proposal complies with CS Policies GB1, GB2, CP1, CQL2 and CQL3 and notwithstanding the conflicts identified above, agrees with the Inspectors at IR12.175 that the development complies with the development plan taken as a whole. 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.

51. The Green Belt harms carry substantial weight. Also weighing against the proposal is the 'less than substantial' harm to heritage assets which carries moderate weight. In addition, localised landscape and visual harm, increased noise and disturbance to local residents and small reductions in air quality collectively carry limited weight.

52. Weighing in favour of the proposal are the supply of employment land, which carries very substantial weight. The regeneration benefits also carry further substantial weight and the locational benefits of the site carry significant weight. The lack of an alternative site carries significant weight. The biodiversity net-gains, pedestrian and right of way improvements, the introduction of formal public access over parts of the site, remediation of the site, flood alleviation works and bus stop improvements collectively carry moderate weight.

53. The Secretary of State has considered whether the identified 'less than substantial' harm to heritage assets is outweighed by the public benefits of the proposal. When the identified public benefits summarised in paragraph 52 above are considered against the identified 'less than substantial' harm it is readily demonstrated that these very significantly outweigh them in the heritage balance. Overall, the Secretary of State agrees with the Inspectors at IR12.127 and IR12.175 and considers that the balancing exercise under paragraph 202 of the Framework is therefore favourable to the proposal.

54. The Secretary of State has 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 economic and other benefits of the proposal are collectively sufficient to clearly outweigh the harm to the Green Belt and such that very special circumstances exist to justify permitting the development. As such he finds no conflict with UDP Policies GB1 and GB2 or Green Belt policy in Section 13 of the Framework.

55. Overall, the Secretary of State considers that the material considerations in this case indicate a decision which is in line with the development plan – i.e. a grant of permission.

56. The Secretary of State therefore concludes that planning permission should be granted.

## **Formal decision**

57. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspectors recommendation. He hereby grants planning permission subject to the conditions set out in Annex B of this decision letter for:

- The construction of up to 92,900m<sup>2</sup> of employment floorspace (use class B8 with ancillary B1 (a)) and associated servicing and infrastructure including car parking; vehicle and pedestrian circulation space; alteration of existing access road including works to existing A49 Junction; noise mitigation; earthworks to create development platforms and bunds; landscaping including buffers; works to existing spoil heap; creation of drainage features; substations and ecological works.

In accordance with application reference P/2018/0048/OUP dated 16 January 2018.

58. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

## **Right to challenge the decision**

59. 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.

60. A copy of this letter has been sent to St Helens Metropolitan Borough Council and Parkside Action Group, 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 Building Safety and Fire on behalf of the Secretary of State, and signed on his behalf*

## Annex A Schedule of representations

### SCHEDULE OF REPRESENTATIONS

#### General representations

<b>Party</b>	<b>Date</b>
Asif Hamid MBE Liverpool City Region Local Enterprise Partnership	10 June 2021
Tracy Mawson St Helens Chamber	7 June 2021

## Annex B List of conditions

- 1) No development shall take place on any one phase until details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") of that phase have been submitted to and approved in writing by the Local Planning Authority.
- 2) All applications for reserved matters must be made within three years of the date of this decision notice.
- 3) 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.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Phase 1 Boundary Plan `16043\_PL101`
  - Means of Access Plan ' B064334.000\_5001 C'
  - Phase 1 Parameter Plans Development Cells `16043\_PL110 Rev D`
  - Phase 1 Parameters `16043\_SK311 Rev E`
  - Phase 1 Parameter Plan Green Infrastructure `16043\_PL114 Rev I`
  - Phase 1 Parameter Plan Access and Circulation `16043\_PL112 Rev B`
  - Phase 1 Parameter Plan Drainage `16043\_PL113 Rev E`
  - Phase 1 Parameter Plan Acoustic Considerations `16043\_ PL116 Rev C`
  - Phase 1 Parameter Plan Utilities Corridors and Easements `16043\_PL115 Rev A`
  - Phase 1 Parameter Plan Safeguarded Rail `16043\_PL111`
  - A49 / Southworth Rd Junction Improvements `58211-CUR-00-XX-DR-TP75001-P01`
  - Pedestrian Crossings (Crown Lane E / Ashton Rd mini-Roundabout and Park Rd N / High St / Church St Junction) `58211-CUR-00-XX-DR-TP75002-P01`
  - Junction Improvement Proposal Junction 2 – A49 Newton Road / Delph Lane `TPMA1389-102/C`
  - Junction Improvement Proposal Junction 3 – Winwick Island `TPMA1389-103/A`
  - Junction Improvement Proposal Junction 4 – Golborne `TPMA1389-104/A`
  - Junction Improvement Proposal Junction 5 – Hollins Lane `TPMA1389-105/B`
- 5) Concurrently with the submission of the first reserved matters application, a phasing plan shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with the agreed phasing plan. The phasing plan shall be updated as necessary for each subsequent reserved matters application.
- 6) The gross external floor area of any building in use class B8 shall not be less than 13,935m<sup>2</sup> (150,000ft<sup>2</sup>).
- 7) As part of the first reserved matters application, details of proposed site levels shall be agreed with the Local Planning Authority. The levels plan must include specifications for bund construction including cross sections

and composition of bunds as well as a methodology for construction. The development shall be implemented in accordance with those details.

- 8) Reserved Matters applications relating to Unit A/B should demonstrate how they have had specific regard to minimising the harm caused to residential properties along Winwick Road. Buildings on the site should be located as far as practicably possible from the western edge of the development cell and shall use good design techniques to minimise the visual impact of their bulk and massing. Furthermore, there shall be no windows above ground floor level on the western elevation of any building on development cell A/B.
- 9) Reserved matters applications shall include a lighting strategy for that phase, which includes 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 baffels. The lighting scheme shall be designed to maintain the amenity of neighbouring residents, ensure highway safety and protect ecology by preventing excessive light spill onto sensitive habitats. The development shall be implemented in accordance with the agreed details
- 10) Reserved Matters applications for the B8 buildings shall demonstrate how the buildings have been designed to comply with a minimum rating of Building Research Establishment Environmental Assessment Method (BREEAM) 2014 'Excellent' and that at least 10% of its energy from decentralised and renewable or low carbon sources.

Within six months of the occupation of each unit, or within alternative timescales agreed with the Local Planning Authority, the relevant certification demonstrating BREEAM 'Excellent' has been achieved for the relevant unit shall be submitted to, and approved in writing by the Local Planning Authority.

- 11) No development shall commence 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. The CEMP shall include but not be limited to:
  - 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 pre-commencement checks for water voles and badgers will be undertaken,
  - A method statement for orchid translocation,
  - Reasonable avoidance measures for protected species, including bats and common toads,
  - Measures that will be taken to protect English Bluebells,
  - Details of protection measures for retained trees, hedgerows and shrubs shown for retention in the Arboricultural Impact Assessment (JCA Ref 13429C/PH),
  - A methodology for the soft felling of trees T62, T63, T64 and T65,
  - Construction traffic routes, which shall include a primary traffic route from the south using the A49,
  - 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 residential amenity and ecology,
- A surface water management plan,
- The identification of an 8m buffer zone from St Oswalds Brook in which no construction activity will be undertaken,
- 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,
- Confirmation that the noise mitigation measures detailed within Sections 8.1 - 8.3 of the ES Addendum shall be employed, and
- Where piling or other penetrative foundation methods are to be undertaken, a risk assessment to demonstrate that risks to ground water can be mitigated and a vibration assessment for that phase

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

12) Prior to the commencement of each phase, a local employment scheme for the construction of that phase shall be submitted to and agreed in writing with the Local Planning Authority. The submitted local employment scheme shall demonstrate how the development will use all reasonable endeavours to recruit at least 20% of labour from within the Borough of St Helens focusing on the most deprived super output areas. The scheme shall include the following:

- Details of how the initial staff/employment opportunities at the development will be advertised and how liaison with the Council and other local bodies such as St Helens Chamber, Ways to Work, Wargrave Big Local and the DWP Job Centre outreach held at Newton Family and Community Centre will take place in relation to maximising the access of the local workforce to information about employment opportunities,
- Details of how sustainable training opportunities will be provided for those recruited to fulfil staff/employment requirements including the provision of apprenticeships or an agreed alternative,
- A procedure setting out criteria for employment, and for matching of candidates to the vacancies,
- Measures to be taken to offer and provide college and/or work placement opportunities at the Development to students within the locality,
- Details of the promotion of the local employment scheme and liaison with contractors engaged in the construction of the development to ensure that they also apply the local employment scheme so far as practicable having due regard to the need and availability for specialist skills and trades and the programme for constructing the development,

- A commitment that the construction phase of the development will be undertaken in accordance with the Unite Construction Charter,
- A procedure for monitoring the local employment scheme and reporting the results of such monitoring to the Council including details of the origins qualifications numbers and other details of candidates; and
- A timetable for the implementation of the local employment scheme.

The development shall be implemented in accordance with the approved scheme.

13) Prior to the commencement of each phase of the development, a scheme to promote the use of local suppliers of goods and services during the construction of that phase shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with the agreed scheme.

14) Prior to the first use of any building, a local employment scheme for the operational phase of that building shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted local employment scheme shall demonstrate how the development will use all reasonable endeavours to recruit at least 20% of labour from within the Borough of St Helens focusing on the most deprived Super Output Areas. The scheme shall include the following:

- Details of how the initial staff/employment opportunities at the development will be advertised and how liaison with the Council and other local bodies such as St Helens Chamber, Ways to Work, Wargrave Big Local and the DWP Job Centre outreach held at Newton Family and Community Centre will take place in relation to maximising the access of the local workforce to information about employment opportunities,
- Details of how sustainable training opportunities will be provided for those recruited to fulfil staff/employment requirements including the provision of apprenticeships,
- A procedure setting out criteria for employment, and for matching of candidates to the vacancies,
- Measures to be taken to offer and provide college and/or work placement opportunities at the Development to students within the locality,
- A procedure for monitoring the local employment scheme and reporting the results of such monitoring to the Council including details of the origins qualifications numbers and other details of candidates and,
- A timetable for the implementation of the local employment scheme.

The development shall be implemented in accordance with the approved scheme.

15) Prior to the commencement of development:

The Preliminary Geo-Environmental Assessment shall where reasonably possible be updated to address the points raised by the Council's Contaminated Land Officer in his consultation response of 20th February 2018 referenced 030433. The updated report shall then be submitted to and agreed in writing by the Local Planning Authority.

A detailed scope of works for a Phase II intrusive investigation of the site shall then be submitted to and approved in writing by the Local Planning Authority.

The scope of works shall include i) a rationale for the type and location of all exploratory holes; ii) the proposed analytical suites and/ or monitoring programme for soil, gas, groundwater and surface water; iii) an indicative exploratory hole plan; and iv) details of the intended risk assessment methodologies. The scope of works shall be submitted to and approved in writing by the Local Planning Authority prior to any site investigations being carried out.

A phase II intrusive site investigation shall be completed in accordance with the agreed scope of works. This shall determine the extent of soil, groundwater and ground gas contamination throughout the site and any associated potential for contaminant migration. A report on the investigation, including a risk assessment and conceptual site model shall be submitted to and approved in writing by the Local Planning Authority.

Should the phase II investigation identify any requirements for remediation a remedial options appraisal and subsequently a detailed remediation strategy shall be submitted to and approved in writing by the Local Planning Authority. The remedial strategy shall include a verification plan setting out details of the information that will be collected in order to demonstrate that the necessary works have been successfully completed.

All of the above shall be completed by a competent person (as defined within the National Planning Policy Framework) in accordance with current best practice and guidance, namely BS10175:2011+A2:2017 and Land Contamination: Risk Management.

16) Prior to the first use of any building, the agreed remediation strategy (if required), or parts thereof as appropriate to the phasing and development of the scheme, will have been implemented, and a site validation/ completion report for that phase shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the site validation/ completion report shall include, but will not necessarily be limited to:

- full details of all remediation works undertaken,
- verification (in accordance with the verification plan detailed within the agreed remedial strategy) of the adequacy of the remediation,
- sampling, testing and assessment of the suitability of all imported and site won soils,
- the fate of any excavated material removed from site,
- verification of the installation of any gas protection measures, and
- a plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The site validation/ completion report shall be completed by a competent person (as defined in the National Planning Policy Framework) in accordance with current best practice and guidance, namely BS10175:2011+A2:2017 and Land Contamination: Risk Management.

17) All tree work must be to BS3998 (2010) with any tree or hedgerow removal being in accordance with the details submitted within the Arboricultural Impact Assessment JCA Ref 13429C/PH, with no felling taking place between the period 1st March to 1st September unless a report prepared by a suitably qualified ecologist or ornithologist which demonstrates that there are no breeding birds present in any areas of trees, woodland and scrub has been submitted to and agreed in writing with the Local Planning Authority.

- 18) Reserved matters applications must include fully specified landscape plans for that phase which must (where appropriate):
- Be in accordance with the species recommendations, principles and standards detailed in Section 3 Habitat Creation and Management of the Outline Ecological and Landscape Management Plan V5 170719 (Ref 01-05-08 Issue 17th July 2019),
  - Show all specimen trees specified as container grown / root balled stock using standard, heavy standard and extra heavy standard stock (with the later used in more prominent areas). Tree pit specifications must be specified where required. With other planting e.g. woodland, bund, shrub areas etc, using tree sizes that are a minimum of 2+2 whips or 3 litre pots for evergreens, planted at 2 metre centres and be protected with tree shelters. Hedgerows must also use a minimum of 2+2 whips also be protected with tree shelters. Planting must be in a double zig-zagged row at a density of at least 6 trees per metre (evergreens would need to be at least 2 litre in pot size),
  - Include detailed designs and planting specifications, including cross sections, for all water bodies being created on site,
  - Include the under planting of existing woodlands such as Gallows Croft within the ecological zone / area using a species composition of quercus robur (oak) 30%, carpinus betulus (hornbeam) 10%, tilia cordata (lime) 10%, corylus avellana (hazel) 30% Ilex aquifolium (common holly), 10% and taxus baccata (common yew) 10%,
  - Include specifications for all other soft and hard landscape details, and
  - Include a timescale for the delivery of landscaping within the first planting season for that phase.

The development shall be implemented in accordance with the submitted details 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.

- 19) No development shall take place until a detailed Ecological and Landscape Management Plan based upon the Outline Ecological and Landscape Management Plan V5 170719 (Ref 01-05-08 Issue 17th July 2019) for areas of off-site mitigation (as defined on Figure 3.1 in the Outline Ecological and Landscape Management Plan V5) has been submitted to and agreed in writing with the Local Planning Authority. The Plan must
- i. Specify how an ecologically diverse grassland site is to be created and managed,
  - ii. Include the planting of native hedgerows (including native trees) to field boundaries and perimeters, riparian habitat improvement, enhancement for riparian species and enhancement for grassland species including birds such as kestrel and barn owl,
  - iii. Include detailed management prescriptions and an implementation plan detailing how the areas of LWS within the site will be enhanced and managed in perpetuity,
  - iv. Include a management plan for ongoing management and enhancement. This should include details of the management company / Trust or other organisations who will be responsible for the management of these areas, as well as the financial

resources and funding arrangements to maintain and deliver the management proposals in perpetuity, and

- v. Provide a timetable for implementation, which must specify that the works will be completed before the first use of any building hereby permitted.

The development shall be carried out in accordance with the agreed details

- 20) No development shall take place until details of ecological supervision that will ensure all ecological mitigation measures are delivered in accordance with the details within the Outline Ecological and Landscape Management Plan have been submitted to and agreed in writing with the Local Planning Authority. The details shall include the level of supervision, reporting mechanisms to the Council and frequency of site visits and reporting, and provision for a meeting on site prior to works taking place on site between the developer, developer's relevant contractors and arboricultural/ecological consultants as well as the Local Planning Authority.
- 21) A bat roost installation scheme shall be submitted to and agreed in writing with the Local Planning Authority before the felling of any trees on site. The scheme shall include the specification, location and siting of boxes along with a timetable for implementation. The agreed scheme shall be implemented.
- 22) No development shall take place in 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 Local Planning Authority. The scheme shall be based upon the principles of the Drainage Strategy (Ref: RPT-CL003 Rev F - Cundall November 2018). For the avoidance of doubt, the drainage scheme shall not include the infiltration of surface water drainage into the ground where contamination has been found and shall be designed to prevent the discharge of water on to the public highway. The agreed scheme shall be implemented before the first use of any building hereby permitted in that phase and managed/maintained as agreed thereafter.
- 23) The access to the development shall be implemented in accordance with the access arrangements shown on the approved Means of Access Plan Phase 1 (ref: B064334\_501 rev C). It shall be constructed to binder course surfacing level and completed prior to the first use of any building hereby approved. The access shall be kept available for use at all times.
- 24) No more than 22,000 square metres of gross floor area shall be used for the purposes hereby approved until the highway improvement works have been implemented. For the avoidance of doubt, the works shall include:
  - The provision of a signalised pedestrian crossing facility on A49 Ashton Road based on the principles of Curtins Drawing 58211-CUR-00-XX-DR-TP75002-P01 or on Ashton Road in close proximity to the southern footpath leading to Hope Academy,
  - The provision of a signalised pedestrian crossing facility on A572 Crow Lane East as illustrated on Curtins Drawing 58211-CUR-00-XX-DR-TP75002-P01,
  - The provision of a signalised pedestrian crossing facility on A49 to the immediate south of the Park Road North junction, as illustrated in Curtins Drawing 58211-CUR-00-XX-DR- TP75002-P01. This should include trigger detection equipment on Park Road North to identify the queue length and trigger the pedestrian crossing, and
  - The extension of the right-turn lane from A49 northbound onto Southworth Road, to provide capacity for 4 PCUs, as illustrated in Curtins Drawing 58211-CUR-00-XX-DR-TP75001-P01.

- 25) Except for site clearance and remediation, no development shall commence until the highway improvement works at the junction of A49 Newton Road/Hollins Lane to the principles of Curtins drawing TPMA1389-105/B and at the junction of A49 Newton Road/A573 Golbourne Road to the principles of Curtins drawing TPMA1389-104/A have been constructed.
- 26) No more than 22,000 square metres of B8 floorspace within the development hereby permitted shall be occupied until highway improvement works at the junction of A49 Newton Road/Delph Lane to the principles of Curtins drawing TPMA1389-102/C and at the junction of A49 Newton Road/Winwick Link Road to the principles of Curtins drawing TPMA1389-103/A have been constructed.
- 27) Reserved Matters applications shall include precise details of car, motorbike and cycle parking for that phase. The details shall include a justification for the level of spaces proposed, a layout plan, details of surfacing and any facilities such as lockers, showers etc.; and a scheme for electric vehicle charging (including proposals for the approach to be taken to accommodate further future provision for electric vehicle charging points as and when required). No building proposed in that phase of development shall be brought into use until the agreed details that are associated with it have been provided. The parking and servicing areas, and any facilities, shall be retained as such thereafter.
- 28) No building shall be occupied until the owners and occupiers of that building have appointed a Travel Plan Coordinator. The Travel Plan Coordinator shall be responsible for the implementation, delivery, monitoring and promotion of the travel plan, including the day-to-day management of the steps identified to secure the sustainable transport initiatives. 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.
- 29) Prior to the first use of any building hereby approved, a travel plan for that building shall be submitted to and approved in writing by the Local Planning Authority. The plan 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, the travel plan shall include but not be limited to:
  - Operational details of a shuttle bus service which would connect the site to the most deprived areas in the Borough,
  - 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.

The approved travel plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as the building is occupied and in use.

- 30) 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.
- 31) An enhancement scheme for the two bus stops on Winwick Road to the south of the site access shall be submitted to and agreed in writing with the Local Planning Authority. The enhancement scheme shall include access kerbs, shelters, new bus stop information and signage and road markings. The agreed works shall be implemented prior to the first use of any building on the site.
- 32) Prior to first use of any building for B8 purposes, an improvement scheme for the following cycleway/footways running north/south along Newton Brook and east/west between the Sankey Canal, through the Bradlegh Road estate and Vulcan Village shall be implemented in accordance with details that have first been submitted to and agreed in writing with the Local Planning Authority.
- 33) Reserved matters applications shall include provision for overnight lorry parking provision and associated amenity facilities and shall include 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.
- 34) Prior to first occupation of any building, a heritage trail shall be provided in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority. The details shall include the following:
- The design and specification for the construction of the heritage trail, which should seek to include a route that incorporates parts of the buffer zone between the base of the bunds constructed and the top of Gallows Croft woodland area. It must also include specifications for the path surfacing which must provide a route that is surfaced and at least 1.5 metres in width, preferably using a bound recycled stone surface e.g. Hoppath and incorporate "Access for All" principles e.g. maximum gradients of 1 in 20 (1:12 for short sections) where practicable,
  - Construction details and specifications for any structures required to create the heritage trail,
  - Details of signage and interpretation / information boards including their design and installation locations,
  - The location of a public car park to serve the heritage trail, including its location, the number of spaces, surfacing and marking,
  - A programme for implementation of the heritage trail and its availability for use, and
  - A management and maintenance plan for the heritage trail and the car park.
- The agreed heritage trail shall be implemented and maintained in accordance agreed details thereafter.
- 35) No development shall take place until a written scheme of archaeological work has been submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.
- 36) Construction works audible at or beyond the site boundary shall not occur outside of the following hours:

- Monday to Friday 08:00 - 18:00 hrs,
- Saturday 08:00 - 13:00 hrs, and
- Not at all on Sundays or Public/Bank Holidays

- 37) Any reserved matters applications shall comply with drawing reference Phase 1 Parameter Plan Acoustic Considerations '16043\_ PL116 Rev C'. For the avoidance of doubt, no external services, plant or equipment shall be located within the orange hatched areas, and no loading bays shall be orientated towards the nearest residential areas within the orange arrowed areas.
- 38) The rating level (LAr,Tr) of noise emanating from the site, when determined (by measurement or calculation) in accordance with BS 4142:2014+A1: 2019 and including applicable acoustic character corrections in accordance with this standard, shall not exceed the levels detailed within the following table.

Assessment Location	Allowable Night-time (23:00 to 07:00) Rating Level (LAr,15minute) dBA (1m from the façade)		Allowable Daytime (07:00 to 23:00) Rating Level (LAr,1hour) dBA (Freefield 1.25m above ground level)
Dwellings at Newton Park Farm and dwellings east of the east coast mainline railway on Whitefield Avenue, Newton Park Drive and Banastre Drive	43		47
Dwellings on A49 Winwick Road	48		55
Dwellings on Hermitage Green Lane	39		43

Dwellings at Hermitage Green and on Parkside Road	47		48
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The above day time limits shall be assessed under free-field conditions at a height between 1.25 and 1.5 metres above ground level at receptors at each assessment location i.e. they are free field levels.

The above night-time limits shall be assessed 1 m from the façade of upper storey windows of multistorey receptors at each assessment location i.e. they are façade levels.

- 39) Within three months of the commencement of operation of each phase of the development, a Verification Assessment Report which demonstrates that sound levels from the development comply with the requirements of Condition 38 shall be submitted to and agreed in writing with the Local Planning Authority. Should the report reveal sound levels in excess of the requirements of Condition 38 it shall include a scheme of additional mitigation, including a timetable for its implementation. Any additional mitigation shall be installed in accordance with the timetable for implementation.
- 40) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the development shall be used for uses associated with B8 Storage and Distribution with ancillary B1 (a) only, unless express consent is obtained from the Local Planning Authority.



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# Report to the Secretary of State

by **D M Young JP BSc (Hons) MA MRTPI MIHE**

and

**B J Sims BSc (Hons) CEng MICE MRTPI**

Inspectors appointed by the Secretary of State

Date 27 May 2021

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**TOWN AND COUNTRY PLANNING ACT 1990**

**APPLICATION BY**

**PARKSIDE REGENERATION LLP**

**MADE TO**

**ST HELENS METROPOLITAN BOROUGH COUNCIL**

Inquiry Held on 5-29 January 2021

Former Parkside Colliery, Newton Le Willows

File Ref: APP/H4315/V/20/3253194

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**Appendices**

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**GLOSSARY**

AQA	Air Quality Assessment
AQMA	Air Quality Management Area
BNG	Biodiversity Net Gain
CD	Core Document
CCA	Climate Change Act 2008
CCC	Committee on Climate Change
CEMP	Construction Environmental Management Plan
CIL	Community Infrastructure Levy
CS	St Helens Core Strategy, October 2012
DMRB	Design Manual for Roads and Bridges
EIA	Environmental Impact Assessment
ELNS	Employment Land Needs Study
ES	Environmental Statement
FF	Florida Farm
GBR	St Helens Green Belt Review 2018
GLVIA	Guidelines for Landscape and Visual Impact Assessment
GMEU	Greater Manchester Ecology Unit
GVA	Gross Value Added
ha	hectares
HCA	Homes and Communities Agency
HGVs	Heavy Goods Vehicles
J	Junction
LEP	Local Economic Partnership
LCR	Liverpool City Region
LPA	Local Planning Authority
LVIA	Landscape and Visual Impact Assessment
LWS	Local Wildlife Site
MEAS	Merseyside Environmental Advisory Service
NO <sub>2</sub>	Nitrogen Dioxide
NPPF	National Planning Policy Framework
PAG	Parkside Action Group
PDL	Previously Developed Land
PLR	Parkside Link Road
PM <sub>10</sub> and PM <sub>2.5</sub>	Particulate Matter 10/2.5 microns
PoE	Proof of Evidence
PP1/PP2/PP3	Parkside Phase 1/2/3
PPG	Planning Practice Guidance
RSS	Regional Spatial Strategy for the North West
S106	Section 106 of the Town and Country Planning Act 1990
SHELMA	Strategic Housing & Employment Land Market Assessment
SoCG	Statement of Common Ground
SoS	Secretary of State
SPD	Supplementary Planning Document
SRFI	Strategic Rail Freight Interchange
SSSI	Site of Special Scientific Interest
TA	Transport Assessment
TEMPro	National Trip End Model Presentation Program
TRICS	Trip Rate Information Computer System
UDP	The St Helens Unitary Development Plan 1998
µg/m <sup>3</sup>	micrograms per cubic metre
WBC	Warrington Borough Council
WC	Wigan Borough Council
ZTV	Zone of Theoretical Visibility

**File Ref: APP/H4315/V/20/3253194**  
**Former Parkside Colliery east of the A49, Winwick Road, Newton Le Willows WA12 8DB.**

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 21 May 2020.
- The application is made by Parkside Regeneration LLP to St Helens Metropolitan Borough Council.
- The application Ref P/2018/0048/OUP is dated 16 January 2018.
- The development proposed is "*the construction of up to 92,900m<sup>2</sup> of employment floorspace (use class B8 with ancillary B1(a)) and associated servicing and infrastructure including car parking; vehicle and pedestrian circulation space; alteration of existing access road including works to existing A49 Junction; noise mitigation; earthworks to create development platforms and bunds; landscaping including buffers; works to existing spoil heap; creation of drainage features; substations and ecological works*".
- The reason given for making the direction was that that, having regard to policy relating to the power to call-in planning applications, the Secretary of State concluded on the facts of this case that it was appropriate to do so.

**Summary of Recommendation: That planning permission for the development be granted subject to the conditions outlined and with the benefit of the planning obligations secured by the section 106 agreement.**

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## 1. Procedural Matters

*Throughout this Report, core documents (listed at Appendix C) are referred to with the prefix 'CD' followed by the relevant number. Documents handed up during the Inquiry (listed at Appendix B) are prefaced with 'ID' followed by the relevant reference number.*

- 1.1 The Inquiry sat for 16 days between 5 and 29 January 2021 and due to Covid-19 restrictions, was conducted virtually. The Inquiry was divided into two halves. The first<sup>1</sup> considered the evidence relating to the Parkside Phase 1 (PP1) development in its entirety. The second<sup>2</sup> dealt with the Parkside Link Road (PLR) proposal. Whilst many of the public objections were common to both proposals, the schemes gave rise to the consideration of different planning issues and evidence. Therefore, it was decided that PP1 and the PLR should be reported separately.
- 1.2 Unaccompanied site visits were carried out on 4 and 5 March 2021 with the main parties providing an agreed list of viewpoints<sup>3</sup>.
- 1.3 The application was submitted to St Helens Council in January 2018 and was considered by the Council's Planning Committee on 17 December 2019. In accordance with the recommendation of professional Officers<sup>4</sup>, the Committee resolved to grant planning permission subject to various conditions, the completion of a Section 106 (S106) agreement and referral to the Secretary of State (SoS). The application for the PLR was approved at the same meeting.

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<sup>1</sup> 5-15 January

<sup>2</sup> 19-29 January

<sup>3</sup> ID13.26

<sup>4</sup> Committee Report CD: 4.72

- 1.4 The application was 'called-in' for determination by the SoS by means of a Direction dated 21 May 2020. The matters which the SoS wishes to be informed about for the purposes of his consideration of the application are:
- The extent to which the proposed development is consistent with Government policies for protecting Green Belt land (NPPF Chapter 13),
  - The extent to which the proposed development is consistent with Government policies for building a strong, competitive economy (NPPF Chapter 6),
  - The extent to which the proposed development is consistent with the development plan for the area, and
  - Any other matters the Inspector considers relevant.
- 1.5 The application was called-in alongside the following applications:
- Wigan Council (WC) application A/18/85947/MAJES for employment development on land at Junction (J) 25 of the M6 Motorway, Wigan (PINS Ref: 3230827),
  - Bolton Council application 04766/18 for an employment development on land west of Wingates Industrial Estate off Chorley Road, Westhoughton, Bolton (PINS ref: 3253244), and
  - St Helens Council application P/2018/0249/FUL and Warrington Council (WBC) application 2018/32514 for a new link road between the A49 (Winwick Road) and M6 J22 (PINS refs: 3253230 & 3253232).
- 1.6 Subsequently the SoS also recovered for determination by himself St Helens application P/2017/0254/OUP for an employment development at Haydock Point (PINS ref: 3256871).
- 1.7 On consideration, the SoS agreed that the procedure for hearing the applications and appeal should be left at the discretion of the Planning Inspectorate. For practical reasons and given there was no clear indication of any cross-boundary issues, it was decided that the cases would be considered by a Panel of two Inspectors at four separate Inquiries.
- 1.8 It was initially agreed that the Panel would report all the cases simultaneously, after the close of the last Inquiry, 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.
- 1.9 With respect to PP1 and the PLR, both schemes share some of the same evidence and are self-contained within the scope of the development plan and no evidence of any interaction with any of the other developments under consideration by the Panel has emerged. Whilst the Haydock Point appeal is considered under an essentially common employment evidence base as PP1, the two schemes are judged on their individual planning merits. Accordingly, in the interests of enabling the application to be determined as expeditiously as possible, the PP1 and the PLR Reports are submitted to the SoS independently of the other Reports.

- 1.10 The main opposition to the proposal at the Inquiry was offered by the Parkside Action Group (PAG) who appeared as a Rule 6(6) Party. With the exception of their planning witness<sup>5</sup>, PAG were not represented at the Inquiry by planning professionals nor did they have access to a qualified advocate. With that in mind, the Panel sought to grant PAG as much flexibility as possible with regards to the presentation of their own case and the cross-examination of opposing witnesses. In some cases, the Panel declined to accept late material from PAG after the relevant topic session had closed and where the acceptance of the material would have breached Inquiry procedure rules aimed at ensuring fairness to all parties.
- 1.11 A signed and dated S106 agreement<sup>6</sup> was submitted during the Inquiry together with a Compliance Statement<sup>7</sup>. It contains just a single obligation in respect of off-site mitigation for habitat loss. The proposed obligation needs to be assessed against the statutory Community Infrastructure Levy (CIL) tests, a matter addressed later in this Report.
- 1.12 Although the application was submitted in outline with only access to be determined, it was accompanied by an illustrative masterplan<sup>8</sup> and a suite of parameter plans<sup>9</sup> as well as a substantial body of supporting evidence contained in an Environmental Statement (ES)<sup>10</sup>. An Addendum ES<sup>11</sup> containing amongst other things, updated Air Quality, Noise, Heritage and Transport Assessments was submitted in January 2018 to reflect consultation responses from statutory consultees and the designation of the Registered Battlefield to the south of the site.
- 1.13 The Planning Inspectorate undertook a review of the ES in accordance with Schedule 4 Part 2 of the 2011 Environmental Impact Assessment (EIA) Regulations on 2 October 2020 and concluded that the ES is adequate. No legal points have been raised over the adequacy of the ES.
- 1.14 Signed Statements of Common Ground relating to 'General Matters'<sup>12</sup> (the SoCG) and Highways<sup>13</sup> (the Highways SoCG) were submitted prior to the Inquiry. These are considered in more detail in section 5 of this Report.
- 1.15 Pre-Inquiry Case Management Conferences were held on 1 October and 13 November 2020 to discuss the arrangements for the Inquiry and deadlines for the submission of various documents. Summaries of the conferences were subsequently sent to the main parties<sup>14</sup>.

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<sup>5</sup> Ms Jackie Copley

<sup>6</sup> ID: 13.11

<sup>7</sup> ID: 13.21

<sup>8</sup> CD: 4.14

<sup>9</sup> CD: 4.31-4.38

<sup>10</sup> CD: 4.47-4.71

<sup>11</sup> CD: 4.50-4.53

<sup>12</sup> CD: 4.163

<sup>13</sup> CD: 4.164

<sup>14</sup> CD: 5.75 & 5.77

## 2. The Site and Surroundings

- 2.1 A full description of the site and its surroundings is contained in the SoCG, Planning Committee Report, ES Non-Technical Summary<sup>15</sup>, Statements of Case<sup>16</sup> and the Planning Proofs of Evidence (PoE)<sup>17</sup>.
- 2.2 Put briefly, the application site is a large swathe of land located to the east of the A49 Winwick Road and west of the M6 Motorway. It abuts the eastern edge of Newton Le Willows and is approximately 47.90 hectares (ha) in size. The site sits on the south-eastern and eastern edge of the St Helens and Liverpool City Region (LCR) administrative area respectively.
- 2.3 The application site forms part of the site of the former Parkside Colliery with the remainder within the Parkside Phase 2 (PP2) site boundary<sup>18</sup>. Although the buildings associated with the colliery have been removed, the land was never formally restored and now sits vacant and unused, save for an electricity substation. As is evident from aerial images, large parts of the site have re-vegetated over time including the spoil heap in the eastern quadrant. The site is predominantly rough grassland with some scattered trees and areas of woodland<sup>19</sup>. Despite that, there are significant areas of previously developed land (PDL) and previously disturbed land.
- 2.4 To the north of the site is Newton Park Farm which contains two Grade II Listed buildings<sup>20</sup>. The southern part of the site forms part of the Registered Battlefield<sup>21</sup> designated by Historic England in 2018. The designated area includes part of the former colliery site and the open land to the south. St Oswalds Brook runs along the south of the site in a cutting. There is woodland on each side of the Brook, an area of the woodland also being a designated Local Wildlife Site (LWS).
- 2.5 There are dwellings on the A49 which back on to the site and a small housing estate arranged around Cholmley Drive which is roughly opposite the site access. There are five residential properties located on Hermitage Green Road to the south of the site and a hamlet to the south-east at Hermitage Green.
- 2.6 Vehicular access to the site is from the former colliery access road which forms a priority junction with the A49 Winwick Road. The A49 connects J23 of the M6 to the north and J9 of the M62 to the south via Newton Le Willows and the village of Winwick located within Warrington's administrative boundary. The recently upgraded Newton Le Willows railway station is approximately 650 metres to the north of the site.
- 2.7 The West Coast Mainline Railway runs north-east to south-west adjacent to the north-western site boundary. The Liverpool to Manchester Railway Line (also known as the Chat Moss Line) is located to the north of the proposed PP2 site.

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<sup>15</sup> CD: 4.47

<sup>16</sup> CD: 5.67B & 5.68B

<sup>17</sup> Rollinson & Nicholls PoE CD: 7.41 & 7.45

<sup>18</sup> See Plan no. 16043\_PL100 CD: 4.10

<sup>19</sup> The existing habitats are shown on Habitat Survey Plan attached to the Outline Ecological and Landscape Management Plan CD: 4.63

<sup>20</sup> Newton Park Farmhouse and Barn

<sup>21</sup> The Battle of Winwick, 1658.

- 2.8 The character of the area to the west and north-west is unmistakably urban whereas those areas to the south and east are more open and rural albeit with urbanising influences, including the M6 motorway as well as electricity pylons which lead away from the on-site sub-station on a north-east alignment.

### **3. Planning History**

- 3.1 In 1955, permission was sought for a new colliery. The application was subject to a public inquiry and permission was granted in 1956. The colliery was opened in 1959. The Minister of Housing and Local Government's decision letter confirms that there are no restorative conditions in respect of the colliery. It was inferred that the quantity of coal present was such that it was not expected that the colliery would close for some considerable time. Planning permissions were granted for the tipping of wastematerial in the 1960s.
- 3.2 Following closure of the colliery in 1993, there has been a range of planning applications for significant employment development proposals on the land. The relevant planning history is set out in detail in section 5 of the Committee Report<sup>22</sup>.
- 3.3 Of particular note are the two planning applications made in 1997 by British Coal as part of a proposal for employment development on the former colliery, part of which was to be occupied by a Morrisons distribution warehouse. However, after Morrisons found an alternative facility elsewhere, the application was withdrawn following which British Coal opted to sell the site.
- 3.4 Railtrack progressed an application<sup>23</sup> for a rail freight facility comprising 168,000m<sup>2</sup> of warehouse distribution units. This proved ultimately unsuccessful but was followed by a more detailed application<sup>24</sup> by Astral (subsequently taken over by Prologis) for a Strategic Rail Freight Interchange (SRFI) of up to 715,000m<sup>2</sup> of rail served warehouse and distribution buildings<sup>25</sup>.
- 3.5 This is the application referred to later in this Report and which formed the basis for the SRFI designation in the development plan. However, the scheme was subsequently abandoned in the summer of 2010, due to adverse market conditions during the global economic downturn. The site was then formally purchased by the Applicant<sup>26</sup> in 2015.
- 3.6 The Applicant company is a Joint Venture between Langtree Property Partners (a commercial property company based in the North West) and St Helens Council.

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<sup>22</sup> CD: 4.72

<sup>23</sup> LPA ref: P/2001/0902

<sup>24</sup> LPA ref: P/2006/1296

<sup>25</sup> The Astral Masterplan is shown at Figure 4, page 10 of the Arup SRFI Report 2020 Appendix 15 to Rollinson PoE CD: 7.31

<sup>26</sup> Parkside Regeneration LLP is a Joint Venture between Langtree Property Partners Limited and St Helens Borough Council

## 4. The Proposals

- 4.1 A description of the development proposal is set out in section 2 of the Committee Report<sup>27</sup>, section 2 of the SoCG<sup>28</sup> and page 8 of the ES Non-Technical Summary<sup>29</sup>.
- 4.2 In brief, PP1 would provide up to 92,900m<sup>2</sup> of employment floor space within use class B8 (storage and distribution) with ancillary B1(a) offices and associated servicing and infrastructure. The application is in outline except for access. This means that matters pertaining to scale, appearance, layout and landscaping are reserved for future approval. The indicative details provided with the application show how the site could be developed. However, it is the parameters plans that fix the limits of the development and form the basis of the scheme assessed in the ES.
- 4.3 The illustrative masterplan<sup>30</sup> and development cell parameter plan<sup>31</sup> shows three development platforms within the site. The first would be located in the south-west quadrant of the site. The illustrative plans show that it could accommodate a building with a maximum floor area of 52,029m<sup>2</sup> (Units A/B) with a maximum height of 22m.
- 4.4 The second, smaller cell would be located to the east of Unit A/B in the south-east quadrant abutting the spoil tip. The building (Unit C) would have a maximum floor area of 21,544m<sup>2</sup> with a height of 23m. The third cell would be located in the north of the site (Unit D) and could accommodate a building up to 19,123m<sup>2</sup> with a maximum height of 23m.
- 4.5 Units A/B, C and D would all be enclosed by landscaped bunds. The illustrative cross sections<sup>32</sup> indicate that the bunds along the site's western boundary would crest at a distance of some 46m from the rear boundaries of the properties along the A49 with a height of approximately 8.4m.
- 4.6 The existing access would be upgraded to a new three-armed signalised junction. Strip widening along the northern and southern arms of the A49 would be required to provide a right-turn ghost island to facilitate turning into the site. All highway works would be within the confines of the existing public highway. The internal access road would run from west to east across the site. Secondary access roads serving the units would form priority junctions with the main estate road. The signalised junction and internal access road would form the eastern section of the PLR.
- 4.7 The illustrative plans<sup>33</sup> indicate that landscape buffers would be created around the edges of the site which would incorporate the previously mentioned bunding. Whilst the general extent of the spoil heap would remain, part of its western flank would be excavated to create a development platform for Unit C. Those parts of the spoil heap that are unaffected by these works would be

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<sup>27</sup> CD: 4.72

<sup>28</sup> CD: 4.163

<sup>29</sup> CD: 4.47

<sup>30</sup> CD: 4.14

<sup>31</sup> CD: 4.31

<sup>32</sup> CD: 4.23

<sup>33</sup> Green Infrastructure Parameter Plan CD4.37 & Appendix A CD: 4.70

retained and enhanced with planting. An area to the northern part of the site would be safeguarded so as to allow the formation of rail sidings should that be necessary in the future to facilitate a SRFI on land to the east of the M6<sup>34</sup>.

- 4.8 The PP1 application would be the first phase of the comprehensive redevelopment of the former colliery site and land to the east of the M6 which forms part of the wider Parkside strategic site. The scheme is speculative with no named end-user. PP1 and PP2<sup>35</sup> would be located on the former colliery site (also known as Parkside west) whilst PP3 (the SRFI) would be located on land to the east of the M6 (also referred to as Parkside east).
- 4.9 The PLR scheme would link the A49 to J22 of the M6 and forms an integral part of the overall Parkside redevelopment package.
- 4.10 Section 9 of the ES contains a cumulative assessment of the PP1 scheme alongside PP2, PP3 and other known developments in the area.

## **5. Planning Policy and Guidance**

### *National law and Policy*

- 5.1 Section 38(6) of the 2004 Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. One such material consideration is the National Planning Policy Framework (NPPF), which can override development plan policy if it is not consistent with the NPPF's provisions.
- 5.2 To ensure that sustainable development is pursued in a positive way there is a presumption in favour of sustainable development at the heart of the NPPF. Paragraph 11 explains that for decision-taking this means, firstly, approving development proposals that accord with an up-to-date development plan without delay.
- 5.3 Of particular relevance in this case are those parts of the NPPF which deal with Green Belt and economic development. NPPF Section 13 is entitled "*Protecting the Green Belt*", with paragraph 133 making it clear that the Government attaches great importance to Green Belts, the fundamental aim of which are to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF sets out five purposes served by the designation of Green Belt land:
- a) To check the unrestricted sprawl of large built-up areas,
  - b) To prevent neighbouring towns merging into one another,
  - c) To assist in safeguarding the countryside from encroachment,
  - d) To preserve the setting and special character of historic towns; and
  - e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

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<sup>34</sup> CD: 4.32

<sup>35</sup> PP1 & PP2 Masterplan is shown at CD: 4.15 & Fig 9.3 of the ES

- 5.4 Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.5 Paragraph 144 goes on to explain that when considering any planning application, substantial weight should be given to any harm to the Green Belt, and that 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.
- 5.6 NPPF paragraph 8a) sets out the three overarching objectives of national planning policy. The economic objective seeks to build a strong, responsive and competitive economy by ensuring that sufficient land and infrastructure is made available to support growth. In the same vein, paragraph 80 states that decisions should help create the conditions in which businesses can invest, expand and adapt and that '*significant weight*' should be placed on the need to support economic growth, taking into account both local business needs and wider opportunities for development. NPPF paragraph 82 recognises the specific locational requirements of different sectors and directs local planning authorities to make provision for storage and distribution operations in suitably accessible locations.
- 5.7 Also relevant is NPPF paragraph 33 which states that planning decisions should reflect changes in the demand for land, informed by regular reviews of land allocated for development in plans and land availability. Similarly, paragraph 120 states that policies in local plans should be reviewed to assess whether they need updating at least once every five years taking into account changing circumstances affecting the area, or any relevant changes in national policy.
- 5.8 NPPF Paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity value, recognising the intrinsic character and beauty of the countryside, minimising impacts on and providing net gains for biodiversity and addressing unacceptable levels of pollution.
- 5.9 NPPF Paragraph 181 states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMAs) and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Planning decisions should ensure that any new development in AQMAs and Clean Air Zones is consistent with the local air quality action plan.
- 5.10 NPPF Paragraph 103 is also of relevance and states, in part, that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. Other relevant paragraphs in the NPPF are referenced, as appropriate, later in this Report.

5.11 The Planning Practice Guidance (PPG), initially published in 2014, is also a material consideration in the determination of this appeal. Paragraph 31<sup>36</sup> states: *"the logistics industry plays a critical role in enabling an efficient, sustainable, and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities, and has distinct locational requirements"*.

5.12 It goes on: *"Strategic facilities serving national or regional markets are likely to require significant amounts of land, good access to strategic transport networks, sufficient power capacity and access to appropriately skilled local labour. Where a need for such facilities may exist, strategic policy-making authorities should collaborate with other authorities, infrastructure providers and other interests to identify the scale of need across the relevant market areas."*

#### *The Development Plan*

5.13 The statutory Development Plan includes:

- The St Helens Core Strategy (the CS), October 2012<sup>37</sup>, and
- The St Helens Unitary Development Plan 1998 (the UDP) (Saved Policies)<sup>38</sup>,

#### *The CS*

5.14 The CS was adopted at a time when the Regional Spatial Strategy for the North West (the RSS) was still in force. The key requirements of the RSS for St Helens are set out in paragraph 2.10 of the CS and identify, amongst other things, land at Newton-le-Willows as an area of search for an inter-modal freight terminal.

5.15 Section 3 of the CS is titled *"Issues, Problems and Challenges"* and provides some local context. It highlights the problem of population decline between 1988 and 2001. Paragraph 3.3 sets out that multiple deprivation levels in the area are amongst the highest in the country with the Borough ranked 51<sup>st</sup> most deprived local authority out of 326. Newton le Willows is highlighted as being within the 5% of nationally most deprived wards. Paragraph 3.4 states:

*"St Helens has a legacy of poor health linked with deprivation and its industrial past. The major causes of death are heart and circulatory diseases, cancers and respiratory diseases. Despite recent improvements, the Borough's mortality rate remains higher than the national average. Health inequalities remain a problem and new challenges are emerging with people becoming heavier, less fit and much more likely to develop life threatening ill health and poorer quality of life."*

5.16 The Spatial Vision states that PDL in sustainable locations within Haydock Industrial Estate and the M62 Link Road Corridor will remain priority areas for economic development, together with a SRFI at Parkside. The Strategic Aims and Objectives of the CS are set out in paragraph 4.29 and puts regeneration at the heart of the Council's strategy.

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<sup>36</sup> Paragraph: 031 Reference ID: 2a-031-20190722

<sup>37</sup> CD: 2.2

<sup>38</sup> CD: 2.1

- 5.17 Policies relevant to the PP1 scheme are set out in paragraph 4.3 to the SoCG<sup>39</sup> and it is not necessary to repeat them all again here. Instead those policies which are in dispute and/or are particularly relevant to the application are summarised below.
- 5.18 Policy CSS1 sets out the overall spatial strategy. Of particular relevance to the PP1 scheme are parts 1) vii) and viii). The former states that the general extent of the Green Belt<sup>40</sup> is to be maintained whereas the latter states that *"An area of land in the Green Belt, principally based on the former Parkside Colliery, is identified as a strategic location for a Strategic Rail Freight Interchange. Subject to an appropriate scheme being fully developed on site, which meets policy CAS 3.2, the land will then be considered favourably for removal from the Green Belt through the Allocations DPD"*.
- 5.19 CS Section 9 deals exclusively with Newton le Willows and Earlestown with Policy CAS 3.2 being a key consideration in the determination of this application. Following on from the objectives in the RSS, and consistent with the contemporaneous planning application<sup>41</sup> (subsequently withdrawn) the policy highlights that *"the former Parkside Colliery and immediately adjacent land is identified as a strategic location which has the potential to facilitate the transfer of freight between road and rail"*. The policy goes on to set out how a SRFI would be delivered at Parkside west. It then sets out 15 criteria that will need to be satisfied for the Council to support a scheme for a SRFI.
- 5.20 Criteria 14 and 15 are also highly relevant as they deal with the use of land at Parkside east (shown indicatively on CS Figure 9.2) which the policy concedes might be required to accommodate an enlarged SRFI for operational, viability and commercial reasons. Policy CAS 3.2 contains provisions which expressly allow for Parkside east to be utilised for the development of a SRFI provided the land at Parkside west (PP1 and PP2) is developed first (criterion 14) and, secondly, that the SRFI is proven not to be deliverable without land at Parkside east (criterion 15). Policy CAS 3.2 states that planning permission will not be granted for any other use of the land shown in Figure 9.2 which would prejudice its use as a SRFI. However, the policy stops short of saying that the land at Parkside west must be developed for a SRFI and for no other purpose.
- 5.21 The supporting text to Policy CAS 3.2 acknowledges Parkside's locational advantages which are its proximity and accessibility to the M6 and M62 motorways, the Liverpool to Manchester railway line and the West Coast Mainline. The supporting text also explains that the access from the A49 would not be acceptable as the main access to a SRFI and therefore land at Parkside east is likely to be necessary to deliver direct access to the M6 J22.
- 5.22 With regard to the likely harm arising from the development of the Parkside strategic site, the CS Examining Inspector noted<sup>42</sup>:
- "It is of course very likely that an SRFI scheme at Parkside would be inappropriate development in the Green Belt, it is inevitable that it would*

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<sup>39</sup> CD: 4.163

<sup>40</sup> As defined by saved UDP Policy S1

<sup>41</sup> The Astral/ProLogis scheme

<sup>42</sup> Paragraph 41 CD: 2.10

*transform the appearance of the mostly 'open' countryside site and that its presence would alter the character of the surrounding area and impact on the lives of local people to a significant degree. Health, air quality (bearing in mind that there is already an Air Quality Management Area in the vicinity), light and noise impacts, together with effects on biodiversity (including the nearby SSSI), farming, archaeology/heritage (including battlefields), landscape, agricultural land and a range of other issues would need to be carefully assessed in detail and the potential for, and likely impact of, mitigation measures considered. Even so, it is likely that not all local harm could be avoided, mitigated or compensated for."*

- 5.23 The Inspector's comments are reflected in the justification for Policy CAS 3.2 in paragraphs 9.50-9.54 where there is an implicit acknowledgement that a SRFI would represent inappropriate development in the Green Belt, in addition to causing harm to openness. However, it is also accepted that a SRFI would make a substantial contribution to the regeneration of St Helens whilst meeting national transportation objectives through the transfer of road freight to rail and a reduction in carbon dioxide (CO<sub>2</sub>) emissions. Accordingly, the CS entertains the prospect that very special circumstances could be demonstrated.
- 5.24 CS Policy CE1 requires that sufficient land and premises will be provided to strengthen and diversify the Borough's economic base. It requires that at least 37ha of land is available to meet local needs for B1, B2 and B8 purposes to 2027 through the identification of a range of sites within the Allocation DPD. Criteria 2 of Policy CE1 sets out support for the development of a SRFI at Parkside in line with Policy CAS 3.2.

#### *The UDP*

- 5.25 The relevant UDP policies are set out in the SoCG<sup>43</sup>. Of most relevance to the PP1 application are Policies S1, GB1 and GB2 which concern development in the Green Belt.
- 5.26 Policy GB1 states that new buildings within the Green Belt will not be permitted, except in very special circumstances, unless it meets one of the stated exemptions. UDP Policy GB2 states that subject to the provisions of Saved Policy GB1, development in the Green Belt will be judged against: whether it is appropriate in terms of its siting, scale, design, materials and landscaping and does not detract from the openness of the Green Belt. Policy S1 states that the Green Belt defined on the proposals map will be maintained in order to, inter alia, assist in safeguarding the countryside from encroachment.

#### *The emerging St Helens Local Plan*

- 5.27 Emerging policy appears in the form of the St Helens Borough Local Plan 2020-2035 Submission Draft<sup>44</sup> 2019 (the eLP). The eLP was taken to public consultation in 2019 and submitted for Examination in October 2020. The first Hearings are scheduled for May 2021. Upon adoption, the eLP would replace the CS and the UDP in their entirety.

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<sup>43</sup> Table 3 to General SoCG CD: 4.163

<sup>44</sup> CD: 3.18

- 5.28 Supporting regeneration and balanced growth are at the heart of the eLP and the importance of regenerating the former Parkside colliery site as well as delivering a SRFI are key themes that run through the document.
- 5.29 The background to the eLP is that it results from the abandonment of a Site Allocations document in 2015 following a review of employment land requirements. As a result of that exercise it became clear that the level of need was substantially greater than the previous evidence identified.
- 5.30 The eLP proposes to allocate 265.3ha<sup>45</sup> of employment land up to 2035 with an additional 85.88ha safeguarded for employment use beyond the plan period<sup>46</sup>. Parkside west along with Parkside east is proposed to be removed from the Green Belt and allocated as B2/B8 employment land and a SRFI respectively<sup>47</sup>.
- 5.31 Policy LPA02 sets out the Spatial Strategy for the Borough to 2035 and beyond. Paragraph 5 of this policy states that substantial new employment development will occur on large sites capable of accommodating large employment buildings (over 9,000m<sup>2</sup>) and are close to the M6 and M62. Paragraph 6 identifies *"Parkside East and Parkside West as transformational employment opportunity sites that will make a major contribution to the economic development of St Helens, the Liverpool City Region and beyond"*.
- 5.32 Policy LPA04 states that the Council will aim to deliver a minimum of 215.4ha of land for employment development. This policy lists the sites to meet this requirement, which are listed in Table 4.1. Parkside west which comprises PP1 and PP2 is identified as site 8EA and is expected to deliver 79.57ha of B2 and B8 land. Parkside East is identified as site 7EA and is expected to deliver a 64.55ha SRFI in accordance with Policy LPA10.
- 5.33 Appendix 5 to the eLP sets out the specific requirements for the Parkside West allocation. These include:
- Access to an initial phase of development from the A49 Winwick Road.
  - Later phases of development to be served by a new link road from the east (linking to J22 of the M6).
  - The amount of development achievable within each phase to be determined by a transport assessment approved by relevant highway authorities.
  - Suitable measures to control impact of increased traffic movement or uses within the site on residential amenity, noise and/or air quality in the surrounding area.
  - Measures to mitigate any adverse impacts on the Registered Battlefield and other heritage assets in the area, and
  - Development must avoid prejudicing the future development of siding facilities to serve the SRFI.

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<sup>45</sup> See Table 4.1

<sup>46</sup> See Table 4.7

<sup>47</sup> See Figure 4.2: Key Diagram

5.34 Although at a fairly advanced stage, the ELP is still the subject of a significant number of objections some of which relate to the wider Parkside allocation. It is therefore common ground that the policies themselves carry limited weight at this time. Nonetheless, the eLP is underpinned by a substantial body of up-to-date technical evidence some of it specific and highly relevant to the PP1 and PLR schemes. This is set out below.

#### *Other Relevant Documents*

5.35 The following documents are considered to be of particular relevance:

- The Green Belt Review 2018 (GBR)<sup>48</sup>,
- The Employment Land Need and Supply Background Paper 2020 (Employment Background Paper)<sup>49</sup>,
- The Parkside Strategic Rail Freight Interchange Background Paper October 2020<sup>50</sup>,
- The St Helens Employment Land Needs Study (ELNS) 2015<sup>51</sup>,
- The ELNS Addendum 2017<sup>52</sup>,
- The St Helens ELNS Addendum 2019<sup>53</sup>,
- The LCR Strategic Housing and Employment Land Market Assessment (SHELMA) 2018<sup>54</sup>,

5.36 The SHELMA comprises a study prepared on behalf of the local authorities of the LCR (including St Helens) to have a consistent joint evidence base for housing and employment land needs to 2037. Large-scale warehousing (defined as over 9,000m<sup>2</sup> or 100,000ft<sup>2</sup>) was assessed separately due to the potential implications of greater port capacity at Liverpool2 increasing the demand for large warehousing. It was considered that this additional capacity would increase overall demand for large warehousing, which could not be accommodated within typical forecasting methodologies.

5.37 The SHELMA estimated that 50% of existing large-scale warehouse stock would need to be replaced by 2033 and 80% by 2043, necessitating some 768,000m<sup>2</sup> of new build warehousing as replacement stock by 2033 and 1,229,000m<sup>2</sup> by 2043. On top of this replacement stock, additional large warehousing stock is forecast based on potential growth in freight movements due to the Liverpool2 port.

5.38 The SHELMA looked at two scenarios. The first was based on existing warehouse operators in the LCR continuing to predominantly serve a North West market. The second, assumed that the North West warehouse operators would increase their market share in England, to serve a national market in line with the wider

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<sup>48</sup> CD: 3.5

<sup>49</sup> <https://www.sthelens.gov.uk/media/329709/sd022-employment-land-need-and-supply-background-paper-october-2020.pdf>

<sup>50</sup> CD: 5.91

<sup>51</sup> CD 5.79

<sup>52</sup> CD 5.80

<sup>53</sup> CD 5.81

<sup>54</sup> CD 4.214

economic strategy for the LCR. From these two scenarios, the land requirement to 2037 (to align with the other SHELMA forecasts) for large-scale warehousing was forecast to be 308-397ha (Table 69 of SHELMA). The range in this forecast is due to the differences in the assumptions between the two scenarios.

- 5.39 The potential locations of this forecast requirement within the LCR was not disaggregated to local authority or site level as the report noted that the large-scale warehousing market is sub-regional and growth at a local level is driven by the supply of attractive sites.
- 5.40 The LCR's "Assessment of the Supply of Large-Scale B8 Sites"<sup>55</sup> was a parallel study to the SHELMA and provided a supply side assessment of sites that had potential to accommodate large-scale warehousing uses. 24 sites were assessed, including four in St Helens; Parkside West (51.6ha), Parkside East (63.7ha), Land North of Penny Lane, Haydock (8.8ha) and Florida Farm (FF) North, Haydock (28.1ha).
- 5.41 It was estimated that some 171.3 ha of land would be developable for large-scale B8 uses within sites that were allocated or had a current planning permission. This included Penny Lane and FF which had been granted planning permission at the time of the report. Taking these permissions into account, the SHELMA noted a considerable shortfall in the 339-437ha B8 land requirement to 2037 and concluded "*there is a clear requirement to identify more sites across the City Region to meet the identified need.*"
- 5.42 The Employment Background Paper and ELNS Addendum revise the employment land needs for St Helens to 190–239ha and highlights the potential early delivery of PP1 and identifies the potential for all phases of Parkside to deliver 5,128 jobs.

## **6. Facts Agreed Between the Council and Applicant**

- 6.1 Two SoCGs between the Applicant and the Council were submitted prior to the start of the Inquiry. PAG were not signatories to either. The General Matters<sup>56</sup> SoCG contains agreement on a wide range of planning matters. Whilst it is not necessary to repeat all of the information again here, the following salient points emerge:
- The proposal constitutes inappropriate development within the Green Belt and should only be approved if very special circumstances can be demonstrated,
  - The development would have an inevitable impact on openness. The Council say this would be significant whereas the Applicant argues it would be moderate on account of the existing urbanising influences on the site and its level of containment,
  - It is agreed that the character and appearance of the site arising from the legacy of a colliery use is an important consideration,

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<sup>55</sup> CD: 5.83

<sup>56</sup> CD: 4.163

- There are no reasonable alternative sites outside the Green Belt that could accommodate the development,
- The development would result in moderate landscape and visual harm in the medium term reducing over time as the landscape mitigation matures,
- The landscape character of the site is not designated nor is it 'valued' for the purposes of the NPPF,
- The need for the Parkside development and the benefits arising from it are capable of amounting to very special circumstances to justify development,
- The application would harm the setting of the listed buildings at Newton Park Farm. It would also harm the Registered Battlefield. In each case the harm would be 'less than substantial',
- The development would not cause any exceedances of EU Air Quality Limit Values in 2030 or have a significant effect overall,
- The development would not have an unacceptable impact on protected species or their habitats, subject to the implementation of mitigation measures that can be secured by condition and S106 agreement,
- If very special circumstances can be demonstrated, the application would be compliant with national and local Green Belt policy,
- There would be harm to the amenity of nearby residents with particular regards to overshadowing, loss of outlook and privacy. However subject to conditions, the development would not cause unacceptable harm or conflict with CS Policy CP1,
- Subject to conditions there would be no significant noise impacts on the occupiers of nearby properties,
- The policies for economic development within the development plan are out of date and the need for economic development in St Helens is substantial. National policy support for employment development is therefore a significant material planning consideration weighing in favour of the PP1 scheme,
- There is a proven commercial need for large-scale logistics sites and this should command significant weight. Moreover, there is a lack of suitable sites to accommodate the need and demand,
- The economic and social benefits of the proposal are a significant material planning consideration in favour of the proposals,
- The site boasts excellent connectivity to transport infrastructure including the M6, M62, A508, two railway lines and significant areas of population, and
- The application would not compromise or inhibit the development of a SRFI at Parkside as proposed in the eLP.

6.2 The Highways SoCG<sup>57</sup> goes into more detail on highways matters. Key points from the document are:

- The parties agree that PP1 is not reliant on the PLR,
- The parties agree that the proposed A49 site access is appropriate for the forecast traffic from the PP1 scheme and complements the PLR proposals,
- A shuttle bus or enhanced bus capacity would be provided between the development and locally deprived areas,
- The Transport Assessment<sup>58</sup>(TA) methodology is consistent with national and local planning and transport guidelines,
- Committed developments have been appropriately included,
- A cumulative highway impact assessment has been carried out in accordance with EIA regulations,
- Off-site mitigation measures at the A49 High Street/Crow Lane East, A49 High Street / Park Road North and the A49 Mill Lane/A572 Southworth Rd are necessary to mitigate the impact of development traffic,
- The issue of on-site lorry parking provision can be dealt with by way of planning condition to ensure the parking of heavy goods vehicles (HGVs) does not give rise to amenity issues on local roads,
- Subject to the implementation of mitigation measures, the proposed development would not have a severe impact on the highway network, and
- There are no cross-boundary issues in relation to the other schemes under consideration by the Panel.

## **7. The Case for Parkside Action Group**

*The case for PAG is provided in detail in their Statement of Case [CD5.70], Proofs of Evidence [CD7.77-7.95], Opening [ID13.3] and Closing Submissions [ID13.53]. The material points are set out below:*

### **Policy**

7.1 CS Policy CAS 3.2 recognises the exceptional worth of the site from a national transportation perspective given its ability to accommodate a SRFI. The transfer of freight to rail and a reduction in carbon emissions is supported by PAG. Policy CAS 3.2 sets a number of criteria with the sole aim of bringing forward a SRFI on the Parkside west site. This is exemplified by criterion 8 which states *"All uses within the site should have the primary purpose of facilitating the movement of freight by rail. Any ancillary uses to this main use must be directly related to the movement of freight by rail and must demonstrate clearly why they need to be located on the site"*.

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<sup>57</sup> CD: 4.164

<sup>58</sup> CD: 4.54

- 7.2 Policy CAS 3.2 does not entertain 'general employment' uses on the Parkside west site of the kind proposed here. CS paragraph 9.53 emphasises the rarity of the site and locational advantages, specifically with regard to rail. Save for a strip of land to be safeguarded for a future reversing leg, the PP1 scheme is not functionally related to rail.
- 7.3 The approval of this application would result in a piecemeal development that would prejudice any potential to provide rail access as part of a future SRFI and would destroy any ambition to achieve a rail connection to Parkside west. A road-based logistics use such as PP1 would clearly conflict with the currently adopted CS.
- 7.4 Although it is intended to remove the site from the Green Belt in the eLP, there are outstanding objections to the proposed employment allocation. As the eLP has yet to be examined in public, it carries limited weight.
- 7.5 The large-scale release of Green Belt land should not be considered on an incremental basis through individual planning applications. This should properly be done through the local plan process and in line with the 'Duty to Cooperate'. In the interim, there is simply no policy support for the proposed development and adopted CS policy should not be bypassed.
- 7.6 Despite the designation in the eLP, Parkside east is unsuitable for a SRFI due to the level of landscape and visual harm that would arise. Figure 3 to the 2016 Parkside Logistics and Rail Freight Interchange Study<sup>59</sup> shows that the PLR would cross areas shown for sidings and loading areas. These may therefore need to be relocated. Finally, given the topography of the Parkside east site in relation to the Chat Moss Line, the cost of engineering the necessary incline may prove prohibitive to a SRFI at Parkside east. In light of the above, Parkside west is the better option for the SRFI in terms of cost and operational flexibility.
- 7.7 Overall, the strategic opportunity to bring forward a SRFI at Parkside and the potential to decarbonise freight transport in line with Government policy and international obligations would be severely degraded by the PP1 proposals.

### **Green Belt**

- 7.8 Green Belt policies in St Helens' and Warrington's development plans are up to date, consistent with the NPPF and should be afforded full statutory weight. The land to the west of the M6 was occupied by Parkside Colliery, developed with a special licence, purposely never taken out of the Green Belt and was always intended to be restored to greenfield conditions.
- 7.9 The GBR<sup>60</sup> assessed the contribution of the PP1 and PP2 sites to the purposes of the Green Belt. The report gave land to the east of the M6 a 'high+' score and land to the west of the M6 a 'medium' score. PAG believe the PP1 site performs most Green Belt functions to a high to medium level.
- 7.10 The PP1 development would be inappropriate development in the Green Belt. The extent of harm would be substantial from the immense shed structures.

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<sup>59</sup> CD 5.54

<sup>60</sup> CD: 3.5

Their looming appearance in the landscape would dominate views from the open countryside to the east of the M6. The development would lead to unacceptable unrestricted urban sprawl of Newton le Willows, merging it with Hermitage Green thereby creating a real sense of countryside encroachment. There would also be spatial and visual harm to openness and permanence which is agreed by all parties.

- 7.11 In accordance with NPPF paragraph 144, harm to the Green Belt must be given substantial weight. PP1 would harm two of the five purposes of the Green Belt, as set out in NPPF Chapter 13: a) to check unrestricted sprawl and c) to assist in safeguarding the countryside from encroachment, to which the site contributes to a medium and high extent, respectively. This harm must be given significant weight.
- 7.12 The cumulative Green Belt effects have not been assessed.
- 7.13 The stated benefits of the scheme would not materialise. Accordingly, and based on the identified harm to Green Belt purposes, the very special circumstances required to justify approval within the Green Belt do not exist. The proposal would therefore be contrary to national policy on Green Belt and the policies of the CS. Only a SRFI would justify taking the site out of the Green Belt.

### ***Economic Considerations***

- 7.14 PAG strongly supports the need for a strong, competitive and diverse economy, as set out in NPPF Chapter 6. A key driver for economic development is suitable infrastructure that contributes to a sustainable economic future and complies with the Climate Change Act 2008 (CCA).
- 7.15 Many of the employment land allocations in the eLP propose logistics development. However, evidence base and policies and allocations in the eLP are widely disputed and previous estimates of employment land prior to March 2020 have been shown to be unrealistically optimistic. What is needed is a more rigorous and strategic approach.
- 7.16 Dr Glen Athey, an independent economist wrote a report<sup>61</sup> in 2019 in which he questioned the eLP's employment land evidence base. This was on the basis that the 2018 LCR's SHELMA, is based on Oxford Economics' forecasts, which lack transparency and are based on out-of-date freight data. The report also noted that the SHELMA forecasts are not disaggregated for each local planning authority (LPA). Dr Athey concluded that the SHELMA forecasts are overly optimistic when compared to the data of the Office for Budget Responsibility.
- 7.17 At the Liverpool Local Plan examination, Nick Ireland, of GL Hearn, author of the SHELMA stated *"If the SHELMA Scenarios were remodelled today it would be against a much more pessimistic backdrop. The top-end of the range is not realistic"*.
- 7.18 Current employment need has not yet been tested through the examination process. The impacts of the Covid-19 pandemic and Brexit on distribution and office needs are unknown at present. The economic case is based on shaky and

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<sup>61</sup> St Helens Borough Local Plan 2020-2035 -Independent Economist's Report.

shifting foundations, whatever the level of expertise of those putting them forward.

- 7.19 The LCR Local Industrial Strategy highlights the lack of complexity of the St Helens economy and a further narrow focus on logistics would be exacerbated by the current proposals, which would fail to create diverse economic opportunity or support a prosperous economy. The St Helens economy is in danger of becoming too dominated by road based, B8 employment development making the economy vulnerable to future economic shocks.
- 7.20 The economic case remains disputed due to the low job density provided, and recent experience of forecast jobs not being met in reality by a similar scheme at FF<sup>62</sup>. The jobs amount to only 12% of what the local plan policy seeks. The majority of jobs would be low-skilled and low-paid, based on insecure type contracts for employment. Moreover, only a limited proportion of the jobs would find their way to deprived areas. This is not what is needed to tackle poor socio-economic performance in the disadvantaged wards of St Helens. The real need of the area is for more skilled and high-density employment. This is not being adequately addressed.
- 7.21 There is a real opportunity cost from the PP1 proposal i.e. it would compromise the ambition to achieve a more innovative and strategically valuable form of development specifically the SRFI, which would attract a broader range of skilled employment adding real value to the local economy.
- 7.22 There is ample land for B8 employment use and an oversupply of employment land should not be allowed. There are 13 employment sites identified in the ELNS – Addendum Report<sup>63</sup>. Ten of the sites are in excess of 5ha and suitable for B8 use. These total approximately 300ha and would bring forward 13,579 jobs<sup>64</sup>.
- 7.23 However, if the three Parkside sites are removed, the six remaining sites total 155.05ha which is more than enough land assessed as suitable for B8 employment provision for St Helens up to 2037 (the eLP plan period). There are also safeguarded sites at Omega North West and Haydock point totalling another 85.88ha.
- 7.24 In addition to the large format B8 sites identified for St Helens, there are also sites coming forward in Bolton, and wider Greater Manchester, including the large B8 sites to the north of the sub-region in Bury, and in the south at Manchester Airport Enterprise Zone. There are also sites in Warrington and Wigan.
- 7.25 There are 112 sites across St Helens totalling 198ha recorded as suitable for development on the Brownfield Land Register. Eight are in excess of 5ha. This land should be considered for road-based freight in advance of developing Parkside west.
- 7.26 Whilst there is some economic inactivity in the local area, in light of the ageing population of the Borough, there are simply not enough people to take the

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<sup>62</sup> See paragraph 4.1 Copley PoE CD: 7.91

<sup>63</sup> CD: 5.81

<sup>64</sup> See table at paragraph 5.2, Copley PoE

positions that would be created. This would result in people commuting to the site from outside of St Helens.

- 7.27 The proposal does not comply with the national and local level planning policy for building a strong competitive economy in St Helens, in fact it would cause economic harm.

### **Highways**

*PAG's Highway evidence as set out in their Transport and Traffic PoE relies heavily on a Technical Note prepared by Turner Lowe Associates (authored by John Lowe)<sup>65</sup>. Mr Lowe did not give evidence at the Inquiry.*

- 7.28 The local road infrastructure is not suitable to deal with the level of traffic anticipated from the proposed development. In particular, there are constraints on the A579 Winwick Lane, the A573 Golborne Road through Hermitage Green, the railway bridge on the A573 Parkside Road and the height restriction on the A573 Golborne Dale Road. None of these are suitable to carry commercial traffic from the development.
- 7.29 The trip rates used in the Applicant's TA underestimate the amount of traffic from the development and have been calculated based on the single example of FF in a manner which the Government has previously advised is not appropriate. The Applicant should have assessed a worst-case scenario associated with higher-than-expected job densities leading to greater traffic impacts and potentially greater mitigation.
- 7.30 The application does not address sustainable modes of transport and public transport benefits have been over-stated. For example, local bus services do not run or are infrequent in the evenings and weekends. In terms of rail, local connectivity is poor. Newton le Willows station is on the Chat Moss line and the nearest station to the east is more than ten miles away and is subject to an hourly service. Local rail connectivity in the north-west is well known to be very poor. Leigh, Golborne, Ashton-in-Makerfield and Culcheth are all potential areas that could provide employees and none of them have a railway station.
- 7.31 Based on the foregoing, there is no justification for reducing commuting car trip rates on the basis of public transport provision. The transport mode of choice for the majority of future employees would be the private motor car.
- 7.32 The residual cumulative impacts on the road network would be severe and the PP1 scheme should be refused on highway grounds.

### **Environmental Effects**

#### *Landscape and Visual Impact*

- 7.33 The extent of the landscape and visual impacts are more significant than suggested by the Applicant. Although the site is not within a designated landscape and has a mineral extraction legacy, it has blended back into the landscape over the last three decades by windborne species of grass, shrubs and trees and is now a largely greenfield site. Only 12% of the PP1 site is PDL.

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<sup>65</sup> CD: 7.95

- 7.34 The south-west quadrant of the site (rear of the houses fronting Winwick Road) is a large, green open space with trees growing around it. The south-western part of the site is a naturalised spoil heap, which looks to all intents and purposes like a naturally occurring hill. It reminds local people of the industrial legacy from what was once a proud and productive pit. From the hill, views are afforded in and out of the site for some distance in all directions. Historic England highlight that the former mining operations in the landscape are valued due to cultural associations.
- 7.35 The proposed logistics sheds amounting to a million square feet would be hugely prominent resulting in the loss of a locally valued green landscape. The buildings would result in very large, adverse change to the landscape character. There would also be damaging visual impacts to a number of key viewpoints including from public roads and public rights of way including from the artificial night lighting in an otherwise relatively dark area.

#### *Residential Amenity*

- 7.36 The scheme would impact on the quality and amenity of the surrounding area, causing significant detriment to its the community value. The impact of the loss of a 'green lung' for local communities has not been properly considered. The proposal would have an adverse impact on health, contrary to NPPF paragraph 92.
- 7.37 There would also be adverse impacts in terms of night lighting. The harm cannot be simply designed out or mitigated. Planning conditions imposed on B8 developments nearby have not prevented a range of anti-social behaviour blighting local residential neighbourhoods. The scale of the development would cause amenity effects of a significant and substantial level.

#### *Noise*

- 7.38 The lives of many local residents are already blighted by noise from HGVs passing through residential areas at night-time causing sleep disturbance. The additional traffic movements generated by the proposed development would exacerbate these problems to an unacceptable degree and over and above what could reasonably be expected on a busy road.

#### *Air Quality*

- 7.39 According to the 2014/15 figures issued by the St Helens Joint Strategic Needs Assessment, the Borough has a higher than average rate of mortality from respiratory disease. The Council has a commitment to the Government's zero carbon emissions policy, in addition to objectives and plans under the 1995 Environment Act. These objectives are being overridden by PP1 and other proposals in the area.
- 7.40 Newton Le Willows suffers from poor air quality. Four AQMAs have been declared in the local area due to exceedances of the annual mean nitrogen dioxide (NO<sub>2</sub>) objective of 40 micrograms per cubic metre (µg/m<sup>3</sup>). These lie within a kilometre of the PP1 site. Newton le Willows High Street AQMA is approximately 750 metres to the north-west of the site. The M6 AQMA is 900m to the north. The High Street, also within an AQMA has shown increased use as a social hub over recent years. It has restaurants, local amenities, and

pedestrian routes to local schools (Newton Primary and Hope Academy) with high foot falls at certain times in the day.

- 7.41 Deteriorating air quality caused by traffic emissions has been shown to have serious health impacts. Recent research has shown that problems developed at a young age tend to persist into later life and reduce life expectancy.
- 7.42 The PP1 development is estimated to generate significant traffic. For example, on the A49 to the north of the site access there are estimated to be an additional 1,445 extra light goods vehicles per day. Within the High Street AQMA there would be approximately 1,210 extra light good vehicles and 150 HGVs in 2020. Despite increased traffic volumes and loss of green space (which has the capacity to absorb pollution), improvements in air quality are assumed. This is highly implausible given the example of Winwick Lane where air quality has been deteriorating in recent years.
- 7.43 No information has been provided to explain how the traffic data from the TA was used in the Applicant's Air Quality Assessment (AQA). This is a fundamental lack of transparency. If the traffic flows are incorrect, the same must be true of the AQA.
- 7.44 One of the unknowns for assessing future air quality is what the effect of the Covid-19 pandemic will be, both in terms of changing traffic (traffic flows and diurnal variation) and the future fleet turnover due to the adverse economic outcomes of the pandemic. Traffic may increase if a significant proportion of public transport users switch to their cars.
- 7.45 The dispersion modelling in the AQA is not transparent. Moreover, it contains computational errors and does not follow best practice or DEFRA's Local Air Quality Management model verification guidance<sup>66</sup>. The Council's review of the AQA (carried out by WSP) identified a number shortcomings with the modelling. None of the AQAs used the preferred +10% criterion; and instead, rely upon the minimum +25% criterion to assess the performance of the models.
- 7.46 Although the sensitivity test for High Street modelled it as a street canyon, insufficient details have been provided regarding which canyon module was used or the assumptions regarding the dimensions of the modelled canyon. Without this information it is difficult to judge how well the model represents the High Street.
- 7.47 The PP1 scheme would increase traffic and congestion and exacerbate an already poor air quality position in the local area. Erroneous modelling means the impacts of the development on air quality cannot be as stated in the AQA. The scheme therefore fails to meet the requirements of Paragraphs 170, 180 and 181 of the NPPF.

### *Ecology*

- 7.48 The Applicant has underestimated the importance of the site itself, its regional biodiversity value, and its future potential. Parkside west is a last great wilderness and contrary to repeated assertions, the current condition of the site is not PDL. The Applicant's assessment relies on outdated ecology surveys

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<sup>66</sup> CDs: 4.121 & 4.122

some of which are over five years old. Moreover, the Bat Surveys have not followed the prescribed methodology.

- 7.49 The PP1 development would cause considerable harm, regionally and locally, in terms of adverse impacts on ecology, wildlife and biodiversity. The proposal ignores the link between the PP1 site and the designated Highfield Moss Site of Special Scientific Interest (SSSI).
- 7.50 The biodiversity mitigation would not recreate the coherent habitat that exists and is just landscaping around the edge of an industrial estate. The Wildflower meadow is not necessarily the right habitat to compensate for the losses and is unlikely to be successful in the medium term.
- 7.51 In terms of the proposed compensatory tree-planting proposals, PAG argue that the measures are vague and best practice prescribes habitats lost should be replicated as closely as possible off site.

### *Climate Change*

- 7.52 Climate change is the biggest challenge facing our generation. The LCR Mayor is committed to a zero-carbon economy by 2040. Andy Burnham, Mayor of Greater Manchester Combined Authority is also committed to a zero-carbon economy by 2038. The Council has declared a climate emergency which means that action has to be taken now.
- 7.53 The UK has also signed up to international agreements which translate into UK legislation, policy and guidance. The move towards a zero-carbon economy needs to be supported by planning decisions.
- 7.54 The current proposal is for a road-based logistics facility. This is clearly a retrograde step in terms of considering impacts on climate change. The application does little to respond to the climate crisis and would only frustrate the delivery of a SRFI which is the only realistic alternative for the decarbonisation of road freight.

### **Heritage**

- 7.55 The scheme would cause substantial harm to the settings of several designated and non-designated heritage assets<sup>67</sup>.
- 7.56 The Registered Battlefield marks the location of the final battle of the second English Civil War, a highly significant historical event. It is considered to be one of the best-preserved national battlefields. Newton Farm and Barn to the North of the PP1 site is recorded as 'at or close to' the location of where Cromwell may have set up his headquarters for the battle. The siting of the warehouse units would completely obstruct views from these buildings to and from the battlefield area to the south.
- 7.57 The western half of the site has been free from industrial construction and was retained as agricultural land during the period of colliery operations. Its topography is therefore likely to be unaltered from pre-colliery times. Archaeological artefacts have been recorded far into the north west part of the site. Earthworks by the developer have the potential to impact the integrity of

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<sup>67</sup> See Table 1 CD: 7.81

the Battlefield in a way the colliery did not. The harmful impact on the Registered Battlefield would be substantial.

- 7.58 Winwick Church is situated at the extreme southern end of the Registered Battlefield and reputed to be the scene of the surrender of the royalist troops after the battle. The impact of the development on the church, its setting, including key views, has not been properly considered, despite the special statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990.
- 7.59 Although subject to conjecture and competing location claims, the setting of the Battlefield of Maserfield if located at Winwick would, almost certainly, have extended to the eastern boundary of the PP1 site as well as extending beyond the A573 Road to the east of Hermitage Green.
- 7.60 The spoil tip is part of the historic industrial landscape. It is clear from the Applicant's heritage rebuttal statement<sup>68</sup> that the heritage significance of the spoil tip has not been appreciated, understood, or assessed. There is no suitable statutory designation for spoil tips, so the means of protection and compliance with international conventions on heritage is through the planning system. The harmful impact on the spoil tip would be substantial.
- 7.61 The true scale of the cumulative impact of the PP1, PP2 and PLR schemes on heritage assets has not been fully assessed.

### **Benefits**

- 7.62 The economic benefits claimed by the Applicant have been overstated and would not materialise.

### **Conclusion**

- 7.63 PAG's objection to the proposal is based on the following:
- the limited benefits of the proposals are not sufficient to outweigh the identified harms. Very special circumstances have not therefore been met and the scheme is contrary to national and local Green Belt planning policy,
  - The scheme represents an opportunity cost, reducing the potential for greater diversity of employment and further locking the area into a cycle of deprivation associated with low paid jobs and a narrow employment base,
  - The scheme would not support the transfer of freight from road to rail, nor does it represent a first step towards a SRFI. It is simply another road-based freight facility,
  - Traffic generation would be unsustainable, and the worst-case scenario has not been properly assessed,
  - Air quality already exceeds limits, and the PP1 scheme would have a further detrimental effect on air quality,
  - The air quality modelling is deficient and the finding of an improvement in air quality is implausible,

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<sup>68</sup> CD: 8.4

- The scheme would cause significant harm to landscape, ecology, wildlife and biodiversity. The proposed mitigation is inadequate,
- The scheme would harm amenity through noise and disturbance (loss of tranquillity), light, visual impact and loss of recreational facilities,
- The scheme causes substantial harm to several heritage assets (designated and non-designated) and their settings,
- The cumulative impacts from in combination development effects have not been assessed, and
- The PP1 scheme would have adverse impacts in terms of climate change and does not constitute sustainable development.

7.64 For these reasons, the application should be refused.

## **8. The Case for Parkside Regeneration LLP**

*The case for the Applicant is provided in detail in their Statement of Case [CD5.67B] Proofs of Evidence, [CD7.28-CD7.43], Opening/Closing Submissions [ID13.1, ID13.55], together with Statements of Common Ground [CD4.163, CD4.164]. The material points are set out below:*

### **Overview and Background**

- 8.1 The application site was used from 1959 to 1993 for the mining of coal. For 34 years it was an epicentre of activity, work and production, employing around 2,000 people. Today the site visibly still reads for what it was, a colliery and spoil tip. Local residents recognise that the site is suitable for regeneration and, since 1993, there has been a long and tortuous history of trying to find an appropriate and beneficial use for the land.
- 8.2 The evidence presented to the Inquiry reinforces how special the site is in terms of its location, characteristics and availability for productive long-term use. It is located within a Borough where undesignated land is a scarcity, particularly land which can be developed, is available and is suitable.
- 8.3 There is simply no comparable site in the North West, and certainly not in St Helens, in such an extraordinary location in terms of its proximity to rail, road, a public transport interchange and residential population of some magnitude.
- 8.4 For nearly 30 years, stakeholders have been trying to bring this site forward for beneficial use. With a grant of planning permission, the uncertainty and confusion about this site's future can finally be brought to an end. Not once have all the requirements for development been present, namely a planning permission which is viable, deliverable and promoted by a developer with the desire and intent to see the project through. There is also the requisite demand and support from the Council and Local Enterprise Partnership (LEP). The time is therefore right to bring the site forward, given the need within and strengthening of the market for Class B8 development.
- 8.5 It needs to be stressed that this application comes before the SoS after the most intense scrutiny by the Council. Their support for the proposal requires particular examination because of their dual function as LPA and partner in Parkside Regeneration LLP.

8.6 The reality is that the Council as LPA have acted scrupulously throughout this matter. That is reflected in the very significant scrutiny that the proposal was subject to throughout its consideration by the Council. Members' resolution of support must be viewed in the context of a fair, detailed and comprehensive Committee Report<sup>69</sup>.

## **Policy**

### *National*

8.7 The key expression of Government planning policy is set out in the NPPF which is explicit, recent and determinative. In essence the planning system should seek to achieve sustainable development. One of the overarching objectives is to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right place and at the right time to support growth, innovation and improved productivity<sup>70</sup>.

8.8 Additionally, there is a social overarching objective to support strong, vibrant and healthy communities, which this proposal would do with the very significant investment and jobs that would be generated by this proposal. Finally, there is the environmental objective to seek improve biodiversity. This proposal would meet all three objectives as is set out below.

### *The Development Plan*

8.9 The vision in the CS is to make "*St Helens a modern, distinctive, economically prosperous and vibrant borough*"<sup>71</sup>. The Spatial Vision<sup>72</sup> seeks a vibrant economy and one of the key aspirations is the provision of economic investment with the delivery of a SRFI at Parkside. The importance of regeneration at Parkside is reiterated as one of the key points in Policy CSS1.<sup>73</sup> The key strategic objective of the CS seeks to secure the regeneration of the Borough by reducing deprivation through directing development and investment to where it is most needed and by giving priority to development of derelict and vacant sites<sup>74</sup>.

8.10 The development plan is testament therefore to three critical conclusions: 1) that economic investment in St Helens is of critical importance, 2) the need for such investment is so important that Green Belt land should be used to facilitate it and, 3) that Parkside is the right location for that investment.

8.11 The CS was adopted in 2012, and the expected Site Allocations DPD never saw the light of day. The approach to employment need and heritage in the CS is not compliant with the NPPF. This limits any weight to any conflict.

8.12 It is accepted that the proposals do not fully accord with CAS 3.2 as the PP1 proposal is clearly not a SRFI. Despite that, the important point is that the

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<sup>69</sup> CD: 4.72

<sup>70</sup> NPPF paragraph 8

<sup>71</sup> CS Page 28

<sup>72</sup> CS Page 28

<sup>73</sup> CS Page 38

<sup>74</sup> CS Page 33

scheme would not prejudice the opportunity for a SRFI to be brought forward at the wider Parkside site, such that the intent of the policy can still be met.

- 8.13 The UDP is 23 years old, its plan period was to 2001 and it was formulated in the context of the old RSS. The UDP is undoubtedly time expired and its employment strategy does not reflect the NPPF approach.
- 8.14 Nonetheless, the Applicant contends that there is full compliance with all relevant policies except for the Green Belt policy (GB2) and the listed building policy (ENV25); but that limited weight is given to these conflicts due to these policies not being consistent with the approach currently in the NPPF.

#### *The eLP*

- 8.15 The regeneration and economic growth themes in the CS have been carried through into the eLP, which is informed by a weighty evidence base which has been shown to be credible.
- 8.16 This evidence base confirms that Green Belt releases would be required if the Council is to deliver a minimum of 215.4ha of employment land. Parkside is so important to meeting that need that it is identified as a strategic allocation where 79.57ha is allocated out of a total allocation of 265.3ha.
- 8.17 Consequent upon the allocation in the CS, the Council commissioned numerous highly detailed and technical reports into the provision of a SRFI on the eastern side of the M6. All of those demonstrate that this is possible. The contention that the PP1 scheme would prejudice that provision is simply not made out.
- 8.18 The importance of this location is emphasised in the eLP by nearly 30% of the total proposed employment allocation being on Parkside west. This application therefore relates to a site which has been allocated for nearly nine years and is now ready to provide development.

#### *Conclusions on Policy*

- 8.19 It is the position of the Applicant that 23 relevant development plan policies are complied with, one is generally complied with, there is partial compliance with two and only three are breached<sup>75</sup>.
- 8.20 It is well established in planning law that non-compliance with a single policy or a small number of policies does not necessarily mean non-compliance with the development plan as a whole.
- 8.21 Overall, there is compliance with the development plan when considered as a whole. Apart from Policy CAS 3.2, the Applicant has not been challenged on any of its policy judgements. Accordingly, the determination in accordance with the development plan, as per section 38(6), would be to grant planning permission. The SoS can take comfort that both main parties agree with that conclusion.
- 8.22 In relation to PAG's evidence they have not presented a full and comprehensive Section 38(6) exercise. They have alleged a breach of Policy CAS 3.2 from the

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<sup>75</sup> See tables on pages 95, 105 and 106 of Rollinson PoE CD: 7.41

non-provision of the SRFI at Parkside west but have failed to consider or attribute weight to the other relevant policies complied with.

### **Green Belt**

- 8.23 The St Helens Green Belt has not been reviewed since its inception in 1983. The CS envisaged a Green Belt review within 10 years of adoption (i.e. by 2020). After considerable investigation and having undertaken an extensive review<sup>76</sup>, the eLP proposes to de-allocate the entire Parkside strategic site from the Green Belt.
- 8.24 The Applicant accepts that, on current adopted policy, the proposal is inappropriate development, giving rise to definitional harm and that therefore the demonstration of very special circumstances is necessary.
- 8.25 In relation to other Green Belt harm, the site is currently not fully open and has not been in the past. It has a degraded nature, is influenced by urban features and by previous invasive development and is generally enclosed. Importantly, the previous colliery use is the clearest indication that, in both spatial and visual terms, the Green Belt in this location can remain robust with substantial industrial form and activity within the contained landscape of the site.
- 8.26 Finally, there is simply no option other than to use Green Belt land for a development of this scale. That is a matter of agreement between all three parties at the Inquiry. The evidence of the Applicant's planning witness<sup>77</sup> is that very special circumstances are met.

### **Economic Considerations**

#### *Context*

- 8.27 There is a unity of view that this area and region needs to be improved economically. That is set out in the Northern Powerhouse Strategy<sup>78</sup>, The LCR Growth Strategy 2016<sup>79</sup>, the CS and the ELNS [2015, 2017 and 2019]<sup>80</sup> and finally the eLP. PAG also "strongly" supports the building of a strong competitive economy,<sup>81</sup> and numerous statements from members of the public demonstrate support for improving the economy and creating jobs.
- 8.28 This location is of critical importance, as St Helens has a population of 179,331 and the LCR has a population in excess of 1.5 million. Therefore, it is a location whose economic state affects many people and their economic and social well-being.
- 8.29 Historically, this region and this authority have suffered from significant economic deprivation. Currently the region is the most deprived in England. St Helens itself is ranked as the 26th most deprived out of a total of 326 local authorities. As such, it lies on the edge of the 10% most deprived authorities in

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<sup>76</sup> Parcels GBP\_039 & GBP\_41 Pages 50-53 of the 2018 Green Belt Review CD: 3.5

<sup>77</sup> Mr Rollinson

<sup>78</sup> CD: 5.109

<sup>79</sup> CD: 5.56

<sup>80</sup> CD: 5.79-5.81

<sup>81</sup> Ms Copley Evidence on Economy and ELS, para 2.1

England. Its relative position has deteriorated since 2010 when it was the 51st most deprived area<sup>82</sup>. There is thus a clear downward trend.

- 8.30 In St Helens there are 10 neighbourhoods within the 10% most deprived neighbourhoods nationally and 6 neighbourhoods within the 1% most deprived nationally. Additionally, St Helens has high levels of benefit dependency above the regional and national averages and the proportion of children in low income families is higher than that in England and the North West as a whole. It is generating significantly fewer jobs (1.96% growth 2015-18) compared with the North West overall (5.06%).
- 8.31 In light of the above, a decision has to be made as to whether one uses the tools available to get economic growth and investment into this locality to address these stark statistics. In 2021, this country, region and location needs investment and jobs as a matter of urgency. That is not just the Applicant's view, but the view of the Government, the LCR, and both the development plan and the eLP.

#### *Employment Land Need and Supply*

- 8.32 National and local planning policy provides overwhelming support for the development. As explained by the Applicant's expert witness<sup>83</sup> the site is in a prime location with excellent connection to the road network, as well as good access to port and rail facilities. These factors plainly mark the location as one which is appropriate for logistics development. Further, the site itself benefits from its ability to accommodate a large building footprint, being largely flat and regularly shaped and having access to an adequate labour supply.
- 8.33 There is also no doubt that this development would in practice be delivered if permission were granted. Permitting this development would patently build on the foregoing strengths of the area and would meet the locational requirements of the logistics sector.
- 8.34 The Applicant's witness also explained that in terms of demand, the past year has been a strong year for take-up. The impact of Covid-19 on the logistics sector has been to accelerate the move from High Street retail to internet purchases and has increased occupier requirements due to social distancing. However, this increase in take-up is not only a result of the Covid-19 pandemic. The logistics sector has expanded over the last 5-10 years with multi-channel retailing, both nationally and regionally. Further, the regional take-up in 2020 was not the highest annual take-up seen in the last ten years, demonstrating that this is not a one-year spike, but rather is a general upward trend of increased demand for B8 floorspace<sup>84</sup>.
- 8.35 In the context of this increased demand, it is common ground between the Council and the Applicant that there is a critical shortage in the supply of logistics employment land in the North West. The latest supply and take-up statistics<sup>85</sup> show that there is an extremely limited development pipeline of units

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<sup>82</sup> See eLP paragraph 2.4.2 CD:

<sup>83</sup> Mr Pexton

<sup>84</sup> See Appendix 3, Pexton PoE CD: 7.38

<sup>85</sup> See: ID13.13

and suitable development sites. Current Grade A<sup>86</sup> supply is only 154,712m<sup>2</sup> in nine units. Based on the ten-year average take up this equates to approximately eight months' supply. At that level of supply, given the lead-in time to bring a new building into operation, the practical reality is that there is no immediately available supply.

- 8.36 The severity of this pressing shortage cannot be underestimated. It is already having an adverse effect on the market with a lack of buildings, and a lag on the buildings reaching the market. It is inevitable that, if the increasing demand is not met by supply, companies will move away from the North West, resulting in a serious economic loss to the region.
- 8.37 The supply position is exacerbated by the under-provision in the current local plan. It is beyond doubt that the figure of 37ha in CS Policy CE1(1) is out of date, and this is agreed between all parties. The evidence shows that there has been a step change since this figure was established in 2012. This is reflected in the eLP, which demonstrates a clear aspiration for significant growth.
- 8.38 Within St Helens, there are no allocated sites in excess of 3.7ha. Within the adjoining Boroughs there are few sites capable of accommodating units of this size. Wigan and Warrington have no immediately available sites. Halton, West Lancashire and Knowsley do but these are all substantially farther away from the M6/M62 intersection and Greater Warrington market area and serve a smaller market.
- 8.39 PAG have not identified any other site where this proposed development could be accommodated and therefore the site needs to be released from the Green Belt. PAG, who clearly support the principle of the SRFI allocation on the site, cannot legitimately argue to the contrary.

### **Highways**

- 8.40 The starting point is that development can only be refused in highways terms if the residual cumulative effect on the road network would be severe. "Severe" is the highest test in the NPPF and numerous appeal decisions have confirmed that matters of delay and queuing are issues of driver inconvenience rather than severe impacts.
- 8.41 The evidence at the Inquiry has patently shown that there is nothing even coming close to a severe effect here. There has been no objection from the Highway Authority, WBC Highways or Highways England.
- 8.42 The concerns expressed by PAG and members of the public were comprehensively rebutted by the Applicant's highway witness. Many of the comments made by PAG and other interested persons blurred the distinction between this development and the PLR. For clarity and the avoidance of doubt, the PP1 application does not relate to the PLR, and it is not dependant on the PLR to come forward.
- 8.43 The site is exceptionally well located in relation to the strategic road network which is accessed via the A49. This is a major A road, and a strategically important intra-urban route that provides access between the major population

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<sup>86</sup> Grade A refers to units greater than 9,292m<sup>2</sup>, minimum 10m eaves height and less than 20 years old

centres of Warrington, Newton le Willows and the motorway network at M6 J23. The application site is ideally placed to encourage non-car modes of transport. There is an abundance of walking and cycling routes in the immediate vicinity. Adding to these, the proposals would bring forward pedestrian infrastructure enhancements, including new push-button pedestrian facilities, a new 4m footway into the site and a permissive footpath through the site.

- 8.44 There is a good level of bus service, with two stops within 90m of the site access and the railway interchange within walking distance. The latter has recently benefitted from a £22 million improvement. There are three trains per hour between Manchester, Liverpool, Chester, Warrington etc and often seven to eight trains per hour. The Applicant's highway witness has never come across a B8 site that has benefitted from such facilities.
- 8.45 The scope of the TA, which included assessment of 23 junctions, including seven in Wigan, is accepted by all statutory highway consultees. The assessment years of 2020 and 2030 were fully agreed and are not disputed by any party. Traffic growth was derived from industry standard methods<sup>87</sup> and equates an uplift of about 13% between 2020 and 2030 (some 5,750 vehicles in each peak period). That level of growth is incredibly robust and the inclusion of specific committed developments would result in double-counting given that TEMPro already includes assumptions regarding new jobs and housing.
- 8.46 WC did not request individual committed development to be included during pre-app discussions and took many months to reply to whenever any input from them was sought. To include specific committed developments at this stage would result in double-counting as it is already accounted for. The growth-increased flows at Golborne island by some 500 trips in the peak periods is more than sufficient to capture traffic increases as a result of committed developments in the Wigan area. It is notable that flows from all the committed development in the Lowton and Golborne area only equates to roughly half of this.
- 8.47 The distribution of HGVs is based on a survey on the A49 whereby a 60% south and 40% north split was agreed. This, and the sensitivity testing, was fully agreed with St Helens and Warrington as Highway Authorities.
- 8.48 The trip rates were calculated based on the 2016 FF TA. For the avoidance of doubt, these were what the Council asked the Applicant to use. The FF trip rates were reviewed by St Helens and Highways England in detail in 2016 and found to be sound. They are based on four TRICS<sup>88</sup> sites supplemented by local counts at Omega North. Further, they have been compared with two additional sites in Knowsley and Haydock during the post-submission period. This is a wholly appropriate and satisfactory approach to take. Indeed, these very same trip rates have been used in the Haydock Point and Symmetry Park applications.
- 8.49 PAG's main criticism of the TA was based on the suggested use of 85th percentile trip rates. That criticism is repeated by WC. However, the use of 85th percentile trip rates would be inappropriate. Insofar as Wigan is concerned, their stance is puzzling given their acceptance of the FF trip rates in

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<sup>87</sup> National Trip End Model Presentation Program (TEMPro)

<sup>88</sup> National Trip Rate Information Computer System

relation to the Symmetry Park application. PAG also suggested worst case trip rates should have been used. However, no alternative trip rates were provided or suggested by PAG. More importantly, the approach proposed by PAG was completely novel and not supported by any national guidance.

- 8.50 The junction modelling for those locations in Wigan shows that the queuing impact would be imperceptible (less than 6 two-way trips at 6 junctions and less than 20 two-way trips at the other) and notably less than the Department for Transport thresholds for assessment.
- 8.51 The evidence demonstrates that there would be no severe residual cumulative highways impacts arising from the traffic associated with the proposed development in terms of NPPF paragraph 109. Accordingly, the proposed development should not be refused on transport grounds.

### ***Environmental Considerations***

#### *Landscape and Visual Impact*

- 8.52 The Applicant's witness<sup>89</sup> is a member of the Landscape Institute and a Chartered Landscape Architect, with approximately 21 years' experience. He was the only professional landscape witness to give evidence to the Inquiry.
- 8.53 In relation to landscape value, susceptibility and sensitivity to change, the Applicant fairly acknowledges that this is a landscape with local value, particularly with regard to the historic battlefield background. However, the site does not have a natural character given the preponderance of formerly developed or disturbed land.
- 8.54 Historical photographs<sup>90</sup> of the site show that the built area of the colliery shifted over time, contributing to the previously used and disturbed quality. The rural character is also diminished by the large-scale infrastructure and prominent urban elements that are now present, such as the M6 which bisects the area, railway lines which border the area to the west and north and an electricity pylon line leading north-east away from the site. The presence of the colliery too is still evident within the site and surrounding landscape, due to the spoil tips and substantial remaining hard-surfaced areas.
- 8.55 The site is not designated for landscape purposes and is not a valued landscape for the purposes of paragraph 170(a) of the NPPF. The Applicant's evidence is consistent with the landscape character assessment (LCA)<sup>91</sup>, which independently assesses the site's sensitivity as low-medium.
- 8.56 The expert evidence has demonstrated that views available across the site and the study area vary from 'poor', over and across the former colliery site, through to 'ordinary', to the west and north and east as far as the M6 corridor. Although panoramic views are possible from the outer edges of the study area, they are always combined with detracting features such as pylons, urban and industrial development and the obviously degraded land and spoil heaps of the former colliery.

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<sup>89</sup> Mr Taylor

<sup>90</sup> Appendix 3 Taylor PoE CD: 7.34

<sup>91</sup> CDs:3.15, 4.134 & 4.135

- 8.57 PAG alleged harm to the National Character Area<sup>92</sup>. However, the site represents less than 1% of its total area and therefore the impact would inevitably be very low. Further, the National Character Area is notable for its fragmented landscape of industrial activity and settlement, long history of mineral workings, reclaimed spoil heaps, opencast coal sites and significant transport corridors.
- 8.58 There would of course be a change at the local level, due to notable physical changes to the landscape, but this has to be balanced against the nature of the baseline degraded character of the site and the urban influences already existing.
- 8.59 As to the visual effect, there is common ground that the identified viewpoints in the Applicant's Landscape and Visual Impact Assessment<sup>93</sup> (LVIA) are representative. The photomontages showed that, in visual terms, the development would be remarkably well contained considering its large size. The overall visual impact would be highly localised, with some visual harm to residential properties to the west and visibility of the proposals from locations to the east and to a lesser extent the south. The adverse visual effects would be concentrated within 1km of the site boundaries and would not affect long-range views. This reflects the effectiveness of the natural containment of the site, to be improved/enhanced by the proposed landscape mitigation measures.
- 8.60 Very little weight should be given to PAG's evidence on landscape and visual impact. PAG's witness<sup>94</sup> is not a member of the Landscape Institute and is not a Chartered Landscape Architect. PAG's assessment was not compliant with the Guidelines for Landscape and Visual Impact Assessment (GLVIA)<sup>95</sup>. This means that PAG's landscape evidence omitted an assessment of sensitivity of the landscape, susceptibility and magnitude of effect.
- 8.61 Further, another key departure from the GLVIA methodology, was the failure to assess landscape value by reference to the factors in Box 5.1. This means that PAG's assessment has not assessed the value of this landscape in terms of its condition, scenic quality, rarity, representativeness, conservation interest, recreation value, perceptual aspects or associations. These fundamental failings are not merely formal or technical; they are of huge substance.
- 8.62 Overall, in landscape and visual terms, the proposal follows and complies with national and local landscape policies.

### *Residential Amenity*

- 8.63 The Applicant has undertaken a detailed assessment of the residential amenity impacts of the PP1 scheme<sup>96</sup> looking specifically at the occupiers of properties on the A49 Winwick Road, Hermitage Green Lane, Cholmley Drive, Newton Park Farm and Whitefield Avenue. The assessment concludes:

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<sup>92</sup> National Character Area 56 Lancashire Coal Measures CD: 4.132

<sup>93</sup> CDs: 4.49 & 4.53

<sup>94</sup> Ms Copley

<sup>95</sup> CD: 4.131

<sup>96</sup> See Appendix 13 to Rollinson PoE CD: 7.31

*"The Applicant has assessed the potential impacts on each of the adjacent residential properties and concluded that through effective stand-off distances between existing houses and the proposed new buildings; tree and vegetation retention; new bunding and landscaping; and in certain areas the existing orientation of properties, that acceptable living standards are retained for all adjacent residential properties".*

### Noise

- 8.64 The aims and objectives of the Noise Policy Statement for England,<sup>97</sup> the NPPF and the PPG, along with CS Policies CP1 and CP2, are to avoid significant adverse noise effects, mitigate and minimise adverse noise effects on health, quality of life and harm to amenity. Subject to the imposition of suitable planning conditions, the Applicant is satisfied that all these objectives would be met if the scheme were granted planning permission.
- 8.65 The existing noise environment has been measured in detail. Every one of the survey locations report noise from the M6, local traffic noise, noise from the West Coast Main Line, noise from the Liverpool to Manchester Rail Line and aviation noise. The noise from the M6 is variable but audible from every location in the study area.
- 8.66 Based on those surveys the site, its immediate environs and the wider locality are not currently tranquil or particularly quiet.
- 8.67 The method of assessment is to compare background noise levels with and without the proposed scheme. The noise receptors of relevance are those residential properties found on the perimeters of the site. The assessment methodology is tried and tested. In terms of road traffic noise, the assessment takes account of the number of additional vehicles on the road due to the proposed development, their speed and type, the road surface and gradient.
- 8.68 Construction noise can be satisfactorily managed via the Construction Environmental Management Plan (CEMP). During the operational phase, noise can be appropriately controlled by the detailed layout, orientation, design and construction of the scheme; for example, orientating the buildings so that no loading bays face residential properties, using the buildings to screen noise generated within the "core" of the scheme, and providing landscaped "bunds" to act as noise barriers protecting the houses beyond the site boundary.
- 8.69 Road traffic noise has been assessed as prescribed in the scoping opinion for the ES provided by the Council. This mandated that the advice of the Design Manual for Roads and Bridges<sup>98</sup> (DMRB) be followed. The DMRB compares traffic noise levels without the scheme in place with noise levels with the scheme operating, predicted using the long-established Government approved Calculation of Road Traffic Noise methodology<sup>99</sup> and information derived from the TA.
- 8.70 The noise assessment considered the scheme in isolation, and cumulatively in conjunction with other proposed developments in the area. This assessment

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<sup>97</sup> CD: 4.74

<sup>98</sup> CD 5.155

<sup>99</sup> CD: 5.98

demonstrates that the road traffic noise impacts of the scheme range from zero to 2dB. The effects of such modest changes are rated as 'negligible to minor' significance using the criteria from the DMRB.

8.71 There is agreement by all professional parties that the noise impacts are acceptable at both construction and operational phases. The PAG submissions on this subject do not reference impacts at any specific receptors, are unquantifiable and bear no relation to policy or guidance. Far more weight should be given to the Applicant's evidence, and the agreement with all other expert bodies. On this basis, there is no justification to refuse the development on noise grounds.

#### *Air Quality*

8.72 There are three important points to establish at the outset.

- The NPPF sets out the basis for considering acceptability on this issue. Paragraph 181 requires compliance with the limit values or national objectives rather than any other statutory body or guidance. Paragraph 183 is also relevant that planning decisions should consider whether the "*proposed development is an acceptable use of land rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively*".
- Air Quality nationally and in the North West is dramatically improving and will continue to improve as a result of legislation. This is due to, amongst other things, significantly more stringent emission standards for road transport, and the increasing proportion of cleaner vehicles in the national fleet. This means that air pollutant concentrations, specifically NO<sub>2</sub>, will continue to reduce. This has been shown by local monitoring results over recent years and is supported by national air quality mapping datasets and their future year projections.
- The Covid-19 pandemic clearly has and will continue to influence travel patterns. It would be surprising if the levels of growth in traffic are sustained long-term.

8.73 This matter is very straightforward, and the following points are agreed: 1) the focus must be on road vehicle emissions, 2) those emissions arise during the operational phase and, 3) it is accepted that the construction effects can be managed.

8.74 The key pollutants that are conventionally assessed are NO<sub>2</sub> and fine particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>). NO<sub>2</sub> may cause harm to the human respiratory system and PM<sub>10</sub> and PM<sub>2.5</sub> can also be ingested in the lung.

8.75 The key debate relates to the long-term effect of NO<sub>2</sub> as an annual mean from operational traffic and whether the annual mean would significantly change in the study area and whether any extension to any AQMA needs to happen.

- 8.76 The Applicant contends that the air quality impact of this proposal is acceptable and compliant with national policy. That is the view of the Applicant's witness<sup>100</sup> (the only professional air quality witness to give evidence at the Inquiry).
- 8.77 Regarding the detailed discussions on the modelling verification procedures, the Applicant's witness confirmed that uncertainties in matching model results with historical measurements are commonplace in every predictive AQA. In fact, the overall indications were that the model may have been overpredicting the results, and in a conservative approach, no verification factor was actually applied for any receptor beyond High Street in Newton le Willows. Within High Street, the results were adjusted upwards, in line with a factor which was not subject to any PAG challenge. Based on the above, the AQA evidence before the Inquiry remains robust.
- 8.78 PAG do not challenge the degree of change in NO<sub>2</sub> levels at all receptors which would be caused by additional traffic emissions. This is because the change is a function of the number of vehicles and their emissions, as specified in European standards, which would significantly reduce over time. By the opening year, 98% of HGVs would be at European standard 6. That is in addition to the banning of new fossil fuel cars from 2030. Consequently, the context of this application is that air quality is improving and getting better all the time.
- 8.79 Air Quality has been considered at 28 receptors. The impacts are acceptable with the maximum increase at any location 1.3µg/m<sup>3</sup>, around 3% of the objective value. WSP (the Council's consultant) independently scrutinised the work in the AQA. There was also a sensitivity test review by the Applicant's consultants (RPS) with a minor impact on the High Street and none at 27 other receptors. Additionally, there has been a cumulative impact assessment.
- 8.80 No location would have a change more than minor, according to national air quality planning guidance, with a 'negligible' change at the majority of locations. All locations save the High Street AQMA would have changes at less than 1% of the relevant objective value. The maximum impact anywhere is 1.1µg/m<sup>3</sup> on a baseline of 33µg/m<sup>3</sup>. In all cases the background air quality would have improved by more than this value when the development is constructed.
- 8.81 The level of change brought about to the most sensitive areas would not bring about a material addition to the baseline. That is the combined conclusion of three leading independent air quality consultancies and the Council. The proposal would not breach NPPF paragraph 181, the PPG or the development plan policies dealing with air quality. The proposal simply would not lead to unacceptable impacts in terms of air quality.
- 8.82 It was put with some force by PAG that there were errors in the AQA. However, these allegations were firmly repudiated by the Applicant's professional witness who made it clear that the final assessment was correct and had been the result of an iterative process. He also disagreed that there were actual errors in the degree of impact at the receptors. It was explained that where any modelling uncertainty was indicated, a precautionary approach had been adopted and sensitivity testing undertaken. None of the points raised by PAG materially alter the overall findings of the AQA.

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<sup>100</sup> Mr Drabble

## *Ecology*

- 8.83 It is the Applicant's case (corroborated by the Council who relied on independent ecology advice from the Merseyside Environmental Advisory Service (MEAS) that the effect of the proposal on ecology is acceptable and actually beneficial.
- 8.84 There are two relevant ecology designations which form the backdrop to the Applicant's assessment: Highfield Moss SSSI and Gallows Croft LWS. A comprehensive suite of surveys has been undertaken between 2014 and 2017. In addition, an update survey in September 2020 looked across the site in a holistic way and verified that the previous surveys were still valid.
- 8.85 PAG were happy with the range of surveys, but solely questioned their datedness. However, on this issue, the Applicant's witness<sup>101</sup> explained that the survey work remained sufficiently up to date to inform the Inquiry, as his 2020 update survey had shown no material change to the habitats on site. PAG has no bird records from the site and their evidence relies on records submitted to the local record centre and relate to Highfield Moss SSSI and not the site itself.
- 8.86 In any event, the survey work would be updated at the reserved matters stage. Should this record other species as present e.g. great crested newts, these could be readily accommodated within the layout (which already includes new wildlife ponds), especially as the development footprint does not require any pond loss.
- 8.87 The ES is fully compliant with the relevant guidelines<sup>102</sup> and has considered the site in totality. The findings of effects have been considered in detail by the Council. There has been very little criticism from PAG regarding the Council's review of the ecological material.
- 8.88 The Applicant's witness explained to the Inquiry that:
- No designated ecological sites would be harmed through direct effects,
  - The Highfield Moss SSSI is well removed from the site and lies 1.2km to the north-east. The Gallows Croft LWS forms the southern site boundary,
  - The site does not form part of the National Habitat Network. It is included within the Liverpool City Ecology Network and the site contributes to the local ecological network,
  - No irreplaceable habitats are present. The only national and local Priority Habitat on-site is Broadleaved Woodland, and
  - The ES goes beyond guidelines of assessing just priority habitats and takes into account other habitats.
- 8.89 In relation to PAG's position that brownfield sites can be of interest for biodiversity, the Applicant's witness explained that in this case the priority 'Open Mosaic Habitat' on PDL is not present and that he has taken into account

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<sup>101</sup> Mr Baxter

<sup>102</sup> Guidelines for Ecological Impact Assessment in the UK and Ireland – Terrestrial, Freshwater and Coastal 2018 – Published by the Chartered Institute of Ecology and Environmental Management.

the actual value of the habitats on the site, as defined by the surveys carried out for the ES.

- 8.90 The grassland habitats on the site are unremarkable, in terms that it is not botanically rich and does not support any recorded fauna of note, such as reptiles, great crested newts, or any significant use by bird species. PAG do not disagree on the areas of habitats lost/retained. No rare, scarce, or notable or outstanding populations of fauna are present.
- 8.91 Although the site supports six red and six listed bird species which have experienced population declines, they remain abundant or common, as recorded in the Lancashire Bird Report<sup>103</sup>. There would be direct loss to habitats, but the proposed mitigation would be more than sufficient to avoid a significant adverse effect.
- 8.92 The mitigation includes planting within the site of 8.8ha of woodland/scrub which is more than is being lost, a further minimum of 16.7ha of woodland would be created off-site and a sum of £675,000 has been agreed with the Mersey Forest to deliver this. 2.9ha of species-rich grassland, wildlife and attenuation ponds would also be created together with a translocation exercise to relocate orchids to undeveloped grassland to the east of the site and a scheme to control invasive species.
- 8.93 A comprehensive ecological/landscape management plan would be created at the site. This would incorporate maintenance of newly created woodland, scrub, grassland and waterbody habitats. The Gallows Croft LWS would be restored and enhanced. Mitigation includes an 8m buffer to Oswalds Brook, sustainable drainage systems and a CEMP which together serve to avoid adverse effects on the LWS. On-site measures are proposed that would mitigate for any significant effects on fauna.
- 8.94 PAG have raised concerns about tree felling that took place on the site in 2017<sup>104</sup> and the implications of this for the Applicant's Biodiversity Net Gain (BNG) Assessment<sup>105</sup>. However, for the purposes of the BNG report and ES, the areas of tree felling were assessed as though the plantation woodland remained in place. Whilst the NPPF encourages net gain, it is not currently mandatory. Nonetheless the Applicant's assessment demonstrates a BNG under the proposals. The assessment cannot be "gamed" as suggested by PAG's witness<sup>106</sup> and has taken account of all, including common habitats. New habitat provision would benefit faunal species. Overall, matters of ecology and biodiversity do not justify refusal of the PP1 scheme.

### *Climate Change*

- 8.95 The issues raised by PAG in respect of climate change were made and rehearsed in detail at the Eddie Stobart Inquiry<sup>107</sup>. The Inspector dealt with these concerns and concluded that a road-based freight would not be unacceptable as

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<sup>103</sup> Appendix 4 of Baxter PoE CD: 7.37

<sup>104</sup> See Paragraph 3.5 Ecology PoE CD: 7.90

<sup>105</sup> Appendix 6031/AB8: CD: 7.28

<sup>106</sup> Mr Black

<sup>107</sup> Land at Barleycastle Lane, Appleton Thorn, Warrington CD: 3.16

a matter of principle<sup>108</sup>. The SoS agreed<sup>109</sup>. That conclusion reached in the identical national policy framework is just as relevant and correct at this Inquiry.

8.96 The Applicant argues that the effect of the development on climate change would be entirely acceptable because:

- The latest version of the NPPF does not place any barrier of any kind on the provision of this facility in this location,
- There is simply no moratorium on road-based logistics provision in policy currently,
- The PP1 scheme would include a series of measures that would assist in minimising greenhouse gas emissions, including carbon dioxide, and this is fully considered in the ES,
- The site could not be more acceptable in terms of its encouragement of alternative means of transport,
- The provision of a sustainable urban drainage system,
- The buildings would be built to Building Research Establishment Environmental Assessment Method excellent standard, and
- As a matter of principle, this location has been endorsed in the development plan and the eLP.

### **Heritage**

8.97 There is a very substantial amount of material before the Inquiry in respect of heritage matters and also a significant amount of agreement between the Council and the Applicant.

8.98 The key issue is the impact of the proposal on three heritage assets – the Newton Farmhouse and Barn (both Grade II) and the Registered Battlefield. In terms of the latter, trial trenching by the Applicant found no archaeological features but did note the presence of made ground and re-deposited coal fragments within the topsoil. This suggests that the area had been stripped of its top-soil at some point during colliery operations.

8.99 Historical analysis and research by the Applicant's Heritage witness<sup>110</sup>, with reference to historical maps and accounts, indicates that there is no evidence for the survival of any of the topographical features having survived from the time of the battle. The post colliery works also obliterated any remnants of the battlefield.

8.100 If there is harm to the significance of a heritage asset, it can be categorised either as substantial or less than substantial. In either case great weight should be given to the asset's conservation. Substantial harm is a high test and amounts to the draining away of most of the significance of a heritage asset. In

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<sup>108</sup> See paragraphs 160-164

<sup>109</sup> See Paragraph 40 of the SoS's Decision Letter CD: 3.16

<sup>110</sup> Mr MacQueen

effect it requires the development to have the effect of a complete or near complete removal of the heritage asset's significance. This is patently a very high level of harm to engage NPPF paragraph 195.

8.101 NPPF, Chapter 16 sets out that the key test is whether the public benefit outweighs the less than substantial harm that the Council and Applicant agree on. PPG paragraph 20 makes it clear that a public benefit can be anything that delivers economic, social or environmental progress.

8.102 The Applicant argues that the harm to the two listed buildings would be at the lower end of the 'less than substantial' scale because:

- i. There is no direct impact on the listed buildings,
- ii. The only element of significance harmed is the setting,
- iii. The application site makes a largely neutral contribution to the significance of the buildings,
- iv. The listed buildings are in a very poor state,
- v. Many of the two building's characteristics are now missing or much diminished,
- vi. The connection of both buildings to an agricultural/parkland landscape ceased many years ago, and
- vii. There would be mitigation through a substantial landscaped bund created between the development and the two listed buildings as part of the development.

8.103 In relation to the battlefield, it is important to note that the designated area is very large, the key part of the battle took place to the south of the application site and it formed part of a series of battles in 1648. The impact on the Registered Battlefield is also at the lower end of the 'less than substantial' scale due to:

- The fundamental battlefield area of the north has been subject to a huge change with the 1961 aerial photograph showing a significant amount of colliery works taking place,
- This level of disturbance has seriously impaired the public's ability to read the battlefield north of Oswalds Brook,
- There is simply no evidence for battlefield material culture within the site,
- The northern boundary of the Registered Battlefield is not based on any historical evidence, landscape or topographical reference,
- The creation of a southern bund with vegetation would distinguish the development from the battlefield, and
- The provision of heritage interpretation boards would be of benefit and allow public access for the first time. There is no public access currently. This access would enable the public to gain an appreciation of the core battlefield area.

- 8.104 PAG argue that there would be substantial harm to the battlefield and listed buildings. However, in light of the above, it is simply not credible to allege that the impact would be of such magnitude that most or of not all of the significance of the heritage assets under consideration would be lost.
- 8.105 PAG have raised concerns that other heritage assets have been ignored. The Applicant refutes the claims of the Battle of Maserfield taking place either on or near the site. There are no plans or letters that show where it was fought. It is pure conjecture and there are a number of competing claims.
- 8.106 In relation to Winwick Church, the Applicant does not accept that there would be any harm to its setting. There is very little intervisibility from the application site to the asset or vice versa. That view is corroborated by Historic England. Even if there were intervisibility there would be no harm. The proposed improvement scheme at the A49/Hollins Lane junction would do not impact the church or its setting.
- 8.107 The Applicant does not accept any impact to the Parkside Colliery as a non-designated heritage asset and in particular the spoil heap.
- 8.108 The harm in relation to the battlefield and listed buildings for the reasons set out above are to the lower end of the scale which would be married with the public benefits which are addressed below.

### **Benefits**

- 8.109 There is a remarkable opportunity, after 30-years, to bring the site forward for development, facilitating many subsequent benefits
- 8.110 The economic benefits include capital investment of £77.9m; multiple construction jobs; and multiple operational jobs, including direct, indirect and induced; business rates; training and apprenticeships. The evidence from Amion<sup>111</sup> to evidence this is robust and reliable, and indeed a sensitivity test against the job generation at Omega shows that the Applicant's assessments are conservative.
- 8.111 PAG's position that weight to these jobs is diminished as they are not the type of jobs they apparently want to see is not an approach that can be supported. The development of this scheme would be truly transformational in terms of economic benefits, particularly given the deprivation in this area.
- 8.112 There would plainly be huge social benefits in terms of the jobs created. There is a strong correlation between the proposed jobs and the with existing skill base of St Helens, targeted towards the areas of deprivation. In addition, there would be social benefits in terms of health and recreation, the heritage trail and off-site footway/cycleway/public transport improvements. There would be environmental benefits through a BNG as well as land remediation and flood alleviation benefits. Cumulatively, these benefits are substantial and should be given very significant weight.

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<sup>111</sup> Appendix 12, Rollinson PoE CD: 7.31

8.113 On the basis of the wealth of benefits already discussed, and the low levels of less than substantial harm, the public benefits of the proposed scheme would outweigh the heritage harm on the balance of NPPF paragraph 196.

### ***PAG's Position***

8.114 PAG are clearly well intentioned and motivated to protect interests of importance to them. That is understandable but PAGs evidence to the Inquiry was inconsistent in that they object on the basis of Green Belt, air quality, ecology, heritage, landscape, highways and noise and yet endorsing and yet support a development scheme of double the size in the SRFI.

8.115 PAG's approach to professional witnesses is to assume that views expressed are influenced by instruction or who the client is. That assumption is, however, completely without foundation and runs diametrically against the requirements of all the professional institutions that the Applicant's experts are members of.

### ***Cumulative effects***

8.116 The cumulative effects of the PP1 and other developments are considered in the ES. The PLR and PP2 are considered across all areas in the ES with other developments considered in the chapters on traffic and transportation, noise, air quality and socio-economics.

8.117 The ES states that there would not be significant effects in relation to noise and vibration, air quality, ground contamination, drainage, flood risk, utilities, energy or waste. It identifies that there would be some significant adverse impacts arising as a result in the change to the landscape and the visual impact for some of the viewpoints closest to the site in both construction and operational phases. There would also be an overall loss of semi-improved grassland, which would be a permanent loss and would be a significant effect. There would be the potential for a direct impact on archaeology, the setting of the Grade II listed Newton Park Farm and Barn, and the Registered Battlefield, which would be significant

8.118 There would be some adverse impacts arising from traffic generated during the operational phases of the development, although it is noted that the traffic effects would be a worst case scenario and that each future scheme would need to assess the impacts and mitigate accordingly. The ES identifies that there would be significant cumulative benefits associated with socio-economic effects in terms of Gross Value Added (GVA) and job creation which would significantly boost the local economy.

### ***Overall Conclusion***

8.119 There are no urban opportunities to meet the need for large scale logistics development and hence there would inevitably be an impact on Green Belt, either through the eLP or a planning application, if needs are to be met.

8.120 The Applicant accepts that the PP1 scheme would be inappropriate development and has assessed that harm in addition to harm to the purposes of the Green Belt and openness, and any other harm. The Applicant has then assessed the benefits of the scheme and other considerations and has reached

the firm conclusion that the benefits of the scheme and other considerations clearly outweighed the harms. Accordingly, very special circumstances exist<sup>112</sup>.

8.121 The proposal therefore accords with the development plan, passes NPPF paragraph 196 and 144 tests and overall could not be more compliant with the aspirations of national government, the LCR, the LEP and the Council.

8.122 Overall, the significant and weighty benefits comfortably outweigh the limited impacts, and permission should be granted. The Applicant therefore respectfully asks the SoS to grant planning permission.

## **9. The Case for St Helens Council**

*The case for the Council is provided in detail in their Statement of Case [CD5.68B] Proofs of Evidence, [CD7.45, CD7.49, CD7.66, a series of topic papers [CD7.51-CD7.57, Opening/Closing Submissions [ID13.2, ID13.54], together with Statements of Common Ground [CD4.163, CD4.164]. The material points are set out below.*

### **Overview**

- 9.1 The PP1 application has been made in order to deliver a first phase of development at Parkside with access off the A49. Further phases of development would require direct access to the M6. There is no dispute that the PP1 application, which proposes development on the former Parkside colliery site, is not dependent on the consent or delivery of the PLR.
- 9.2 The Council has provided formal evidence in respect of: (i) employment need<sup>113</sup>; (ii) highways<sup>114</sup>, and (iii) development plan compliance<sup>115</sup>, which requires a consideration of all relevant land use planning impacts. Separate Technical Statements have addressed the issues of air quality, ecology and biodiversity, noise, contaminated land, climate change and flood risk<sup>116</sup>.
- 9.3 It is important to note the distinction between the Council (as LPA) and as a partner in the Joint Venture (as Applicant). As LPA, the Council has assessed this application as it would any other. Local Residents have been cynical about the Council's dual function. However, there is nothing unusual in the process. Indeed, there is no alternative process by which a Council, can determine such planning applications.
- 9.4 In this application, the Council's Officers are independent professionals, bound by the code of ethics of their professional body. Further, independent experts have been Instructed to consider specific controversial topics (such as noise, air quality and highways). , there is no evidence of any lack of independence nor integrity in the Council's determination of this application. There is no criticism of the Committee Report, which recommends approval. There is no evidence to suggest the Planning Committee determined the application other than in accordance with the land use planning merits. Accordingly, significant weight should attach to the Council's case at this Inquiry because it has robustly and

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<sup>112</sup> Rollinson PoE CD: 7.41

<sup>113</sup> CD: 7.66

<sup>114</sup> CD: 7.49

<sup>115</sup> CD: 7.45

<sup>116</sup> CD: 7.51-7.57

carefully undertaken precisely the same statutory and policy exercise which must be undertaken by the SoS.

### **Policy**

9.5 Regeneration lies at the heart of the CS's Vision to 2027<sup>117</sup>. The Vision is implemented through seven Strategic Objectives which seek to deliver the principal objective SO1.1 'regeneration':

**SO 1.1** *To secure the regeneration of the Borough by: steady, sustainable population growth; reducing deprivation through directing development and investment where it is most needed; and by giving priority to development of derelict and vacant sites.*

9.6 It is, inter alia, Policies CAS 3.1 and CAS 3.2 (the Newton and Earlestown policies), which comprise the primary delivery mechanism for SO 1.1. It is therefore agreed that: (i) the redevelopment of Parkside (as a vacant and partly derelict site) is a key policy priority to reduce deprivation in the Borough; and (ii) there is a clear link between redevelopment of the site and the reduction of deprivation through development and investment being targeted to where it is most needed.

9.7 The CS seeks to meet the need for employment land to 2027. However, it is agreed that there must be continuity of supply up to and beyond 2027. PAG therefore agreed that planning permissions must be granted now in order to provide continuity of supply in the logistics sector (given the time it may take for a decision to be taken by the SoS, submission of reserved matters, site clearance, marketing and construction).

9.8 It is therefore common ground that regeneration lies at the heart of the development plan's Spatial Vision and Strategic Objectives. This is inevitable given the Context, Issues, Problems and Challenges identified in the CS<sup>118</sup> which include:

- St Helens saw rapid development through the Industrial Revolution and whilst a relatively modern town, the intensive process of development has left a legacy of derelict land and land affected by contamination, poor health, high unemployment rates and low educational attainment figures,
- St Helens endured years of population decline between 1988 and 2001. This de-population of the urban core was replicated across the North West in Liverpool, Manchester/Salford, Oldham/Rochdale and Stoke, all of which experienced housing market failure as a result. It was the more affluent, skilled, healthy and mobile who were able to leave the area, resulting in significant levels of commuting from more attractive suburban/rural locations and residual communities plagued by multiple deprivation,
- The CS records multiple deprivation, amongst the highest in the country. In 2010, St Helens was the 51st most deprived authority in the country. Wards in Newton le Willows (top 5%) and Earlestown (top 10%) were identified as being within the most deprived in St Helens,

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<sup>117</sup> Paragraph 4.29 CD: 2.2

<sup>118</sup> See pages 22-26 CD: 2.2

- St Helens had a legacy of poor health linked with deprivation and its industrial past, and
- Derelict land was a key challenge for St Helens. Whilst it was identified as a “*resource for positive re-use*” much is contaminated and requiring remediation through viable development proposals. This is entirely consistent with the NPPF imperative to maximise the re-use of PDL<sup>119</sup>. Neither the CS nor NPPF provides any support for PAG’s contention that PDL should be left for wildlife in favour of the development of greenfield Green Belt agricultural land.

9.9 The general context for the regeneration imperative expressed in the CS has a very specific local expression.

#### *The SRFI*

9.10 The site has been consistently promoted for development in successive development plans. The RSS for the North West identified this area as a suitable location for a SRFI. Furthermore, subject to a comprehensive development meeting the requirements of Policy CAS 3.2, the current development plan anticipated that the site would be taken out of the Green Belt and developed as a SRFI.

9.11 It should, however, be remembered that at the time of the adoption of those development plans, the site was in the hands of Astral/Prologis who sought to deliver the SRFI<sup>120</sup>. Since the adoption of the CS, the Council has undertaken significant further technical work to understand how a SRFI might be developed at Parkside, in order to inform the eLP:

- AECOM and Cushman & Wakefield’s Parkside Logistics and Rail Freight Interchange Study, 2016<sup>121</sup>;
- AECOM’s Parkside Logistics and Rail Freight Interchange Study Addendum – Parkside West Rail Design and Noise Acoustics Study, 2017<sup>122</sup>;
- Network Rail’s Parkside Strategic Rail Freight Interchange Report Capability and Capacity Analysis, 2018<sup>123</sup>, and
- St Helens Council’s Parkside Strategic Rail Freight Interchange Background Paper, 2020<sup>124</sup>.

9.12 PAG’s position is that the application site should be developed as a SRFI as envisaged by Policy CAS 3.2. There were attempts to dilute or nuance that position, as the inconsistency of that position on environmental impacts became apparent. Nonetheless, PAG’s planning witness confirmed: 1) that a SRFI on the land west of the M6 is otherwise suitable, viable and deliverable, and 2) development on the application site would prejudice the delivery of the SRFI on the application site and anywhere at Parkside. However, PAG’s position is

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<sup>119</sup> NPPF Paragraph 117

<sup>120</sup> See paragraph 9.24

<sup>121</sup> CD: 5.54

<sup>122</sup> CD: 5.88

<sup>123</sup> CD: 5.90

<sup>124</sup> CD: 5.91

contrary to a significant body of independent engineering evidence which has been carefully compiled over the last ten years, as set out below.

9.13 In the light of the sale of the land by Prologis and in response to the independent expert report from Arup<sup>125</sup>, the Council sought its own independent expert advice from AECOM and Cushman & Wakefield in order to understand how a SRFI might best be brought forward at Parkside<sup>126</sup>. AECOM considered four options and concluded inter alia that:

- Policy CAS 3.2 should be modified,
- A medium or large scale SRFI (as defined) is appropriate for this area,
- Both the east and west side of the Parkside strategic site will be required,
- A first phase of development should be commenced on the west side of the M6, with access from the A49,
- This would assist in supporting the financial case for the development and is required in order to make the development viable,
- Subsequent phases must have rail access and direct access to the M6 (hence the requirement for the PLR), and
- This creates a requirement for both the west and east sides of the M6 to be released from the Green Belt.

9.14 The PP1 scheme is entirely in accordance with the AECOM and Cushman & Wakefield Report.

9.15 PAG argue that the SRFI on Parkside west is viable and deliverable and that the SRFI to the east of the M6 as envisaged in the eLP cannot be delivered with the PLR. However, that position fails to engage with the latest technical evidence submitted by the Applicant and iSec (the owners of the land to the east of the M6).

9.16 The eLP Background Paper October 2020<sup>127</sup> appends a delivery statement from iSec who have a 25-year track record of delivering major logistics schemes. iSec have provided a detailed illustrative masterplan which is consistent with the PP1 and PLR applications<sup>128</sup>. They are in advanced discussions with a Freight Operating Company who have informed the design, working with their specialist SRFI advisers (Intermodality). It robustly demonstrates that the SRFI is deliverable and viable with PP1. This is confirmed by iSec's latest letter to the Inquiry<sup>129</sup>.

9.17 In the light of such evidence, the SoS is invited to conclude that there is a longstanding consensus of professional evidence between Arup, AECOM, Cushman & Wakefield, CBRE, iSec and Intermodality, robustly audited by the Council. Significant weight should attach to that consensus of independent

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<sup>125</sup> Rollinson PoE Appendix 15 CD: 7.31

<sup>126</sup> CD: 5.54

<sup>127</sup> CD: 5.91

<sup>128</sup> See Appendix 3 of Appendix 2 (CBRE's 2020 Delivery Statement for Parkside East) CD: 5.91

<sup>129</sup> ID: 14.65

expert evidence. Such evidence is not policy and there is no requirement for it to be the subject of consultation. Rather, it has been capable of testing at this Inquiry and there has been no challenge to it and no competing assessment.

- 9.18 There is simply no evidential basis on which it can be concluded that the grant of consent for PP1 would prejudice the delivery of the SRFI. On the contrary, it would make the delivery of the SRFI more likely and the plans allow for a safeguarded area for rail servicing in the future<sup>130</sup>.
- 9.19 The conclusion of the technical studies is that land to the east of the M6 should be allocated as a SRFI, whilst land to the west should be allocated for road-based logistics, with a rail reception siding to allow for "all ways" rail access. This is the position which the Council promotes in the eLP. Whilst the policies of the eLP may only be given limited weight, the technical evidence which underpins it should be given substantial weight.
- 9.20 Based on the foregoing policy in the development plan, specifically the detailed requirements of Policy CAS 3.2 have to a large extent, been overtaken by subsequent analysis. Firstly, the land to the east of the M6 has been found to be more suitable for a SRFI. Secondly, the requirement for employment land is now substantially greater than the evidence for the CS. Therefore, whilst this is not an application for a SRFI (in the manner anticipated by Policy CAS 3.2 in 2012), this proposal would not prejudice the delivery of the SRFI and would be a logical first phase to it.
- 9.21 The Council's position is that the application does not accord with Policy CAS 3.2 and (for the same reasons) it is also in conflict with Policy CSS 1 and Policy CE1(2). However, given the objectives of the development plan to secure economic development, to address deprivation and to remediate derelict sites, to regenerate the Borough and to provide economic opportunities to areas in most need, the proposal would comply with the development plan as a whole, provided the Green Belt tests are met.

### *Regeneration Imperative*

- 9.22 Planning permission was granted for the Parkside Colliery in 1956. It was opened in 1959 as a "super pit", forming part of the Lancashire Coalfield. As an operational colliery, the site comprised inter alia vehicular access off the A49 Winwick Road, two distinctive winding towers (58.4m and 62.6m high), two deep shafts of 812m depth, a number of surface installations, ancillary buildings and structures comprising a coal preparation plant and twin ventilation fans, a complex of low rise buildings (canteen, offices and administration buildings), fuel storage, electricity substation, a series of internal access roads, lighting columns and parking areas, a surfaced roadway under the M6 to the north of the colliery, very significant areas of above ground storage of coal and waste, a series of ponds, lagoons, surface water and underground drains and extensive railway infrastructure and sidings, which allowed direct access via a spur onto the Chat Moss railway line.
- 9.23 The colliery site extended to over 100ha and, at its peak, employed nearly 2,000 people and produced around 1m tonnes of coal annually. It was a site

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<sup>130</sup> CD: 4.32

which contributed significantly to the local and national economy and to the local community. The colliery closed in 1993 and was cleared of buildings and the shafts were capped in 1994/1995 as the relevant authorities sought a beneficial re-use of this significant site, in order to address the effect of the closure of the colliery and consequent job losses on the local community.

- 9.24 The Parkside Colliery was not transferred to a Government Agency (such as English Partnerships or the Regional Development Agency). Rather, it was transferred to Network Rail, whose proposed use of the site never materialised. Accordingly, neither the site nor the local community benefitted from National Coalfield Programme grants, which might have provided for a positive legacy.
- 9.25 Thirty years later, the dead hand of dereliction and decay lies heavily across this once vibrant and productive site. Whilst the buildings have been demolished, there remain clearly visible large concrete pads, former rail sidings, access roads, operational areas, underground chambers, the electricity sub-station, retaining walls and structures and the colliery spoil heaps. They stand as a bleak reminder of the former industrial might of St Helens. It has been estimated that:
- i. 13% of the application site is PDL,
  - ii. 26% of the combined PP1 and PP2 site is PDL,
  - iii. 63% of the application site is either PDL or "disturbed" by previous mining activities, such as the spoil heap, and
  - iv. 63% of the combined PP1 and PP2 site is either PDL or "disturbed" by previous mining activities.
- 9.26 Sadly, this is neither a silent nor passive reminder of the former colliery use. The site continues today to be a magnet for anti-social behaviour. It is simply not possible for such a large vacant site to remain secure. It has been the subject of repeated break-ins with damage to the perimeter fencing which is required to maintain site safety and security. The site bears the more recent scars of unauthorised access by travellers, tipping of waste, burning of abandoned vehicles, illegal wire stripping, drug use and widespread scrambling by motorbikes and quad bikes. The site has drained significant public resources including the Applicant, Merseyside Police, the Local Council and Local Members. There can be little doubt that these issues would continue in the absence of a lasting solution.
- 9.27 For thirty years, this site has been considered to be a regeneration imperative, so that the legacy of the pit closure could be addressed both on a site-specific basis and in terms of the impact on the local community. Whilst this Government rightly places a high priority on the maintenance of the Green Belt, in respect of this site, the application of Green Belt policy must be undertaken in the context of an urgent need to breathe new life into this vacant and derelict site through redevelopment, to provide a beneficial, economically productive and sustainable future which puts an end to ongoing anti-social behaviour. This is consistent with the Spatial Vision and Strategic Objectives of the CS, which require the regeneration of the Borough by, inter alia, directing development and investment to where it is most needed, in order to reduce deprivation by giving priority to the development of derelict and vacant sites.

9.28 Regrettably, the CS's regeneration imperative and the need to redevelop this site has only strengthened with the passage of time.

### **Green Belt**

9.29 The Council considers that the proposal is inappropriate development and that substantial weight should attach to the harm to the Green Belt. The Council however reaches different conclusions to the Applicant regarding the impact to openness and the impact on the purposes of the Green Belt. That should not overly concern the SoS as it confirms that the application has been the subject of a robust, independent audit by the Council. Importantly, whichever assessment is ultimately preferred, the differences should not affect the overall planning balance. On either analysis, both parties agree that very special circumstances are very clearly demonstrated.

9.30 The site is very well visually contained (especially in comparison to other potential development sites in the Green Belt). It is not visually open. Nonetheless, the Council considers that, notwithstanding the post-industrial remains on the site, the redevelopment would cause significant impact on the openness and permanence of the Green Belt as a result of the scale of the proposed buildings.

9.31 Furthermore, the development must be considered with reference to the purposes of the Green Belt:

- As a result of the previously developed/disturbed nature of the site and the definition of very strong existing boundary features, it is not considered that the development would lead to unrestricted sprawl. On the contrary, the site has logical and defensible boundaries and sits comfortably between the built-up area and the M6,
- The land does not fall within a strategic gap between two towns. It would not therefore lead to the merging of towns but would nonetheless undermine the purpose of maintaining the separation but to a modest degree,
- The GBR<sup>131</sup> considered the degree of self-containment of each parcel of land. It also assessed the degree to which each parcel is compromised by existing development. It concluded that the development of this parcel would extend the built form of Newton le Willows into the countryside. However, it notes that the parcel has strong permanent boundaries and is well contained to the north, east and in part, the south and west. It also states that given the high level of enclosure and the brownfield nature of approximately 30% of the parcel, the parcel does not have a strong sense of openness or countryside character. It concludes that the parcel makes a medium contribution to purpose 134(a). In view of the commentary and the characteristics of the site, the role of the site is overstated. It has only a modest role in fulfilling this purpose,
- The site clearly does not contribute to the purpose of preserving the special character of an historic town, and

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<sup>131</sup> CD: 3.5

- No non-Green Belt alternatives are available. Consequently, this application would not impact on the purpose of assisting urban regeneration because there is no opportunity to accommodate the application on land outside the Green Belt. Further, the application would be consistent with the regeneration aspirations of the development plan through job creation, direct, indirect, and catalytic economic benefits in a location close to an area of need.

9.32 It must therefore be recognised that, somewhat unusually for a large Green Belt site, the PP1 site is very well contained visually and has logical and defensible boundaries. In addition, the colliery legacy together with existing built development and evidence of anti-social behaviour mean that a significant part of the site cannot reasonably be characterised as countryside. Therefore, despite its current Green Belt status, the site is entirely logical for regeneration and beneficial redevelopment. It is very definitely not a greenfield site in agricultural use with open views across it which makes a positive contribution to the character and appearance of the area.

### ***Economic Considerations***

9.33 Chapter 6 of the NPPF confirms that the Government is committed to building a strong and competitive economy. Decisions should create the conditions in which businesses can invest, expand and adapt. That means (i) an adequate supply of employment land; (b) an adequate range of employment sites; (c) adequate infrastructure, including road infrastructure. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future as per NPPF paragraph 80.

9.34 The strengths of the area are expressly articulated in the CS<sup>132</sup>. The key economic strength of St Helens/Newton Le Willows is its strategic location with proximity to Liverpool and Manchester, internal ports and airports and good access to the M6, M62 and A580 as well as the Chat Moss railway and West Coast Main Line. It is agreed by PAG that the strength of St Helens is as a base for logistics. Government policy is expressly to build on such a strength.

9.35 The weaknesses of St Helens are also agreed with PAG: (i) indices of multiple deprivation; (ii) a relatively low skilled workforce; (iii) the significant loss of traditional industries (glass, coal and heavy engineering such as the Vulcan Works), and (iv) a lack of supply of developable sites for logistics development.

9.36 NPPF paragraph 82 states decisions should recognise specific locational requirements of different sectors. This expressly includes making provision for storage and distribution operations at a variety of scales and in suitably accessible locations. The specific locational requirements of the logistics sector are agreed and comprise:

- A large site (a 100,000m<sup>2</sup> unit would require a site of 25ha),
- A flat and regular shaped site,
- Excellent access to the motorway network,

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<sup>132</sup> Paragraphs 2.3-2.4

- A high-profile location,
- Good links to public transport/non-car modes, and
- Proximity to a labour supply.

9.37 It is, however, recognised by the Council that such specific locational requirements must be met on appropriate sites (in landscape and visual impact terms) and in contextually appropriate buildings. It is therefore further agreed with PAG that it is especially beneficial if the site:

- is visually contained rather than being visually open
- contains PDL and disturbed land,
- is close to pockets of deprivation, which are readily accessible by non-car modes of transport,
- is close to enhanced public transport facilities such as the rail and bus hub at the recently improved Newton le Willows station, in order to maximise the return on the public sector investment of Merseytravel, and
- has access to ports and rail connections.

9.38 In interpreting and applying NPPF 80 and 82 together, all parties expressly agree that, where a proposal delivers a storage and distribution operation in an accessible location, addressing the specific locational requirements, building on the strengths of the local area, the NPPF expressly requires that significant weight should be placed on the need to support such economic growth.

9.39 NPPF paragraph 81 requires planning policies inter alia to identify strategic sites and to meet anticipated needs over the plan period. NPPF paragraph 20 similarly requires sufficient provision to be made for employment land and infrastructure for transport, looking over 15 years. It is therefore common ground between all parties that policies should assess and plan to meet the Objectively Assessed Need for employment land in accordance with a clear economic vision and strategy which encourages sustainable economic growth. In that context, it is further agreed that the evidence base on which CS Policy CE 1 (which sought to deliver 37ha to 2027) is predicated, is out of date. It is the evidence base to the eLP which contains the Council's up to date evidence on the need for employment land.

9.40 The PPG identifies that the logistics industry plays "*a critical role*" in enabling an efficient, sustainable and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities<sup>133</sup>. It goes on to set out non-prescriptive criteria which can inform a need assessment. This has been used to inform the Council's employment land need assessments<sup>134</sup>. Having assessed the need, the Council is next required to consider the most appropriate locations to meet that need. This site is considered by the Council to be the most appropriate location to meet the identified need.

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<sup>133</sup> Paragraph: 031 Reference ID: 2a-031-20190722

<sup>134</sup> CD: 5.79-5.81

9.41 The Council does not accept PAG's argument that there would be a clustering of B8 sites. Nonetheless, it is notable that PAG conceded that: (i) where specific industries have specific locational requirements, it is inevitable that there would be clustering; (ii) clustering is not seen as objectionable in NPPF nor PPG; and (iii) if anything, clustering is recognised and encouraged by the PPG.

9.42 In that context, the Council submit that the redevelopment of this site would contribute to building a strong, competitive economy.

### *Need*

9.43 Following the adoption of the CS, work commenced on a Site Allocations DPD to identify sites for development in the Borough. However, a significant material change in the employment land market was identified (a change from the evidence base of 2010), which resulted in a need for considerably more employment land than identified in CS Policy CE1. This was a factor that led to the DPD being abandoned and work commencing on the eLP.

9.44 The eLP<sup>135</sup> was submitted for examination on 29 October 2020. It is premised on evidence of significant need for new logistics floorspace. The evidence base comprises inter alia:

- i. The St Helens Employment Land Needs Study<sup>136</sup> (ELNS) 2015,
- ii. The ELNS Addendum 2017<sup>137</sup>,
- iii. The SHELMA 2018<sup>138</sup>,
- iv. The LCR Assessment of the Supply of Large-Scale B8 sites 2018<sup>139</sup>,
- v. The St Helens ELNS Addendum 2019<sup>140</sup>,
- vi. The LCR Spatial Planning SoCG 2019<sup>141</sup>,
- vii. The LCR Local Industrial Strategy 2020, and
- viii. The Employment Land Need and Supply Background Paper 2020.

9.45 Policy CE1 sought 37ha of land to meet local needs for B1, B2 or B8 purposes. This policy was premised on studies from 2010 and 2011. By contrast, the Council's latest position is that the Council will aim for a minimum of 219.2ha of land for employment development between 2018 and 2035 (see eLP Policies LPA 04 and LPA 10). Whilst limited weight can be attached to the emerging policy, significant weight must attach to the technical need evidence on which it is premised, which is derived from studies at the LCR and LPA level.

9.46 There has been no serious challenge to the Council's evidence on need from PAG. There is no competing assessment and no meaningful cross examination

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<sup>135</sup> CD: 3.18

<sup>136</sup> CD: 5.79

<sup>137</sup> CD: 5.80

<sup>138</sup> CD: 4.214

<sup>139</sup> CD: 5.83

<sup>140</sup> CD: 5.81

<sup>141</sup> CD: 5.84

of either the Council's or Applicant's witnesses. PAG through their planning witness do however, rely on a number of points from three sources: (i) the Glen Athey Report; (ii) the Kirkwells Report; and (iii) evidence from Peter Black. The following criticisms are duplicated from those directed at the Council's evidence to the forthcoming Examination in Public for the eLP:

- The Council relied on the LCR SHELMA<sup>142</sup>;
- The SHELMA relied on Oxford Economics (Oxford) forecasts. It is not the reliance on forecasts, it is the reliability of the forecast which is challenged. It is very optimistic compared to Oxford forecasts,
- The SHELMA failed to disaggregate any need to the LPA level,
- The SHELMA's transformational change scenario is not reasonable,
- The Council should have relied on past take up rates between 1997 and 2015, rather than 1997-2012.

9.47 such points are entirely misplaced. The 2015 ELNS was undertaken at the LPA area level. It looked at three models, including historic land take-up and employment-based forecasts. The Oxford forecasts were only relevant to one of the models. It was one of two forecasts used in the employment-based forecasts<sup>143</sup>. However, the employment-based forecasts were not relied upon, in favour of the historic land take-up model. Accordingly, any criticism of the Oxford forecast is not material to the conclusion of the ELNS.

9.48 Any criticism of the Oxford forecast does not, in any event, undermine the LCR's SHELMA either. The SHELMA considered a traditional approach to the forecasting of logistics to be unreliable and considered an alternative approach based on two factors: (a) replacement; and (b) new additional facilities<sup>144</sup>. Neither approach relied on the Oxford forecasts. Therefore, whilst the SHELMA informed the update to the ELNS, any concern over the Oxford forecasts does not undermine the ELNS.

9.49 The Growth Build element took into account three matters. It was informed by two sets of forecasts, of which the transformational change scenario was one. It is, therefore but one input into the Growth Build elements which results in the top end of the range 308ha to 397ha.

9.50 It cannot be a criticism of the LCR SHELMA that it did not disaggregate the need to individual LPA's. It was a city region study. Equally, it cannot be a criticism of the Council that it has assessed needs at the LPA level because that is a requirement of the NPPF/PPG in the formulation of the eLP. The Council specifically recognise that the SHLEMA requirement is not disaggregated. In undertaking the exercise, the Council takes into account nine points<sup>145</sup>. None of them refer to the Oxford forecast.

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<sup>142</sup> CD: 4.160

<sup>143</sup> See paragraphs 8.1-8.3 CD: 5.79

<sup>144</sup> See paragraphs 12.5 and 12.6 CD: 4.160

<sup>145</sup> See paragraph 8.60 CD: 5.79

- 9.51 The ELNS Addendum also relies on a historic land take-up approach. It derives a baseline of 135ha-174ha with additional demand for major projects (55ha – 65ha). This results in a total employment land need of 190-239ha. This is broken down to 110-155ha for B8<sup>146</sup>. On the basis of the evidence and analysis before this Inquiry, that conclusion, which informs the eLP, is considered to be robust.
- 9.52 It is not appropriate to rely on evidence of take up between 2012 and 2015 because, as the objective evidence demonstrates<sup>147</sup>, there was no employment land supply. It follows that the supply available for take up was highly constrained and not a reasonable basis for a future assessment.
- 9.53 It follows that the evidence base submitted in support of the eLP fully supports the grant of consent on this site. The LCR analysis demonstrates how important the Parkside site is for the LCR as a whole in meeting its need for employment land. It demonstrates that significant weight needs to be attached to the need for more employment land in St Helens Borough and in the LCR. Indeed, this proposal is specifically supported by the LCR LEP<sup>148</sup>.
- 9.54 There is therefore, in addition to regeneration, also an imperative to redevelop this site to meet the needs for employment land and logistics floorspace on a site which is uniquely suited to address such a need. Both the LCR and Council agree that the development of PP1 derives strong support from national and local policies seeking to build a strong, competitive economy.

#### *Alternatives*

- 9.55 There is no dispute that the current supply of employment land is tightly constrained (less than 1 years' supply). PAG expressly agreed that there is no site which could meet the identified need for strategic logistics units: (i) on another PDL site; (ii) on a site in the urban area, or (iii) outside the Green Belt.
- 9.56 Further, PAG agreed that there was no site in the Green Belt which would have a lesser impact (in terms of openness, purposes or landscape character). Indeed, given the remaining sites in the eLP (including Haydock Point where the Council opposes the grant of planning permission) are greenfield/Green Belt releases, it is quite plain that any alternative development in the Green Belt to meet the needs of this proposal would have a materially greater impact on the Green Belt.
- 9.57 Further, it is self-evident that any such development would not meet the significant need to remediate and redevelop this particular site for a beneficial re-use to meet needs and address deprivation.
- 9.58 PAG' has identified seven greenfield Green Belt sites totalling 155.05ha, which was asserted to be sufficient. The logic of that point is totally absent, given that both FF (35.17ha) and Penny Lane (20.58ha) are fully developed. The Omega site is agreed to meet the needs of Warrington (31.2ha). Haydock Point has a putative reason for refusal and is the subject of a separate appeal (42.34ha). Accordingly, it is appropriate to discount the above sites which result in a

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<sup>146</sup> see tables 6 and 7 CD: 5.80

<sup>147</sup> See table at paragraph 8.6 CD: 8.79

<sup>148</sup> See Rolinson PoE Appendix 6 CD: 7.31

reduction of supply from 155.05ha to 35.29ha. That is not an adequate supply for the next 15 years.

### **Highways**

9.59 Two technical notes were produced by PAG<sup>149</sup>. The central issue in TN1 is whether the trip rates are robust. The Council as Local Highway Authority question the highways case of PAG for the following reasons:

- i. Paragraph 2.4 of TN1 refers to draft guidance to which no weight can attach,
- ii. The DfT guidance<sup>150</sup> referred to in paragraph 2.9 was revoked in March 2014 by the PPG and no weight can attach to it,
- iii. TN1 fundamentally misrepresents what the DfT guidance actually provides. A first principles approach (undertaken by the Applicant at the request of the Council) is expressly acceptable,
- iv. The PPG is not prescriptive. It does not require 85<sup>th</sup> percentile trip rates from TRICS,
- v. The agreed approach is expressly consistent with the Highway Authority's own bespoke Guidance<sup>151</sup>, which post-dates the PPG. TN1 fails to mention the relevant guidance which expressly endorses a first principles approach as an alternative to 85<sup>th</sup> percentile rates from TRICS,
- vi. TN1 therefore fails to draw attention to points which are directly contrary to the case being made. No weight can attach to such evidence, and
- vii. PAG's highway witness<sup>152</sup> conceded that the Council's approach to trip rates is "*expressly consistent with guidance and, against it, we have no alternative figure*".

9.60 The technical points raised in TN1 were specifically addressed by the Council<sup>153</sup>. TRICS cannot be relied upon where there are fewer than 20 comparable sites. Of the 24 sites suggested in TN1 those from London and Ireland should be disregarded, as should those of materially smaller units. This leaves less than 20 comparable sites.

9.61 TN1 confirms that an approach which takes surveys from a recent, adjacent development, together with robust comparable sites from TRICS is (on a first principles basis) precisely the right approach, especially when it has been sensitivity tested against smaller (more intensive) local developments.

9.62 Accordingly, there is no evidential basis on which to reach a contrary conclusion to the detailed SoCG<sup>154</sup>. There is, however, nonetheless harm to weigh in the

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<sup>149</sup> Review Note 1 CD: 7.95 &

<sup>150</sup> Department for Transport Guidance on Transport Assessment 2007

<sup>151</sup> Appendix C to CD: 7.95

<sup>152</sup> Mr Edwards

<sup>153</sup> Mr Mellor

<sup>154</sup> CD: 4.164

Green Belt balance as a result of additional movements on the local road network.

### ***Environmental Impacts***

#### *Landscape and visual Impact*

- 9.63 The St Helens LCA 2006 identifies that the site falls into the 'Highfield Moss' character area which is identified as generally flat and open with an overriding horizontal composition enabling panoramic views across the surrounding landscape. However, the LCA notes that, although the area is of rural character, large-scale infrastructure is present such, as the M6. It states that railway lines which border the area to the west and north and a pylon line are also prominent signs of infrastructure in the landscape.
- 9.64 The LCA notes that the area includes the more degraded landscape character associated with the significant disturbance attributed to the former Parkside Colliery. The LCA states that the former colliery site disrupts the field pattern of the surrounding area with large areas of hardstanding. In addition, screening bunds to the east of the colliery are unnatural linear features which create a prominent horizon and interrupt views across the landscape.
- 9.65 The proposed development would result in a major change from the site's current condition/character and the introduction of a large built form would be a dominating feature that could not be mitigated. The harm caused to landscape character would be moderate and adverse, contrary to CS Policy CQL4. However, although there would be harm to the setting of a Registered Battlefield the landscape character of the site is not designated, and the site is not a 'valued landscape' for the purposes of paragraphs 170 and 171 in the NPPF. This harm should therefore only be given limited weight. Nonetheless, this an adverse impact is to be weighed in the planning balance.
- 9.66 The LVIA shows that the greatest visual impacts would be experienced by the occupants of dwellings on the A49, Hermitage Green Lane, Whitefield Avenue and Newton Park Farm. Beyond this general area, the development would be too far away to have a significant impact.
- 9.67 The Council considers that significant visual harm would be caused to 44 receptors. During the operational phase, significant harm would be caused to some properties on Winwick Road and moderate harm would be caused to others, depending on the precise configuration of buildings on the site. There would also be moderate harm caused to the occupants of Sycamore Cottage.
- 9.68 The visual harm would be contrary to the requirements of CS Policy CP1 and should weigh against the proposed development. Due to the construction phase being temporary, the harm caused during this phase should only be given moderate weight against the proposed development. The harm caused during the operational phase would be a permanent effect and although the establishment of landscaping would mitigate the harm slightly, it should nonetheless be given significant weight against the proposed development.

#### *Residential Amenity*

- 9.69 The properties on Hermitage Green Lane and Whitefield Avenue are at a distance, such that overshadowing or a loss of light would not occur. The

properties on the A49 to the west of the site could be affected by the development. However, it is not considered that it would have a significant effect on their amenity through overshadowing or loss of light.

- 9.70 The indicative layout shows that offices could be located on the side elevation of the building on development cell A/B. Given that the properties on the A49 would be visible from such an office building, this arrangement is not considered appropriate. A condition is recommended to ensure that any offices in this location are no higher than a single storey.
- 9.71 The proposed development would operate for 24 hours a day and a number of activities would take place outside the buildings. External lighting would be required in the service areas and car parks. A lighting strategy does not form part of this application and would be considered at the reserved matters stage, but it is likely that a lighting scheme could be developed that ensures that harm is not caused to residential amenity. The lighting strategy can be secured by a planning condition.
- 9.72 Subject to appropriate conditions, a development could be delivered on the site that does not cause harm to residential amenity through overshadowing, undue dominance, privacy or the effects of light pollution. In this respect the proposed development complies with Policy CP1.

#### *Noise*

- 9.73 WSP has previously undertaken an extensive technical review of the noise and vibration assessment work submitted in support of this application, during both the operational and construction phases. The review is duly considered both the original submitted noise and vibration assessment work as detailed within the ES and ES Addendum as well as various additional clarifying information provided in response to WSP's initial findings.
- 9.74 The completed assessment work has been based upon applicable British Standards and guidance and the results of baseline noise survey work.
- 9.75 The construction noise assessment details various mitigation measures that are proposed to be employed over the course of the works. These include the adoption of Best Practicable Means for the minimisation of noise, compliance with a CEMP and limitation on construction working hours. With these measures in place, construction noise could be controlled to within appropriate noise assessment criteria for the vast majority of the works
- 9.76 Higher noise levels may arise for limited periods, e.g. where works are necessary in close proximity to adjacent residential properties, but such works would be occasional and short-term in nature.
- 9.77 The assessment of construction traffic noise states that the primary construction traffic route to/from the site would be from the south using the A49. The proportion of new construction traffic is low compared to existing flows on this route. As a result, the noise level changes that would arise as result of construction traffic would therefore be small and not give rise to a significant effect.
- 9.78 The assessment of development generated traffic noise has identified that only small noise levels changes would arise in both the short and long term. The

level changes identified to arise are not sufficient to give rise to significant effects. No planning conditions are considered necessary given the low noise level changes that have been identified.

- 9.79 In terms of the Noise Policy Statement for England, the 'Significant Observed Adverse Effect Level' would not be exceeded in relation to construction or traffic noise.
- 9.80 The levels of noise that would be generated from the site itself are dependent upon a number of factors including the final scheme layout and design subject of a later reserved matters application as well as the future occupants of the scheme and the nature and intensity of their business operations. Therefore, to facilitate the assessment of operational noise from the site, the completed assessment has been based on a number of assumptions including an example scheme layout and an assumed operational scenario.
- 9.81 To that end, the Acoustic Consideration Parameter Plan <sup>155</sup>, details zones within which no external services, plant and equipment should be located, and within which no loading bays should be orientated towards noise sensitive receptors. The Masterplan that has been adopted for assessment<sup>156</sup> has been developed in line with this Parameter Plan.
- 9.82 The Applicant's noise assessment has appraised the predicted operational noise levels generated during both daytime and night-time periods. In accordance with the applicable British Standard (BS 4142) the operational noise levels have been assessed by comparison against the prevailing daytime and night-time background sound levels, as determined by measurement. The completed measurement survey included measurements undertaken during the quietest parts of the night-time thereby ensuring a worst-case assessment for this period, but not the quietest part of the daytime (e.g. late evening between 19:00 and 23:00). However, it is considered that night-time operation would be the limiting scenario given that lower background levels would typically prevail for this period.
- 9.83 The assessment has identified that the resulting operational noise levels, after accounting for the attenuation from the proposed site boundary bunds and character of source, would be no more than 3 to 4dB above the night-time background sound levels at existing dwellings. For context, a 3dB change in noise level is commonly considered to be the smallest change perceptible to humans unless under controlled conditions, whilst a 10dB change corresponds to a subjective doubling of level. Accounting for context, as required by the British Standard, people would generally be residing internally at night, and therefore benefitting from the noise attenuation afforded by their building fabric. It is therefore agreed that a significant effect would not arise.
- 9.84 With the appropriate planning conditions and mitigation measures, the noise impact of the proposed development on the amenity of the nearest residential property would not be significant and in this respect the development would accord with Policy CP1.

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<sup>155</sup> CD: 4.36

<sup>156</sup> CD: 4.14

## *Air Quality*

- 9.85 Paragraph 181 of the NPPF states that planning policies and decisions should sustain compliance with and contribute towards relevant limit values or national objectives for pollutants, taking into account the presence of AQMAs and the cumulative impacts of air quality from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management and green infrastructure provision and enhancement.
- 9.86 The PPG advises that the Ambient Air Quality Directive 2008 sets legally binding limits for concentrations in outdoor air of major air pollutants (EU limit values) that impact public health such as PM<sub>10</sub>, PM<sub>2.5</sub> and NO<sub>2</sub>. As well as having direct effects, these pollutants can combine in the atmosphere to form ozone. Dust can also be a planning concern, for example, because of the effect on local amenity.
- 9.87 Poor air quality can have health impacts, and this is reflected in the EU Limit Values referred to above. The Limit Values are annual mean concentrations of 25µg/m<sup>3</sup> for PM<sub>2.5</sub> and 40µg/m<sup>3</sup> for both PM<sub>10</sub> and NO<sub>2</sub>. The annual mean should be applied at locations where members of the public might regularly be exposed to air pollution, such as at the building facades of residential properties, schools, hospitals etc. If the pollutant level is below the EU Limit Values, then it is generally considered that there is an acceptable effect on health.
- 9.88 The PPG states that air quality may be relevant to a decision if the development is likely to have an adverse effect on air quality in areas where it is already known to be poor, particularly if it could affect the implementation of air quality strategies and action plans and/or breach legal obligations (including those relating to the conservation of habitats and species).
- 9.89 Policy CP1 states that all proposals would be expected to manage and mitigate against the effects of pollution caused by developments, and that development which would impact on AQMAs will require special consideration with regard to their impacts.
- 9.90 The Applicant has submitted an AQA which assesses levels of dust during the construction phase of the development and levels of NO<sub>2</sub> and particulate matter generated during the operational phase at 2020 and 2030. The AQA concludes that, during the construction phase the development is at high risk of generating dust impacts. It recommends that dust mitigation measures, including monitoring of PM<sub>10</sub> as part of a CEMP, would adequately mitigate dust risks. The Council recommend that a condition be attached requiring the submission of a dust management plan or as part of a CEMP.
- 9.91 During the operational phase, the AQA identifies that none of the receptors would experience an exceedance of the EU Limit Values in relation to particulate matter. The AQA records that the development would have a negligible impact at all receptors in terms of particulate matter generated by the development proposals.
- 9.92 For NO<sub>2</sub>, the AQA identifies that there would be two exceedances of the EU Limit Values in 2020, to the south of the Swan Inn in Winwick and on Winwick Road. The AQA identifies that the increase at Rectory Close would be a moderate

impact and the increase at Winwick Road 3 would be a negligible impact. There would be a minor impact at four receptors; Ashton Road 2, High Street, Mill Lane and Newton Road 2. At the other 22 receptors, the AQA identifies that the development proposals would have a negligible impact.

- 9.93 In 2030, the AQA identifies that there would be no exceedances of the EU Limit Values and that the proposed development would have a negligible impact on air quality at all receptors because of improvements to vehicle emissions.
- 9.94 WC has objected to the proposed development on grounds that the proposed development would exacerbate the poor air quality at Lane Head. It is acknowledged that receptors at Lane Head have not been modelled as part of the AQA. However, the proposed development is only predicted to generate 22 two-way vehicle trips in the AM peak and 20 two-way vehicle trips in the PM peak on the Wigan network. This equates to around an additional vehicle every 2-3 minutes and a less than 1% increase in total traffic at any junction, within average daily traffic flow variations. This level of traffic would have a negligible impact on air quality.
- 9.95 Overall, the proposed development would cause some harm to air quality in certain locations, which must be weighed against the proposed development. However, the proposed development would not cause any exceedances of EU Limit Values in 2030 or have a significant effect overall. Accordingly, the proposed development would comply with the relevant sections of Policy CP1 and the NPPF.

### *Ecology*

- 9.96 Policy CQL3 reflects NPPF paragraphs 170 and 175 in seeking to ensure that all development proposals are based on ecological assessments where appropriate and that developments affecting protected species will only be acceptable if there is clear evidence that the development outweighs the nature conservation interest. Policy CQL2 states that the multipurpose value of tree, woodlands and hedgerows would be protected and enhanced by:
- requiring developers to plant new trees, woodlands and hedgerows on appropriate sites,
  - to conserve, enhance and manage existing trees, woodlands and hedgerows,
  - ensuring that development does not damage or destroy any tree subject to a TPO or any tree of value unless there is a clearly demonstrated public benefit, and where trees are justifiably lost they should be replaced on at least a 2:1 ratio, and
  - supporting proposals which assist in the positive use of woodlands for green infrastructure purposes including recreation, education, health, biodiversity and economic regeneration.
- 9.97 The proposed development is located around 1.2km away from Highfield Moss SSSI. Gallows Croft/Newton Brook LWSs are within 400m of the site. Natural England and the MEAS consider that, subject to a CEMP that requires works to be more than 8m from the LWS, the proposed development would be unlikely to harm the features for which the sites were designated.

- 9.98 A number of ecological surveys are included in the ES and have been reviewed by MEAS and Natural England. They have advised that the proposed development would not have an unacceptable impact on protected species subject to conditions relating to the provision of bat boxes, an appropriate lighting strategy, pre-commencement checks for badgers and water voles and the translocation of orchids.
- 9.99 The proposed development would result in the loss of approximately 11.7ha of semi-improved grassland habitat, 8.5ha of semi-natural broadleaved woodland and plantation woodland, and 0.043ha of water bodies. In order to compensate for this loss, the development would provide approximately 2.9ha, 8.5ha and 0.43ha of each habitat respectively.
- 9.100 The Council's Biodiversity Supplementary Planning Document<sup>157</sup> (SPD) states that, where damage to habitat is likely to occur despite mitigation measures, on or off-site habitat creation on a ratio 3:1 (by area) would be required to compensate for loss or reduced habitat quality for grassland, woodland, wetland and heath-land habitats.
- 9.101 The proposed on-site mitigation for grassland and woodland falls short of a 3:1 replacement. The applicant has therefore proposed a compensation package which comprises an ecological management plan for the delivery and enhancement of the Gallows Croft LWS, the enhancement and management of a 4.7ha area of semi-improved grassland to the south of the site and a commuted sum of £675,000 to be used to develop a woodland/urban tree planting and habitat improvement project in conjunction with Mersey Forest, to be delivered within the Newton le Willows and Sankey Valley area. The proposed mitigation/compensation would be sufficient to mitigate/compensate for the loss of habitat caused by the proposed development.
- 9.102 MEAS has identified that there is Japanese knotweed, Indian balsam, rhododendron and cotoneaster present on the site and have recommended a condition that requires a remediation scheme to prevent the plants spreading further and identify the methods of control. Other legislation is in place that makes it an offence to spread invasive species and therefore it is not considered necessary to attach a condition in this respect.
- 9.103 The proposed development would not have an unacceptable impact on protected species or their habitat, subject to conditions securing the implementation of mitigation measures. Further, although the proposed development would cause a loss of habitat, sufficient mitigation and compensation has been proposed. The proposed development would therefore accord with the requirements of CS Policies CQL2, CQL3 and the NPPF.

#### *Climate change*

- 9.104 The Council has declared a Climate Emergency. In common with the SoS and Council, PAG are concerned with the climate emergency and argue that the PP1 proposal should be refused because it would generate greenhouse gas emissions. PAG<sup>158</sup> accepted that these concerns would apply equally to any

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<sup>157</sup> CD: 3.1

<sup>158</sup> Mr Black

road-based logistics development. The central point was that this proposal would undermine the delivery of the SRFI.

9.105 PAG's evidence is undermined by a failure to refer to the relevant statutory framework, planning policy and guidance, "*Decarbonising Transport – Setting the Challenge*" (2020)<sup>159</sup> and the recent Eddie Stobart decision<sup>160</sup>.

9.106 The CCA came into force on 26 November 2008 and imposed a duty on the SoS to ensure that the net UK carbon account for the year 2050 is at least 80% lower than the 1990 baseline<sup>161</sup>. The CCA establishes the Committee on Climate Change (CCC). The CCC is under a statutory duty to advise the SoS on (a) whether the 80% target for 2050 should be amended; (b) if so: what the amended percentage should be.

9.107 The CCC must also report on (a) the progress towards meeting the carbon budgets that have been set under Part 1 (the target for 2050); (b) the further progress which is needed; and (c) whether those budgets and those targets are likely to be met. The SoS must lay before Parliament a response to the points raised by each report of the CCC.

9.108 In the light of that statutory background, PAG agreed that:

- The CCC has not suggested a moratorium on road-based logistics development,
- The SoS has not suggested (in any response to the CCC Reports) that there is a moratorium on road-based logistics,
- By NPPF 80 and 82, the Government continues to give significant weight to road-based logistics development,
- The 2019 PPG considers the delivery of road-based logistics to be "critical",
- The Decarbonising Transport report post-dates the amendment to the CCA 2008 target. It has been published in response to the climate emergency. It does not set out a moratorium on road-based logistics. At page 39 it specifically addresses emissions from HGV's. It does not suggest anywhere that road-based logistics should be refused. Rather, it considers the solution to be the decarbonisation of vehicles, with associated benefits for air quality, and
- The DfT recognise the benefits of international trade through shipping (95% of UK trade is via shipping), which is considered to be one of the most carbon efficient modes of transport. The DfT does not favour reducing international trade to address carbon emissions. Rather, it favours an international approach which aims for zero emission ships by 2050.

9.109 The above emphatically does not suggest there is no legal duty to address climate change as suggested by PAG. PAG fairly conceded that the answer is not the refusal of road-based logistics which are "critical" to the economy and

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<sup>159</sup> CD: 5.96

<sup>160</sup> Land at Barleycastle Lane, Appleton Thorn, Warrington CD: 3.16

<sup>161</sup> After the Inquiry closed, the UK government announced on 20 April 2021 its intention to set into law the cutting of emissions by 78% by 2035 compared to 1990 levels.

which would result in more efficient movements of freight. Road-based logistics would be "*part of the mix*". PAG further conceded that: "*some road-based logistics is desirable and inevitable*". Rather, the issue was that this proposal would frustrate the delivery of a SRFI.

9.110 It is, therefore, common ground that there is no "in principle" objection to this development on climate change grounds. Indeed, this was the conclusion of the SoS very recently in the Eddie Stobart Appeal.

### **Heritage**

9.111 It is acknowledged that there would be less than substantial harm to the two listed buildings at Newton Park Farm and the Registered Battlefield. In applying the statutory test, the Council affords considerable weight to the harm to designated heritage assets.

9.112 The view of Historic England should carry significant weight. Specifically, the proposed development would have no direct impact on the core area of the Battlefield, or upon the majority of the Battlefield to the south. It would not seriously affect the public's ability to understand how the battle developed or how the main events of the battle relate to the existing landscape.

9.113 The harm to the Battlefield and listed buildings would be 'less than substantial' in the language of the Framework. Nonetheless there would be conflict with CS Policy CQL4. This should carry significant weight against the scheme in the planning balance.

9.114 However, as any such harm (even the substantial harm claimed by PAG) would be outweighed by the identified public benefits. There is thus undoubted compliance with the NPPF paragraph 196.

### **Benefits**

#### *Regeneration*

9.115 The Indices of Deprivation (2019) St Helens Summary Report<sup>162</sup> provides 39 indicators across seven domains. They make for grim reading:

- High levels of deprivation are evident across the North West. 11 of the 20 most deprived local authorities are in the North West (a deterioration from 2015),
- St Helens is now ranked as the 26th most deprived local authority,
- St Helens has been ranked 51st (2010), 36th (2015) and 26th (2019). The indices of multiple deprivation are therefore worsening over time,
- There are 29 LSOA's (neighbourhoods) in the 10% most deprived nationally,
- There are 50 neighbourhoods in the 20% most deprived nationally,
- 6 LSOA's are within the 1% most deprived nationally,

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<sup>162</sup> CD: 5.168

- The domains of greatest concern are health deprivation, employment deprivation and income deprivation,
- St Helens is the 8th most deprived (health), 9th most deprived (employment) and 34th most deprived (income),
- 16,585 people in St Helens are employment deprived. 32,195 people live in income deprived households,
- Nearly a quarter of the population of St Helens live in the most deprived neighbourhoods. That is 42,877 people (an increase of 26% from 33,926 in 2010),
- 9,269 children live in the most deprived neighbourhoods,
- There is 1 Earlestown neighbourhood in the worst 5%; 2 Earlestown and Newton neighbourhoods in the worst 10%; and 5 Earlestown and Newton neighbourhoods in the worst 20%, and
- Accordingly, there are pockets of deprivation very close (with walking distance) of the site.

9.116 Against that context the CS expressly seeks to focus economic development on those sites that are within, in close proximity to, or have easy public transport to the most deprived areas of the Borough (Policy CE 1(4)). Such a policy is expressly consistent with this Government's Levelling Up Agenda, the Northern Powerhouse and the requirement to *Build, Build, Build* in response to the Coronavirus pandemic. This proposal complies with CS Policy CE 1(4).

9.117 Indeed, the CS considers that deprivation can be addressed through the redevelopment of the Parkside site. If the creation of employment at a SRFI can address deprivation in the Borough, the same must be true of employment created at a strategic logistics base. There can be no logical distinction.

9.118 PAG remain concerned that, whilst jobs would be created in St Helens, they would also be taken by employees outside the Borough. It is difficult to understand how that is a consideration which weighs against the proposal. Nonetheless conditions are recommended that provide for local employment schemes to maximise recruitment from the most deprived areas and the promotion of the use of local suppliers of goods and services during construction. The areas of deprivation are readily accessible by non-car modes of transport. Further, there would be a new shuttle bus provided by the Travel Plan which would further enhance access directly into the deprived areas of the town. In that context, PAG conceded that there was nothing further that the developer and/or Council could do.

9.119 In any event, the creation of jobs outside St Helens is also beneficial because adjacent areas also exhibit deprivation. For example, Warrington Borough is ranked 147th out of 317 on the indices of multiple deprivation. Whilst Warrington is relatively more affluent than St Helens, areas at Orford and Pophams and Hulme are within the top 10% in England in terms of multiple deprivation. These wards are in the northern part of the main built up area of Warrington, about 3.5km to the south of the site, with direct access to Parkside via the A49 Winwick Road. Such areas would significantly benefit from the creation of employment at the site.

9.120 It could not be clearer that the redevelopment of this site, in order to reduce severe deprivation in adjacent wards, through private sector development and investment, is directly supported by the central Vision and Spatial Objectives of the statutory development plan.

9.121 There would be a clear benefit to St Helens and parts of Warrington through the provision of employment in order to tackle key areas of deprivation identified locally. A comprehensive solution to issues of multiple deprivation naturally requires a multifaceted approach, as part of a wider programme of regeneration. The PP1 development can make a significant contribution to this regeneration imperative by providing new jobs in an accessible location where the need is highest and the level of skills would be commensurate with the employment provided.

#### *Location*

9.122 The site has been actively promoted for redevelopment over the last 30 years by the Council as it benefits from a unique collection of locational characteristics which make it ideally suited for use as a regional/sub-regional logistics hub.

9.123 The site is immediately adjacent to the M6, to which it has direct access from the A49. It is close to the M62 and A580. The site therefore has very good road access north/south (M6) and east/west (M62/A580) to areas of significant population. Further, the Liverpool-Manchester (Chat Moss) line borders the site to the north and was formerly directly connected into the colliery site. The West Coast Mainline borders the site in a cutting to the west. Access is obtainable off the Chat Moss link via the Lowton curve and from the south via Earlestown and Winwick junction.

9.124 Moreover, the topography of the site is such that large, flat and relatively regular development parcels can be developed for very large units (>50,000m<sup>2</sup>) over an area which is previously developed/disturbed by colliery activities.

9.125 The site is visually contained by built development, colliery spoil and trees. It is previously developed and disturbed. It is close to a ready labour supply, in deprived areas, which are highly accessible by non-car modes. Accordingly, it is difficult to conceive of a site in the North West which is more attractive to warehousing and logistic operations.

#### *Economic*

9.126 The economic and social benefits have been fully assessed. The agreed position is contained in the SoCG, which records that the LPA agree that the proposed development would result in the following:

- 457 FTE jobs during construction,
- 1330 gross (930 net) additional jobs during operation,
- Significant opportunities for skills and training through a joint approach with the Council, Chamber of Commerce and College, in order to target joblessness,
- Opportunities for local suppliers of goods and services during construction,

- A beneficial economic effect on the locality in terms of additional expenditure in Newton le Willows and the potential multiplier effect with opportunities for small and medium sized enterprises and other firms to form part of the supply chain for future occupiers.

9.127 There has been a focus on the assumed employment densities based on job creation at FF. The concern of local residents in this regard is well-known and well-understood by the Council and has been addressed by the Amion response<sup>163</sup>. Put simply, the Council have relied on the Homes and Communities Agency's (HCA) Employment Density Guide (2015)<sup>164</sup>, as the authoritative source for employment densities. It is understood to be an average assumption. Accordingly, there is evidence of higher job density (Miller Developments at Omega and Warrington and Co. evidence) and evidence of lower job density at FF. That is the nature of an average and to be expected. The HCA Guide and the Amion Inquiry note also address the concerns of PAG and others in respect of automation.

9.128 This is an outline proposal. There is no detailed scheme. There is no occupier and no detail on the proposed use. A detailed assessment cannot be undertaken at this stage of the process. In the absence of any better or preferable methodology, the assumed HCA Guide is considered to be a robust basis for decision-making, with the caveat that the final job creation may be higher or lower depending on the final development.

9.129 Regardless of the criticisms of the employment density figures, the irresistible conclusion is that significant new jobs would be created in a local community. The Council does not accept (on the basis of the submitted evidence) that such jobs would be low skilled nor low paid. Rather, the jobs appear to be ideally matched to the existing skills base (with training) of the deprived communities<sup>165</sup>. Such benefits should be afforded significant weight.

### ***PAG's Position***

9.130 PAG allege harm in respect of landscape and visual impact, highways, ecology, heritage and air quality. However, those arguments are wholly and irreconcilably inconsistent with their support for a SRFI on the application site. Nowhere does the evidence of PAG address (much less reconcile) this inconsistency.

9.131 The Council therefore simply fails to understand how, for example, the ecological impact of this proposal can be considered to be unacceptable but the same ecological impact from a SRFI is acceptable. As PAG's planning witness fairly conceded, the impact to ecology is a function of the built form and engineering works, rather than the use of the buildings. In the absence of any differential analysis (demonstrating that the impact of a medium/large SRFI on the site is materially lower), PAG's submissions are fatally undermined. The evidence of the Council must therefore be preferred.

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<sup>163</sup> ID: 13.41

<sup>164</sup> CD: 5.59

<sup>165</sup> See Rollinson PoE paragraph 5.64 CD: 7.41

### **Overall Conclusion**

9.132 It should be noted that there have been false dawns in the last 30 years over the redevelopment of this atrophying site. There is currently both a need and demand for its beneficial redevelopment. There is commercial interest in the redevelopment of PP1 and public sector funding is currently available for the PLR which would deliver the infrastructure required for the delivery of subsequent phases, which can maximise the return of private sector and public sector investment in this site.

9.133 Accordingly, this chance must be grasped and grasped now. The Council does not consider that there can be any complacency or confidence that private commercial interest would endure, should this proposal be refused, contrary to the decision of the Council and contrary to its eLP.

9.134 The Council firmly concludes that there are very special circumstances because there are "other considerations" which very clearly outweigh such harm to the Green Belt and any other harm. This is not a case where there is a fine balance. The other considerations in this case are "formidable" and comprise the following:

- a) The need to regenerate a vacant and derelict site which is the subject of ongoing anti-social behaviour. This is a site which needs a long-term sustainable and beneficial re-use,
- b) The proposal would remediate any legacy contamination on the site, which would not otherwise be addressed,
- c) This is a valuable previously developed and heavily disturbed site, the development potential of which should be maximised to meet identified needs and assist in the regeneration of the local community,
- d) Local Authority and Public Sector stakeholders have been trying to beneficially redevelop this site for the last 30 years. This development is suitable, viable and deliverable. It is an opportunity which must be seized, as there is no guarantee of an alternative, viable redevelopment of the site,
- e) There is a significant need to address indices of multiple deprivation in some of the most deprived wards in the country,
- f) There is a need to address the objectively assessed need for more employment land, especially for logistics floorspace, especially on a uniquely suitable site to meet the locational requirements of the market sector,
- g) There is a lack of supply to meet the identified need on land inside the urban area, on previously developed land, on land outside the Green Belt and/or on Green Belt which would have a lesser impact on the Green Belt or environmental impact,
- h) There is no alternative to development in the Green Belt. Further, there is no alternative to developing this site, in order to address significant on-site issues,
- i) There is a need to create employment in order to regenerate the site and to regenerate the local area,

- j) There is a need to exploit the unique locational characteristics of this site. PP1 would not just deliver road-based logistics, it would further assist in the once-in-a-generation opportunity to assist in the deliverability of a SRFI in this location,
- k) The site is highly accessible to markets but also to a workforce by means of transport other than the private car, ie walking, cycling and the public transport hub at Newton le Willows station, which has been the subject of recent public sector investment, as part of a joined up approach to assist in the redevelopment of this site,
- l) There are material direct, indirect and catalytic economic benefits of the proposal. In particular, the provision of jobs which match the skills base in the areas of deprivation,
- m) There are social benefits, and
- n) There are modest environmental benefits to the proposal.

9.135 The 'other considerations' clearly outweigh the identified harm such that very special circumstances have been demonstrated. Accordingly, the Council concludes that the proposal complies with the statutory development plan as a whole. NPPF 11(c) is therefore engaged and planning permission should be granted without delay, subject to the suggested conditions and the s106 planning obligation.

## **10. The Case for Interested Persons**

10.1 This case was characterised by high levels of public interest both in terms of organised groups and in terms of individuals wishing to take part in the proceedings. To that end, opportunities for interested persons to make their views known were provided on the first and second day of the Inquiry.

*Cllr David Smith*

10.2 Cllr Smith represents the Newton ward and raised concerns regarding the size of the development which goes far beyond the footprint of the former colliery. He described the Green Belt as a precious resource which should be preserved for future generations. He also had concerns about additional traffic, particularly HGVs using the A49 Winwick Road, Southworth Road and Newton High Street as well as the impact on the amenity of those residents who's houses back onto the site<sup>166</sup>.

*Cllr Edward Houlton*

10.3 Cllr Houlton is the Member for the Lowton East Ward. He is concerned with the impact of the development on the Lane Head area of Wigan which already experiences traffic and air quality issues. He expressed the concerns of many residents in this area that the Winwick Lane/Newton Road junction was never built to accommodate the amount of traffic it currently does<sup>167</sup>.

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<sup>166</sup> Speaking Note ID: 13.4

<sup>167</sup> Speaking Note ID: 13.5

*Cllr Cathy Mitchell*

10.4 Cllr Mitchell represents Winwick on Warrington Council. She recognised the need for economic growth and employment in the area but at the same time is concerned by the amount of traffic passing through Winwick along the A49 to reach the M6 and M62 motorways. Her central point was that the PLR should be constructed prior to any of the units on PP1 being opened for use<sup>168</sup>.

*Mr Richard Ward*

10.5 Mr Ward lives on Hermitage Green Lane and is a local historian and a member of The Battlefields Trust. He spoke at the Inquiry and summarised his written submissions<sup>169</sup>. Mr Ward is concerned about the impact of the development on various heritage assets in the area primarily the Winwick Battlefield.

*Ann Lowe*

10.6 Ms Lowe, a resident of Lane Head, raised many of the same issues covered by Cllr Houlton with regards to the traffic problems in the area. She went on to say that due to the traffic air quality is almost twice the legal limit which is causing health issues with many local people suffering from the "Lowton cough". The development would exacerbate these problems<sup>170</sup>.

*Jacqueline Richardson*

10.7 Ms Richardson is concerned at the number of large-scale logistics developments in the area. With the proposed development, this would see Newton le Willows in the middle of a pollution triangle which would have health implications for local residents. Ms Richardson already suffers from breathing difficulties and has been advised that this was a result of poor air quality in the area.

10.8 Ms Richardson is also concerned about the impact of the development on local ecology. She argued the loss of habits for these animals would devastate the rich fauna that has emerged over recent years<sup>171</sup>.

*Edward Thwaite*

10.9 Mr Thwaite is the Chairman of the Lowton East Neighbourhood Development Forum. He expressed concern that St Helens Council had split up the development of the Parkside site into separate applications given the cumulative impact on Lowton. He also questioned the impartiality of the Council in assessing the application since the Applicant is 50% owned by the Council.

10.10 Mr Thwaite reiterated points raised by others in relation to traffic congestion in the Lane Head/Lowton area along Winwick Lane and the A580. Finally, Mr Thwaite expressed concerns that the PP1 site would impinge on views from the SSSI damaging the outlook permanently<sup>172</sup>.

*Mr Peter Black for Culcheth and Glazebury and Croft Parish Councils*

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<sup>168</sup> Speaking Note ID: 13.6

<sup>169</sup> CD: 10.18 – 10.173

<sup>170</sup> Speaking Note ID: 13.8

<sup>171</sup> Speaking Note ID: 13.9

<sup>172</sup> Speaking Note ID: 13.10

10.11 Mr Black likened the PP1 development to the “*dead parrot*”. He set out a number of concerns related to the prevalence of large scale, road-based logistics sites in the local area which he said risked becoming an unplanned regional distribution hub. He questioned the employment benefits of the scheme and the Applicant’s very special circumstances case. He also expressed concerns about the impact of the development on local traffic conditions within the Parish Council areas. He accused the Applicant of ‘gaming’ its BNG assessment.

10.12 Mr Black’s principal concern was the lack of perceived action in response to the climate change emergency which the Council and others have declared. He reiterated many of PAG’s concerns that PP1 would destroy any ambition to achieve the rail connection which is the only realistic way to decarbonise freight transport<sup>173</sup>.

*Dr Kevin McLafferty*

10.13 Dr McLafferty questioned the Council’s assessment of the Applicant’s very special circumstances case. In particular, he raised doubts over the employment predictions and economic benefits. These concerns are predicated on figures from the recent FF development which was forecast to provide 2,500 jobs but ended up providing only 320. Dr McLafferty went on to say that the number of jobs at Amazon’s unit at Omega in Warrington is half the projected 2,000 jobs. Moreover, future jobs in warehousing would be significantly reduced by the roll-out of automation<sup>174</sup>.

10.14 The Applicant responded in writing to Dr McLafferty’s evidence<sup>175</sup>.

*Cllr Seve Gomez-Aspron*

10.15 Cllr Gomez-Aspron represents the Newton Ward and was Chair of the Planning Committee that approved the PP1 application. He supports the application and pointed out that many people in the area are begging for jobs. He set out some of the social and economic problems in the area caused by the decline of traditional industry and argued that the new jobs would be the difference between families being in poverty or paying the bills.

10.16 Cllr Gomez-Aspron highlighted that the site is private, has no legal public access and is a mess with 63% of it being developed previously or disturbed. It is a former colliery site and not a national park. He went on to highlight the site’s locational credentials along with the proposed improvements to local footpaths and cycleways<sup>176</sup>.

*Paul Hooton*

*Mr Hooton spoke at the PLR session but since his concerns related to the PP1 scheme, they are reported here and not in the PLR Report.*

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<sup>173</sup> Speaking Notes ID: 13.15

<sup>174</sup> Speaking Note ID: 13.16

<sup>175</sup> See Employment Impact Addendum Note ID: 13.41

<sup>176</sup> Speaking Note ID: 13.17

- 10.17 Mr Hooton<sup>177</sup> is a long-term resident of Haydock and expressed concern about habitat loss on a site which he described as a haven for wildlife. The wider Parkside site supports species of red listed bird, mammal's such as hedgehog and roe deer, amphibians, and a myriad of invertebrates. He pointed out that local people use the site to exercise, something which has been particularly beneficial during recent lockdowns. Mr Hooton was also concerned that if the PLR and subsequent Parkside phases go ahead then the semi-rural character of Newton le Willows would be lost.
- 10.18 Mr Hooton went on to expressed concerns that the proposed s106 woodland contribution might be spent somewhere else in the region. He said this would add insult to injury for the local residents and that planted saplings would not be comparable to the mature trees that would be lost.
- 10.19 Mr Hooton repeated concerns made by others about the job figures which in his view have been grossly inflated based on figures from FF.

## **11. Written Representations**

- 11.1 There have been many other written representations objecting to the proposal at both application stage and subsequent to call in. According the Council's Committee Report<sup>178</sup>, 667 letters of objection were received to the planning application notification letters. These objections are summarised in considerable detail in Section 4 of the Committee Report and it is not necessary for this information to be repeated again here.
- 11.2 A number of written statements were submitted to the Inquiry. These are contained within the Inquiry Documents. I do not propose to repeat objections which I heard orally, and which I have already set out above, in any further detail. Many of the letters contain the same objections which were raised during the public sessions at the Inquiry or at the planning application stage. They relate primarily to highways, air quality, loss of Green Belt, noise and disturbance and ecology.
- 11.3 A statement was submitted by the Mayor of Greater Manchester, Andy Burnham<sup>179</sup>. Mr Burnham wrote in support of the residents of Lowton, Golborne and Ashton-in-Makerfield in Wigan in relation to concerns about the environmental effects of additional traffic in their area. Mr Burnham opined that the impact on and implications for these neighbouring areas, had not been properly considered by the Council in voting to approve the PP1 and & PLR planning applications.
- 11.4 WC objected in writing to the PP1 and PLR applications expressing concern that committed residential developments in Wigan which may influence traffic in the Parkside area had not been taken into account in the traffic modelling. They point out that the main route from the PP1 site to the A580 East Lancashire Road would be via Wigan's highway network which would involve the use of Winwick Lane and A572 Newton Road.

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<sup>177</sup> Speaking Note: ID: 14.40

<sup>178</sup> CD: 4.72

<sup>179</sup> ID: 13.23

- 11.5 WC also queried the traffic generation figures in the TA and suggest that trip rates from large scale B8 developments can vary significantly depending on the occupier. As a precaution the use of 85th percentile trip rates from the TRICS database should be the preferred methodology to determine trip generation.
- 11.6 WC also object on the basis of air quality, highlighting the problem of poor air quality in the Winwick Lane area. As no receptors were modelled in the Land Head area of Wigan, the AQA is considered to be lacking in sufficient detail to assess the impact of the development on air quality.
- 11.7 WC recommends the introduction of a northbound weight limit on Winwick Lane to mitigate the impact the development would have on traffic and human health. It is noted that this requires cross-boundary co-operation with WBC, who would have to grant permission for the Traffic Regulation Order to be undertaken<sup>180</sup>.

## **12. Inspectors' Conclusions**

*On the evidence before the Inquiry, the written representations, and observations on the site visit, the Panel has reached the following conclusions. References in square brackets [] are to earlier paragraphs in this report.*

### **Planning Considerations**

- 12.1 Based upon the matters raised by the SoS in calling in the application, the written and oral evidence of the Applicant, the Council, PAG and interested persons, the main considerations in this case are summarised as follows:
- i. whether the development would comply with the provisions of the development plan for a SRFI at the Former Parkside Colliery with particular regards to CS Policy CAS 3.2,
  - ii. the acceptability of the PP1 development in light of local and national Green Belt policy,
  - iii. the current level of need for and available supply of employment land within the Borough and the wider area and whether the proposed development would contribute to meeting that need and the extent to which the proposed development is consistent with Government policies for building a strong, competitive economy,
  - iv. the highways impact of the development,
  - v. the environmental effects of the proposed development and their mitigation with respect to: visual/landscape impact, residential amenity, ecology, noise, air quality and climate change,
  - vi. the effect on heritage assets and
  - vii. if the development is inappropriate, whether any factors in favour of the development amount to the requisite very special circumstances to outweigh policy harm and any other harm to justify allowing the development in the Green Belt.

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<sup>180</sup> WC's objections are set out in more detail in paragraphs 3.344-3.378 of the Committee Report CD: 4.72

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**Policy**

- 12.2 The relevant development plan policies are to be found in the General Matters SoCG<sup>181</sup>. As the site is within the Green Belt, UDP Policy GB1 is clearly 'one of the most important' policies, as is CS Policy CAS 3.2 which relates specifically to the former Parkside colliery which includes the PP1 site. Of the other relevant policies identified in section 3 of the SoCG, CS Policies CSS1(vi),(viii),(ix) and CE1 are also considered relevant not least because they also refer to the provision of a SRFI at Parkside. [5.20-5.27, 5.29, 6.1]
- 12.3 Policy GB1 allows for new buildings within the Green Belt provided that very special circumstances can be demonstrated. Policy GB1 is generally consistent with the NPPF and should carry full statutory weight. Policy GB2 cross refers to Policy GB1 but includes separate tests in relation to openness, siting, scale and landscaping. Although there is no specific reference to very special circumstances in Policy GB2, we are satisfied that, when read together, Policies GB1 and GB2 are consistent with Green Belt policy in the NPPF. [5.29, 5.30, 8.17]
- 12.4 The overarching aim of Policy CAS 3.2 is the provision of a SRFI at the former Parkside colliery which includes the application site but also includes an area to the east of the M6 (Parkside east). This is the area proposed to be allocated for a SRFI in the eLP. It is important to recognise that the locational requirements of CAS 3.2 were heavily influenced by the contemporaneous (Astral/Prologis) scheme which was before the Council when the policy was written. It is also important to recognise that the policy envisaged a situation where significant development in the Green Belt would likely be justified by very special circumstances. [5.20-5.24, 7.11, 9.7 9.11, 9.14]
- 12.5 The PP1 scheme is very obviously not a SRFI and to that extent there would be conflict with Policy CAS 3.2. However, in light of the evidence base supporting the eLP and proposed allocation on the eastern side of the M6, the matter clearly does not end there. The eLP evidence base consists of a significant number of highly detailed technical reports from reputable engineering consultancies. They have investigated various options for providing a SRFI at Parkside (west and east of the M6). The technical reports all conclude that a SRFI cannot be provided at Parkside west in the manner envisaged by Policy CAS 3.2, primarily because there is insufficient space to accommodate the necessary track lengths. Parkside east is not constrained in the same way and could therefore accommodate a SRFI provided a rail reversing leg was accommodated on the application site. [4.7, 5.21, 5.38, 7.20, 8.20, 9.12, 9.14, 9.19]
- 12.6 The findings of the technical reports have not been challenged by any cogent evidence from those opposing the PP1 scheme. Consequently, they are a significant material consideration in this case. PAG suggest the PP1 scheme would prejudice the delivery of a SRFI at Parkside west which is its preferred option for landscape reasons. However, that position simply fails to engage with the technical reports. If the PP1 site were developed as now proposed, it does not now automatically follow that the policy objective to develop a SRFI would be frustrated within the broader context of the collective existing and proposed allocations at Parkside west and east. The locational requirements of Policy CAS 3.2 have, to a large extent, been 'overtaken by events', namely a

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<sup>181</sup> CD: 4.163

consensus of expert technical engineering evidence. For that reason, Policy CAS 3.2 is out-of-date and must be viewed through the lens of NPPF paragraph 11(d). [7.3-7.5, 8.20, 9.16, 9.18, 9.19, 9.21]

- 12.7 The Applicant's submissions in relation to Policy CAS 3.2 are buttressed by the submission of a letter and Masterplan from iSec<sup>182</sup>, an experienced Freight Operating Company who control the majority of the land at Parkside east. Their letter confirms the acceptability of the PLR scheme and their belief that a SRFI can be developed at the Parkside east site in line with the National Policy Statement on National Networks<sup>183</sup>. With that in mind, there is no evidence to suggest that the PP1 development would prejudice the delivery of a SRFI at Parkside notwithstanding its location would differ to that contemplated by Policy CAS 3.2. [5.23, 5.38, 7.3, 7.5, 8.20, 9.13, 9.16-9.18, 9.21]
- 12.8 Taking all of the above into account, the Panel finds that there would be some conflict with the specific locational requirements of Policy CAS 3.2. Despite that the PP1 scheme would not prejudice the opportunity to deliver a SRFI at Parkside east in accordance with emerging policy. In that regard, the scheme would accord with penultimate paragraph of CAS 3.2 which provides for other (non-SRFI) uses at Parkside provided they do not prejudice the delivery of a SRFI. Overall, the conflict with Policy CAS 3.2 carries only minimal weight against the development. [7.6, 7.64, 8.15, 8.25, 9.21, 9.22]
- 12.9 In light of the Panel's finding above, it follows that there would be some limited conflict with Policy CSS1 (viii) insofar as it refers to the provision of a SRFI on land '*principally based on the former Parkside Colliery*'. However, that conflict also carries limited weight for the reasons set out above. The development would manifestly comply with other parts of the policy which encourage the reuse of PDL in sustainable locations. [5.20, 8.12, 9.22]
- 12.10 Policy CE1 requires 37ha of employment land to be made available to meet needs to 2027. The policy is predicated on an allocations development plan document which was to identify specific sites. However, since that document was never produced, the policy has little effect. Furthermore, although the 37ha requirement is expressed as a minimum, it is nonetheless significantly less than that which is identified in the eLP evidence base. [5.24, 8.37, 9.22, 9.46]
- 12.11 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, the evidence base, most notably the ELNS and SRFI Background Papers, are germane to the PP1 proposal and carry significant weight as a material consideration. [9.20, 9.46]
- 12.12 The PP1 proposal would clearly accord with that aims of CE1 (criterion 4) insofar as economic development should be in close proximity (or have easy access to public transport) to the most deprived areas of the Borough. [5.27, 8.40, 9.22, 9.44, 9.46]
- 12.13 There would be some conflict with heritage policy UDP Policy ENV25. However, in seeking blanket protection for listed buildings, the policy is

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<sup>182</sup> ID: 14.65

<sup>183</sup> CD: 3.10

acknowledged to be inconsistent with the NPPF and carries limited weight accordingly. [8.17]

12.14 Whilst, the Panel has identified conflict with a number of development plan policies, these policies are out-of-date and therefore NPPF paragraph 11(d) is engaged. Accordingly, it is compliance or otherwise with Policy GB1/GB2 that will prove determinative. [8.23, 9.22]

## **Green Belt**

### *Inappropriate Development*

12.15 Despite the Council's long-standing aspiration to regenerate the former Parkside colliery, it was never formally removed from the Green Belt, the extent of which has not been reviewed since its inception in 1983. The CS envisaged a Green Belt review by 2020. That review has taken place within the context of the emerging eLP and proposes to remove the site from the Green Belt. [5.40, 7.8, 8.26, 9.32]

12.16 Notwithstanding the general direction of travel, for the purposes of this application the site is within the Green Belt and has to be assessed as such. There is no question that the proposed development would be inappropriate in its Green Belt location, giving rise to harm by definition, which carries substantial weight as a matter of established national and local planning policy. [5.5, 5.26, 6.1, 7.9, 8.27, 8.126, 9.30]

12.17 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 development, is clearly outweighed by other considerations. That balancing exercise is undertaken later in this Report. [5.5, 5.29, 6.1, 7.12, 8.27, 9.12]

### *Openness*

12.18 Although the application is made in outline with matters of scale, appearance and layout reserved for future approval, the erection of a modern logistics development would clearly have a significant and permanent effect on the openness of the Green Belt in both spatial and visual terms. [5.4, 5.26, 6.1, 7.9, 8.124, 9.30, 9.31]

12.19 In this particular case, there are a number of site-specific circumstances to take into account. The first, is that the majority of the site is either PDL or previously disturbed land. The historical photographs bear testament to the sheer scale of the colliery operations up to the mid-1990s which included two 60m high winding towers that dominated the local landscape. In addition, the land accommodated heavy machinery, a substation, administration blocks, rail sidings and large areas of spoil. [2.3, 3.1, 3.2, 6.1, 7.31, 8.1, 8.57, 9.9, 9.26]

12.20 Although it is true that some parts of the site have blended back into the landscape, there are still strong visual reminders of its industrial past. That is not meant to downplay the importance of the site to those sections of the local community who oppose the development, but the reality is that the vast majority of the PP1 site reads, very obviously, as a former colliery site rather than a 'wilderness'. [6.1, 7.31, 7.32, 7.48, 8.28, 8.56, 8.57, 9.64, 9.65, 10.16, 10.17]

- 12.21 Secondly, the PP1 site is generally enclosed and relative to its size, is not visible over a wide area as the Zone of Theoretical Visibility (ZTV) and representative viewpoints contained in the LVIA demonstrate. The contained nature of the site is also noted in the GBR<sup>184</sup> which found that the relevant land parcel had strong permanent boundaries being well contained to the north, east and in part, the south and west. In recommending that the site is allocated for employment, the Review states that the site *'does not have a strong sense of openness or countryside character'* and that *'there are no over-riding constraints that apply to the parcel that could not be mitigated against...the parcel is well contained between the built up area and the M6'*.
- 12.22 Mitigation would be provided in the form of significant landscaped bunds as well as additional structural planting. This would help to soften the visual prominence of the development particularly in the medium/long-term. In light of the above, the loss of openness would not be experienced over a wide area but rather would be limited to localised viewpoints immediately around the site. [4.5, 8.28, 8.62, 9.31, 9.32, 9.33, 9.38, 9.118]
- 12.23 Overall, there would be undoubted harm to the openness of the Green Belt and this must weigh against the development. Nonetheless, the weight attributable to that harm is reduced in this instance by the characteristics of the site, including its urbanised legacy. It also has to be recognised that the harm to openness would be no more, and in all probability less, than that envisaged by Policy CAS 3.2 in contemplating the SRFI as inappropriate development<sup>185</sup>. The harm to openness would be significant but fairly localised in its extent. Structural landscaping would help to mitigate the impact such that the harm would reduce to moderate in the medium to long-term. [5.26, 6.1, 7.9, 7.64 8.124, 9.31]

### *Green Belt Purposes*

- 12.24 The site has clearly delineated boundaries, being enclosed by substantial belts of landscaping to the south along Gallows Brook, by the colliery spoil mound to the east and by the row of housing (along the A49) to the west. These provide the PP1 site with distinct and defensible boundaries which would be strengthened through bunding and additional planting as part of the landscaping proposals. [5.3, 7.9, 7.10, 9.32, 9.33]
- 12.25 The GBR acknowledges that *"given the level of relatively high enclosure and the brownfield nature of part of the site (former colliery and associated uses) it is considered that development of the parcel would not lead to unrestricted sprawl"*. Whilst, the development would extend Newton le Willows to the east, it is not considered that this expansion would constitute *'unrestricted sprawl'*. Accordingly, there is no conflict with Green Belt purpose a). [5.3, 7.8, 9.32]
- 12.26 With regard to purpose b) the GBR concluded that *"the parcel (which includes the PP1 site) does not fall within a strategic gap between two towns"* and *"a strategic gap could be maintained between Winwick and Newton-le-Willows if this parcel was developed"*. The nearest settlements in this case are Winwick to the south and Lowton to the north-east and Hermitage Green to the south-east.

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<sup>184</sup> 'Site GBP\_041 Parkside' CD: 3.5

<sup>185</sup> See Figure 9.2 to the CS CD: 2.2

However, even at their closest point, the boundaries of the site are still some distance away from these settlements. [5.3, 5.40, 7.8, 9.32]

- 12.27 The proposed development would undeniably erode elements of the open space between Newton le Willows and these settlements. However, it would not physically unify the settlements and there would still be large swathes of open land to the east and south of the site. As a consequence, the separate identities of the nearest settlements would be safeguarded and remain distinguishable from one another. [5.3, 9.32]
- 12.28 In terms of Green Belt purpose c), the scheme would undeniably encroach into an area that is predominantly open to the east of Newton le Willows. Whilst large parts of the site could not strictly be described as rural, there would inevitably be a degree of harm caused to this purpose as a result of the scale of development proposed. [5.3, 7.9, 7.10, 9.32, 10.16]
- 12.29 Nonetheless, the GBR states that urban fringe sites (such as the one in question) that have been affected by development should be "*differentiated from open countryside, with the latter being prioritised as areas which should be kept permanently open*". With that in mind and given the urbanising influences, high level of enclosure already referred to, as well as the fact that much of the site is either previously developed/disturbed land, the harm to this purpose would be moderate rather than significant. [5.3, 9.32, 10.16]
- 12.30 There are no historic towns in the vicinity of the application site. Therefore, the development would have no adverse effect upon purpose d). [5.3, 9.32]
- 12.31 It is not disputed that there are no alternative sites that could accommodate the development in the urban area or anywhere outside the Green Belt. Consequently, the application would not offend purpose e). [5.3, 6.1, 8.29, 9.32, 9.56-9.59]

### *Green Belt Conclusion*

- 12.32 There would be definitional harm to the Green Belt by virtue of the development being inappropriate. Added to that, there would be moderate harm to openness and Green Belt purpose c). Collectively, these harms must carry substantial weight in the overall Green Belt balance in accordance with NPPF paragraph 144. [7.64, 8.124, 9.127]
- 12.33 However, it is agreed between all parties that the PP1 development could not be accommodated on a preferable site in St Helens within or outside the Green Belt. It is therefore material that a greater loss of spatial and visual openness and associated landscape harm would be the inevitable consequence of any large B8/warehouse development in the Borough. [6.1, 8.29, 9.32, 9.56-9.59]
- 12.34 It is also material that the adopted CS accepts that development at Parkside "*would represent inappropriate development in the Green Belt... significant harm to the openness of the Green Belt (substantial impact on the functions of the Green Belt) and other harm as a result of built development*"<sup>186</sup>.

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<sup>186</sup> Paragraph 9.51 CD: 2.2

12.35 Whilst the above is predicated on a SRFI rather than a logistics development, the use of the buildings makes no real difference to their effect on the Green Belt. The central point is that the CS was willing to accept green belt harm in exchange for the regeneration of the site. [5.22, 5.26, 9.123]

12.36 Finally, the eLP proposes to remove the site from the Green Belt and allocate for employment purposes. Although the eLP policies carry limited weight at this time, the evidence base, including the GBR, are a significant material consideration. [6.1, 7.9, 8.15-8.22, 9.32, 9.54]

### ***Economic Considerations***

#### *Employment Need and Supply*

12.37 The importance of logistics to the economy is expressly recognised in the PPG and NPPF. The Applicant's view that the site and the local area in general are ideally suited for such development was not challenged at the Inquiry. The site can boast all the prerequisites for a logistics park including a largely flat topography, excellent connection to the road and rail network, as well as convenient access to regional ports and airports. [2.6, 2.7, 6.1, 6.2, 8.4, 8.35, 8.46, 9.35, 9.37, 9.38, 9.116-9.118]

12.38 Evidence to the Inquiry confirms that national and regional distribution markets are subject to high levels of demand brought about by the change in shopping habits, particularly the strong growth in e-commerce. This trend was well established prior to the Covid-19 pandemic, which has served to accelerate the growth of the logistics sector. This is demonstrated by the fact that Grade A take-up in 2020 for the Greater Warrington Market Area was not the highest in the last ten years<sup>187</sup>. [8.37, 9.41, 9.47]

12.39 There is extensive market evidence of robust growth in the warehousing and logistics sector of the economy of the North West, with a strong and rapidly expanding need for large-scale storage and distribution and industrial units of the kind proposed in this case. In the context of this demand, there was a strong consensus between the professional land supply witnesses that there is a critical shortage of supply in the North-West<sup>188</sup>. Current Grade A supply is only 154,712m<sup>2</sup> in nine units. Based on the ten-year average take up this equates to approximately eight months' supply. At that level of supply and given lead in times, the reality is there is very little, or no, immediately available supply. [8.38, 8.39, 9.44-9.46]

12.40 The eLP evidence base particularly the SHELMA, the St Helens ELNS Addendum and the Employment Background Paper set out the level of need for B8 logistics in the LCR and St Helens respectively. Based on the foregoing, there is a significant uplift in need in the eLP which sets a requirement of 219.2ha of employment land between 2018 and 2035. This compares to 37ha in the currently adopted plan. If the need identified above is not met, then it is likely that future investment as well as existing companies who want to expand would relocate to other areas. [5.27, 5.40 6.1, 8.39, 8.40, 9.44, 9.46]

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<sup>187</sup> See Appendix 2 ID: 13.13

<sup>188</sup> ID: 13.13 shows the latest position in relation to supply and take up

12.41 PAG have queried some elements of the SHELMA. However, having been taken through the methodology by the expert witnesses, PAG fairly conceded that any criticism of the Oxford forecast was not material to the conclusion of the ELNS. Whilst PAG are understandably concerned about what they see as the proliferation of logistic developments in their area, there has been no credible challenge to the Council's and Applicant's evidence on need. [5.35-5.42, 7.15, 9.45, 9.47-9.51]

12.42 PAG's planning witness<sup>189</sup> suggested that there is already enough land in the Borough to meet needs and identified seven sites totalling 155.05ha. However, of those seven sites, some have already been developed (FF and Penny Lane), the Omega extension is agreed as meeting the needs of Warrington not St Helens and Haydock Point has a putative reason for refusal. Omitting these sites reduces the PAG's supply from 155ha to just over 35ha, which is clearly not an adequate supply for the next 15 years. [7.22, 7.23, 9.59]

12.43 There is clearly therefore a pressing commercial need for new logistics floorspace at a local, LCR, and North-West level. The Panel therefore finds that the evident need for development of the type proposed carries substantial weight in the planning balance.

#### *Building a strong economy*

12.44 As articulated through NPPF Paragraph 80, significant weight should be placed on the need to support economic growth and productivity and the specific locational needs of different sectors of the economy should be addressed along with local area weaknesses. The need to meet the needs of storage and distribution operations in suitably accessible locations is specifically noted in NPPF paragraph 82. The national policy objective of supporting economic growth has been given fresh impetus as a result of the current economic emergency caused by the ongoing pandemic. [5.6, 9.34, 9.36, 9.39, 9.40]

12.45 All parties who took part in the Inquiry support the need to build a strong, responsive and competitive economy. It is a key theme that runs through both local, regional and national planning policy. [5.6, 7.13, 10.4, 8.10, 8.11, 8.30, 9.34, 9.43, 9.55]

12.46 The CS seeks a vibrant economy and proposed development at Parkside plays a key role in delivering that objective in previous, current and emerging local plans. Allied to that is the strategic objective to secure the regeneration of the Borough by reducing deprivation through directing development and investment to where it is most needed and by giving priority to development of derelict and vacant sites. [5.19, 5.28, 8.1, 8.12, 9.6, 9.9, 9.10, 9.28, 9.29]

12.47 The levels of deprivation in St Helens and Newton le Willows have been well documented and the Borough is in desperate need of jobs and investment. The fact that St Helens has continued to fall within the deprivation league table since the CS was adopted, is a stark reminder that action rather than words is what is now required. [5.17, 5.18, 6.1, 8.12, 8.32, 8.115, 8.116, 9.9, 9.36, 9.108-9.114]

12.48 Against that background, the development is forecast to generate up to £77.9m of capital investment and to create 457 FTE jobs during construction and 1,330 gross (930 net) additional jobs during operation as well as training

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<sup>189</sup> See Section 5 Economy & Employment PoE CD: 7.91

and apprenticeships opportunities. Given the social and economic problems in the local area, the Council understandably views the PP1 scheme as contributing to the CS vision to make "*St Helens a modern, distinctive, economically prosperous and vibrant borough*". The PP1 development also has the support of the LEP. [6.1, 8.8, 8.12, 8.114, 9.54, 9.119, 9.127]

- 12.49 The Panel notes the scepticism of PAG and others over the Applicant's employment projections. These concerns rest heavily on local press reports regarding the number of jobs created at Amazon's FF facility. However, the Applicant has comprehensively addressed these matters in an Employment Impact Addendum Note<sup>190</sup>. Put simply the concerns are misplaced since the article to which a number of objectors refers only to an '*initial 250 permanent jobs*'. Given the propensity for logistics operators to recruit in phases it is unlikely that 250 represents the final level of employment at FF. [7.19, 8.114-8.116, 9.119, 9.128-9.130, 10.13, 10.19]
- 12.50 The Applicant's employment predictions for PP1 are derived from the HCA's Employment Density Guide 2015<sup>191</sup> which sets average benchmarks for the logistics sector taking account of automation. The figures represent a broad estimate based on an average employment density and therefore the actual number of jobs may be higher or lower, depending on the final amount of floorspace and the requirements of the end-user. The Applicant's predictions compare favourably with the Omega development which has created 7,150 jobs over a floorspace of 400,000m<sup>2</sup> (a density of 1 FTE job per 61m<sup>2</sup>). The Applicant's figures in this case are based on a density of 1 FTE per 70m<sup>2</sup> and are therefore considered robust. Because of the inherent difficulties associated with calculating job densities, the NPPF prefers to focus on employment land rather than the number of jobs. [7.19, 8.113, 9.120, 9.121, 9.128, 9.129, 10.13, 11.1]
- 12.51 Even allowing for that uncertainty, it is clear that the proposal would generate a substantial number of jobs which would represent a significant economic benefit. There would be further economic benefits from jobs generated during construction and increased economic output and household spending power across the local economy during the operation of the development.
- 12.52 Suggestions that jobs in logistics are low-paid are contradicted by figures from the Office of National Statistics which indicate that salaries in the logistics sector are above the national average. [7.19, 7.64, 9.122, 11.1]

### *Conclusions on Economic Considerations*

- 12.53 It is plain, from the up-to-date assessment of employment need and supply in St Helens and the wider North-West, that the proposed development would contribute substantially to the national policy imperative, expressed in paragraphs 80 and 82 of the NPPF, to promote and support a strong competitive economy, particularly with regard to the need for storage and distribution facilities, at a variety of scales, in accessible locations. The Panel appreciate that PAG want to see Parkside west developed for a SRFI. However, the focus

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<sup>190</sup> CD: 13.41

<sup>191</sup> CD: 5.59

of this Report is the effect and benefits of the PP1 and not an alternative scheme. [5.6, 6.1 7.13, 8.10, 8.30, 9.34, 9.55, 10.13]

## **Highways**

### *Overview*

12.54 Despite the concerns of local residents, the Highway Authority, WBC Highways and Highways England judge the PP1 development to be acceptable in terms of its highways impact, subject to appropriate mitigation. [6.2, 8.44, 10.2-10.10, 11.2]

12.55 The application is supported by a significant volume of technical highways evidence contained in a TA<sup>192</sup> and a various post submission responses and technical notes<sup>193</sup>. In total 23 junctions, including seven in Wigan were assessed. No concerns were raised at the Inquiry as to scope of the TA. [6.2, 8.48]

### *Accessibility*

12.56 The site boasts excellent connectivity to the road network. M6 J23, M6 J22 and the M62 J9 are all within a few miles of the site and accessed via the A49. Somewhat unusually for a large logistics development, the PP1 site can also boast excellent sustainability credentials. There are large residential areas within reasonable walking, cycling and public transport distances. The walking catchment includes Newton le Willows High Street, bus stops and the recently upgraded railway station. [2.2, 2.6, 2.7, 5.6, 5.10, 6.1, 8.3, 8.43, 9.35-9.38, 9.117, 9.123-9.126, 9.135k]

12.57 The following enhancements to be secured by condition would further improve accessibility and encourage the use of non-car modes of transport:

- The provision of a new shuttle bus to provide a link between the site, the most deprived areas of St Helens and the railway interchange would be secured via an agreed Travel Plan,
- New signalised pedestrian crossing facilities at the site access,
- New signalised pedestrian crossing facilities at the Crow Lane East/High Street and High Street/Park Road North junction,
- New bus infrastructure on the A49 in the vicinity of the site,
- Improvements to the footways and cycle ways that run north/south along Newton Brook and east/west between the Sankey Canal, through the Bradleigh Road Estate and Vulcan Village, and
- A Travel Plan with targets to encourage non-car modes of travel.

12.58 Based on the foregoing the Panel is satisfied that the development would comply with NPPF paragraphs 8, 103, 108a) which collectively seek the delivery of storage and distribution operations in suitably accessible locations where there are opportunities to promote sustainable modes of transport. [2.6, 2.7, 6.1, 6.2, 8.4, 8.35, 8.46, 9.35, 9.37, 9.38, 9.116-9.118]

### *Mitigation*

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<sup>192</sup> CD: 4.54

<sup>193</sup> CDs: 4.78-4.108

12.59 The TA identifies that development traffic would lead to an unacceptable deterioration in the performance of a number locations. To mitigate the impact, improvement schemes are proposed at the following junctions: <sup>[6.2]</sup>

- The A49 High Street/Crow Lane East,
- A49 High Street / Park Road North,
- A49 Mill Lane/A572 Southworth Rd,
- A49/Hollins Lane,
- A49/Golborne Road,
- A49/Winwick Link Road, and
- A49/ Delph Lane

12.60 All of these schemes have been modelled, subjected to Road Safety Audits and are judged to be satisfactory by the relevant highway authority.

#### *Traffic Flows*

12.61 Concerns have been raised by WC regarding the impact of the PP1 scheme on its network. However, WC was not represented at the Inquiry and did not put forward any substantive evidence to repudiate the conclusions of the TA. <sup>[8.48, 8.49, 11.4-11.7]</sup>

12.62 WC's concerns in relation to traffic and air quality are predicated on the argument that the TA has underestimated the amount of development traffic and to rectify this 85<sup>th</sup> percentile trip rates should be used. PAG repeated much the same argument. The Applicant produced two written responses to WC<sup>194</sup> pointing out that only a small amount of development traffic would use the Wigan network. The amount of traffic at the seven Wigan junctions would be modest<sup>195</sup> and certainly well below the 30 two-way trip threshold which WC itself recently adopted in relation to the Symmetry Park application. For that reason, no mitigation was considered necessary on Wigan's network. <sup>[8.51, 8.53, 11.4-11.7]</sup>

12.63 The trip rates used in the TA are taken from the FF TA. To provide a degree of consistency the same trip rates have been used for other developments under consideration by the Panel. The FF trip rates were originally calculated by interrogating the TRICS database to obtain trip rates from a number of similar developments. These trip rates were then supplemented by a survey of the Omega North, Warrington site. The trip rates that resulted from this exercise were then subject to further checking against surveys from the logistics developments at Hall Wood Avenue, Haydock, and the Axis Business Park, Knowsley. <sup>[7.28, 8.51, 8.52, 9.60, 11.4-11.7]</sup>

12.64 PAG have queried the use of FF trip rates suggesting a worst-case scenario should have been provided. Despite these criticisms, PAG did not put any alternative trip rates to the Inquiry and therefore the FF trip rates remain the only basis for assessing the PP1 development. In any event, there is no requirement for the Applicant to provide worst-case trip rates. Instead the

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<sup>194</sup> CDs: 4.97 & 4.98

<sup>195</sup> Development traffic would be less than 0.5% at each junction see CD: 4.54

established approach to these matters is to ensure that robust trip rates are applied to peak-hour flows i.e. when the road network is at its busiest. That in itself provides a worst-case assessment particularly in this case where flows to/from the development are likely to be at their highest during the inter-peak periods. [7.28, 7.64, 8.52]

12.65 Based on the above, the Panel considers that the FF trip rates are appropriate and provide a robust basis on which to assess the impact of the development. [6.2]

### *Committed Developments*

12.66 PAG amongst others have criticised the TA for not including committed development flows from Wigan. However, as explained by the Applicant's highway witness, the inclusion of these flows would make no real difference to the findings of the TA since it would have resulted in double-counting flows already accounted for in the TEMPro growth rates. On the contrary, the evidence suggests that the use of specific committed development flows in the way suggested by PAG and others would actually reduce the amount of traffic on the A580 in the future year scenarios. Accordingly, the use of TEMPro growth rates is considered robust. [6.2, 8.48, 8.49, 11.4-11.7]

### *Highway Conclusions*

12.67 In the main, those concerns raised by local people relate to existing issues on local roads particularly in and around the Lane Head area of Wigan. Whilst these concerns are genuine, it must be stressed that it is not the Applicant's responsibility to resolve existing traffic issues on the network. Rather the Applicant must ensure that the development does not give rise to any unacceptable impacts arising from the development itself. [7.27, 8.48, 8.49, 8.52, 8.53, 10.3, 10.6, 10.10 11.1-11.3]

12.68 The NPPF at paragraph 109 sets a very high bar in this regard, stating that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*". 'Severe' is the highest test in the NPPF and does not encompass scenarios where a development simply adds to existing delays and congestion on the network unless the impact would be particularly egregious. [8.43]

12.69 The objectors whilst understandably concerned, have not identified any traffic impacts that could reasonably be described as 'severe'. It is acknowledged that there would be increases in traffic on the local road network particularly along the A49 corridor to the north and south of the site. However, one of the characteristics of logistics, is that operators tend to favour 24-hour working, meaning that shift patterns do not generally coincide with traditional peak hours on the road network i.e. when it is at its busiest. That is not to say the development would not generate peak-hour trips but rather that these would be mostly limited to operational trips rather than commuting. Moreover, the A49 is already a busy A-class road carrying significant amounts of traffic, particularly of a commercial nature. [6.1, 6.2, 8.44, 8.54]

12.70 Overall, the Panel finds that the PP1 scheme would not give rise to any unacceptable highway impacts. It would thus comply with NPPF paragraphs 108 and 109.

### ***Environmental Impacts***

#### *Landscape and Visual Impact*

12.71 The ES includes a LVIA prepared in accordance with the established GLVIA guidance of the Landscape Institute. [8.62]

12.72 The starting point must be to acknowledge that the local landscape is not subject to any protective designation and no party has suggested it is 'valued' in the terms set out in NPPF paragraph 170. The site abuts the existing urban edge of Newton le Willows and comprises part of the former Parkside colliery (the remainder is located on the PP2 site). Historical photographs of the site<sup>196</sup> document the full extent of the colliery works which encompassed the majority of the PP1 site, save for the agricultural field to the rear of the houses fronting Winwick Road and the Newton Brook LWS. [5.9, 6.1, 7.31, 8.57, 8.58, 9.66]

12.73 The area is not noted for tranquillity or remoteness. Whilst it is possible to gain fairly long-distance views to the east and south from the upper reaches of the spoil tip, the public's appreciation of these is limited by an absence of formal access, with no public rights of way crossing the site. [7.34, 7.66, 8.56, 8.57]

12.74 The site is considered in national and local landscape character assessments. However, owing to the site's level of containment and its specific landscape characteristics, these broad-brush studies are of little assistance as the site does not readily conform strongly to any of the key characteristics of the various landscape types. [8.58, 9.64, 9.65]

12.75 Whilst portions of the site have revegetated over the last few decades and to some extent 'blended back into the landscape', there are clear and obvious signs of the site's industrial legacy. Even from those parts of the site that might loosely be described as 'countryside', the reminders of the site's history such as the substantial areas of hard standing, surfaced roads, industrial fencing and electricity sub-station are never far away and exert an urbanising influence over much of the site. As such, there is an inescapable perception of being on a former industrial site which off-site features such as the A49 and M6 motorway, railway lines and electricity pylons help to reinforce. Against that background, the Panel is satisfied with the 'low' landscape value and sensitivity to change that has been ascribed to the site in the LVIA. [2.3, 2.8, 7.31, 8.56, 8.57, 9.23, 9.26, 9.38]

12.76 As the LVIA notes, the development would result in considerable change through clearance and major earthworks necessary to level the land. The construction of the earth bunds, particularly those along the western boundary, would necessitate the removal of existing vegetation and so the bunds would appear as intrusive features in the landscape particularly in the short-term. The introduction of large, tall and permanent building units, road infrastructure and user activity would result in a high magnitude of change over the site. However, over the wider area, the development would have a minor/moderate

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<sup>196</sup> Appendix 10.2 Rollinson PoE CD: 7.3

adverse effect given the degree of containment. Despite that, the localised landscape effects would be significant. [4.5, 6.1, 7.9, 7.33, 8.62, 8.70]

12.77 Nevertheless, the landscape impact would reduce over time as the landscaping matures. The retention of the boundary landscaping and most of the spoil tip would also help to assist in reducing the landscape and visual impact of the development. In light of the mitigation measures, the Panel concurs that the overall effect on the various landscape character areas after 15 years would be either slight or slight-moderate<sup>197</sup>. [4.7, 6.1]

12.78 As demonstrated by the ZTV, the site is generally well screened in the wider landscape by a combination of topography and existing landscaping. The LVIA selected 12 representative viewpoints from within the ZTV. Photomontages have been produced to give an indication of the visual impacts of the PP1 and PP2 developments<sup>198</sup>. In addition, the Applicant has included an assessment of the potential visual effects along publicly accessible areas such as transport corridors and public footpaths. [6.1, 7.33, 8.28, 8.62, 9.30, 9.33, 9.38, 9.118]

12.79 There would inevitably be a significant visual change from those receptor points in close proximity to the site. The degree of that change would evolve over time but at 15 years post-construction it would range from no change to substantial adverse<sup>199</sup>. [6.1]

12.80 Overall, the Panel finds that there would be moderate adverse but localised landscape and visual harm. That would conflict with CS Policy CQL4. At the heart of this conclusion is the fact that not only is this an undesignated landscape which was historically the subject of a large and prominent colliery use, but its context is heavily urbanised such that the site has a low sensitivity to change. Accordingly, the landscape and visual harm carries only limited weight against the development in the planning balance. [9.66]

### *Residential Amenity*

12.81 The Applicant's amenity assessment considered the effect of the development on local residents and concluded that acceptable living standards would be maintained for all adjacent residential properties. The SoCG also states that, subject to mitigation such as a CEMP, noise control conditions, bunding and the detailed design of the buildings, there would be no significant adverse impact on the amenity of local residents. [6.1, 8.66, 9.67, 9.68]

12.82 The most significant views would be from private properties along the A49, Hermitage Green Lane, Whitefield Avenue and Newton Park Farm. From these locations, the development would initially be visible but there is potential for it to become well screened as the landscaping matures. Given the likely distance between the nearest houses and the units, the Panel do not consider the resulting outlook for these residents would be unacceptably poor. [7.36, 7.37, 8.66]

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<sup>197</sup> See Table 2 Taylor PoE CD: 7.29

<sup>198</sup> See Appendix 4.3 to the LVIA CD: 4.49

<sup>199</sup> See Table 3 Taylor PoE CD: 7.29

## Noise

- 12.83 There would inevitably be some impact on noise levels particularly close to the site access. However, the Applicant has undertaken a full assessment of the noise impacts of the scheme arising from construction activities, additional traffic movements and plant/machinery. Neither the findings nor methodology of that report have been challenged by substantive evidence. Instead the approach of local people has been to point to existing road noise and then to assume that the development would exacerbate the issue. [7.38, 7.63, 8.67-8.70, 9.73, 10.2, 11.2]
- 12.84 Noise and vibration caused by construction activity would be temporary in nature and mitigated by use of “best practicable means” to be secured by a CEMP. Traffic noise impacts have been predicted using established methodologies. Given current levels of traffic in the area, changes in road traffic noise for both the construction and operational phases of the scheme would range from negligible to minor, even at night. [8.70-8.72, 8.74, 9.75, 9.77]
- 12.85 The design and layout of the buildings themselves could mitigate the noise impact on nearby receptors. In particular, the units could be orientated to ensure that the noisier operating facades would face away from the nearest residential properties. In addition, the bunding along the western, southern and northern site boundaries would provide screening to reduce the propagation of noise from the site, particularly for residential properties to the north-west, west and south of the development. [8.9,8.67-8.74, 9.83]
- 12.86 In light of the above, the Panel is satisfied that significant adverse noise effects would be avoided, and any adverse effects would be mitigated and minimised in accordance with NPPF paragraph 180a) and CS Policy CP1. [6.1, 8.75, 9.84]

## Air Quality

- 12.87 Relevant national policy is set out in NPPF paragraph 181 and is clear that air quality is to be assessed against the ‘*relevant limit values or national objectives*’. [5.9 8.76, 9.85, 9.86]
- 12.88 The PPG advises that the Ambient Air Quality Directive 2008 sets legally binding limits for concentrations of major air pollutants that impact public health such as PM<sub>10</sub>/PM<sub>2.5</sub> and NO<sub>2</sub>. It also states<sup>200</sup> that air quality may be relevant to a decision if the development is likely to have an adverse effect on air quality in areas where it is already known to be poor, particularly if it could affect the implementation of air quality strategies and action plans. [7.41, 8.76, 9.85, 9.86-9.88]
- 12.89 The application was accompanied by an AQA which considers the impacts arising from the construction and operational phases of the development. Dispersion modelling was undertaken at 28 residential receptors in the local area for the years 2021 and 2031. It is evident from the exchange of responses between WSP and RPS<sup>201</sup> that the AQA was subject to a high-level of scrutiny on the part of the Council. [7.45, 8.83 9.91-9.94]

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<sup>200</sup> Paragraph: 005 Reference ID: 32-005-20191101

<sup>201</sup> CDs: 4.127 & 4.128

- 12.90 There is no dispute that, subject to the implementation of best practice measures through a CEMP, the proposed built development itself would not give rise to any unacceptable adverse impacts on air quality during the construction phase. Rather, it is the potential changes in road vehicle emissions, particularly in the High Street AQMA that most concerns the local community. The important point to note is that air quality in the local area, in common with the national picture, is improving on account of better emission standards for cars and HGV's. [7.38, 7.42, 8.77, 8.79, 9.93, 9.94]
- 12.91 According to the AQA, there would be no exceedances of the EU Limit Values in relation to PM<sub>2.5</sub> or PM<sub>10</sub> at any location in either 2021 or 2031. There would be a maximum increase 1.3µg/m<sup>3</sup>, around 3% of the objective value at High Street with a 'negligible' change at the majority of locations. Overall, the AQA concludes that the air quality impact of the development on the local area is predicted to be negligible and that there would be no significant effects associated with the proposed development. [6.1, 8.84, 9.92-9.94]
- 12.92 WC have objected to the proposed development on the basis that air quality at Lane Head, which is already poor, is likely to be adversely affected. Whilst the concerns of Lane Head residents are noted, as already set out in the Highway section above, the amount of additional traffic using the Wigan's road network would be small (less than a 1% increase in total traffic at any junction). Clearly that level of traffic would be imperceptible and have a negligible impact on air quality. [8.53, 9.95, 10.3, 10.6, 11.4-11.7]
- 12.93 PAG and other local residents are clearly concerned about the issue of air quality in the Newton le Willows and Lane Head area and that is entirely understandable. PAG detailed a long list of concerns relating to the Applicant's AQA. Those concerns rested almost entirely on the work of their consultant<sup>202</sup> who did not attend the Inquiry and could not therefore be cross examined. Moreover, as became apparent, PAG's critique of the AQA was based on the superseded ES rather than the Addendum version. Because of that, many of PAG's concerns had simply been overtaken by events and were no longer valid. [7.45, 8.86]
- 12.94 The verification 'errors' alleged by PAG did not stand up to scrutiny and in any event did not alter the findings of the AQA. The Applicant's professional air quality witness<sup>203</sup> explained that there would always be uncertainties in any AQA and that the ES Addendum and Sensitivity Test Report set out that the approach adopted to modelling and verification followed the relevant technical guidance published by DEFRA, Environmental Protection UK and the Institute of Air Quality Management<sup>204</sup>. [7.45, 8.86]
- 12.95 Although there would be no significant air quality effects, there would be some minor impacts at a small number of locations. To help mitigate those effects, conditions are recommended requiring the submission of a travel plan and the provision of electric vehicle charging points/priority spaces. Accordingly, despite expressed local concerns, there is no clear evidence of conflict with CS Policy CP1 or NPPF paragraph 181 with respect to air quality. [6.1, 8.85, 9.96]

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<sup>202</sup> Dr Holman

<sup>203</sup> Mr Drabble

<sup>204</sup> CD 4.119

## *Ecology*

- 12.96 Despite the undoubted presence of wildlife to which the objectors have referred, the application site contains no designated sites of ecological value and there is no evidence that the proposed development would have an adverse impact on any local designated sites, including Highfield Moss SSSI and Gallows Croft/Newton Brook LWSs. [2.4, 6.1, 7.48, 8.88, 9.98, 10.17, 11.2]
- 12.97 An extensive range of wildlife surveys have been carried out across a number of years with specific surveys undertaken for bats, great crested newts, breeding birds, badgers, reptiles, water vole and otters and invertebrates. These have been conducted using industry standard methods and are considered sufficiently up to date to inform a planning decision. PAG's contention that bird records from Highfield Moss should be preferred over the Applicant's site-specific surveys is simply not credible. [7.48, 8.88, 8.89, 9.99]
- 12.98 The surveys show that the site provides some roosting and foraging/commuting opportunities for bats, badgers, breeding birds, barn owl and invertebrates. However, no significant faunal interest has been recorded with usage of the site recorded to be generally modest in nature with no rare or scarce species observed. [8.92, 8.95, 9.99]
- 12.99 The proposed development would result in the loss of approximately 11.7ha of semi-improved grassland habitat, 8.5ha of semi-natural broadleaved woodland and plantation woodland, and 0.043ha of ponds. In order to compensate for the loss, large areas of new planting, illustrated by the submitted Masterplan, would be included in the development providing for approximately 2.9ha of species-rich grassland<sup>205</sup>, 8.8ha of woodland/scrub, the creation of three wildlife ponds and two attenuation ponds, a translocation exercise to relocate orchids to undeveloped grassland to the east of the site and the control of invasive species. [8.96, 9.100, 9.102]
- 12.100 To ensure the scheme would deliver a BNG in accordance with NPPF paragraph 170 and the draft Environment Bill, the Applicant has undertaken a BNG Assessment<sup>206</sup> using the Defra 2.0 metric<sup>207</sup> which quantifies the level of compensation required to provide a net gain for biodiversity. The metric is a spreadsheet-based tool which requires a quantitative assessment of the baseline value of the habitats on the site, with the parameters of habitat type, area, distinctiveness, condition, connectivity and strategic significance accounted for. In this case the BNG assessment found a shortfall of -73.12 biodiversity units or a loss of -21.42%. [8.98, 9.100-9.103, 10.11]
- 12.101 The applicant has therefore proposed a compensation package which comprises an ecological management plan for the delivery and enhancement of the LWS, the enhancement of an area of grassland of 4.7ha and the creation of a minimum of 16.7ha of off-site woodland in the local area through a financial contribution of £675,000 to Mersey Forest. Subject to the above package of

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<sup>205</sup> Located adjacent to the south-east boundary of the appeal site

<sup>206</sup> See Section 6 Baxter PoE CD: 7.37

<sup>207</sup> CD: 4.117.1

measures the development would deliver a minimum of 1.23% BNG<sup>208</sup>. [8.96, 9.102, 10.18]

12.102 Notably, there is no statutory objection from Natural England or the MEAS subject to conditions relating to the provision of bat boxes, lighting, pre-commencement checks for badgers and water voles, the translocation of orchids and a CEMP. [9.98]

12.103 Overall, the Panel is satisfied that the effect of the development on ecology has been appropriately assessed. The mitigation would be sufficient to compensate for the loss of habitat caused by the development. As a consequence, there would be no conflict with paragraph 170 of the NPPF or CS Policies CQL2 and CQL3. [6.1, 8.98, 9.104]

### *Climate Change*

12.104 One of PAG's principle objections to the scheme is that a road-based logistics development is simply incompatible with the climate change emergency declared by the Council. [7.3, 7.18, 7.53-7.55]

12.105 Whilst the climate emergency is clearly an important material consideration, the Council has not introduced any new planning guidance which would prohibit road-based logistics schemes. On the contrary, the eLP points out that the Borough "*has great potential to increase its economic competitiveness, including in the growing logistics sector*"<sup>209</sup>. [8.100, 9.109]

12.106 NPPF paragraphs 80 and 82 as well as the PPG make clear that the delivery of road-based logistics is "critical" to the country's economic wellbeing. [9.109]

12.107 The most recent expression of Government policy is the DfT's "*Decarbonising Transport – Setting the Challenge, March 2020*"<sup>210</sup>. Section 3 of that document specifically addresses emissions from HGVs and does not suggest or recommend that road-based logistics schemes should be refused. Rather, it sees that the solution lies in the development of new technologies to decarbonise the commercial vehicle fleet. [9.106-9.109]

12.108 Whilst the Panel have some sympathy with PAG's view, it is germane that similar arguments were made in relation to the Eddie Stobart scheme. In his decision letter<sup>211</sup>, the SoS made it clear that a road-based freight proposal would not be unacceptable as a matter of principle. The Panel considers that this conclusion should apply with equal weight to the PP1 scheme. [8.99, 9.111]

### **Heritage**

12.109 The level of harm to the Battlefield and various designated and non-designated heritage assets in the area is agreed between the Council and Applicant to be 'less than substantial' as defined in the context of NPPF paragraph 196. For the reasons set out below, the panel agree with this

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<sup>208</sup> According to the Applicant's witness this sum could deliver up to 24.5ha of new woodland planting which would equate to a 10% BNG.

<sup>209</sup> Paragraph 2.4.1. CD: 3.18

<sup>210</sup> CD: 5.96

<sup>211</sup> Paragraph 40 CD: 3.16

assessment, as the threshold of substantial harm anticipated by paragraph 195 of the NPPF is a high one, established by both the Courts and national planning practice guidance<sup>212</sup>. That said, the identification of such harm, albeit less than substantial, determines both a failure (in respect of the setting of the listed building) to preserve that setting as anticipated by section 66 of the Act<sup>213</sup> and (in respect of both the listed buildings and Registered Battlefield) a failure to conserve them as anticipated by paragraphs 193 and 194 of the NPPF. Again, as the Courts have determined, the desirability of preserving the listed building or its setting anticipated in statute is a matter of considerable importance and weigh to be apportioned in the planning and heritage balance. Similarly, the aforementioned paragraphs of the NPPF anticipate great weight being given to the conservation of designated heritage assets, including their settings, in the same balancing exercise.

#### *The Battlefield of Winwick Pass 1648*

12.110 The access road and Unit A/B would be located within the northern part of the Registered Battlefield<sup>214</sup>. The battlefield covers approximately 143ha and is primarily located to the south of the PP1 site. [2.4, 7.56-7.59, 9.112, 10.5]

12.111 PAG and the Battlefields Trust assess the level of harm as 'substantial'. However, that position has not been substantiated by any cogent evidence or by reference to any policy or legal tests and can accordingly only be afforded the most limited measure of weight. Substantial harm is clearly a very high test and unlikely to occur in most instances. 'Less than substantial' harm includes a spectrum of effects from those that are approaching substantial harm to effects that are negligible at the lower end of that scale. In assessing whether a development proposal may cause harm to a heritage asset, the PPG<sup>215</sup> advises "*it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.*" [6.1, 7.56, 8.101, 8.104]

12.112 The area of the battlefield within the application site is around 20ha, (14%) of its total area. The majority of this land was significantly disturbed<sup>216</sup> by the former colliery use which involved the removal of historic field boundaries and creation of large spoil tips. This has seriously impaired the legibility of the battlefield north of Oswald Brook. [2.4, 7.56-7.59, 9.112, 10.5]

12.113 The Inquiry heard that the results of trial trenching confirms that much of the site was stripped at some point during colliery operations and no features of archaeological significance were found to be present. English Heritage come to a similar view, noting that the potential for archaeological remains within the PP1 site is low as it was heavily disturbed by landscaping following the closure and demolition of the colliery. [8.102, 8.106-8.108]

12.114 Whilst PAG's oral evidence suggested local people had found artefacts on the site, no firm evidence was adduced to support that view. The research

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<sup>212</sup> Bedford Borough Council v (1) The SoS and (2) Nuon UK Ltd [2012] EWHC 43444 (Admin) and Paragraph 18a Reference ID: 18a-18a-018-20190723

<sup>213</sup> Planning (Listed Buildings and Conservation Areas) Act 1990

<sup>214</sup> See Appendix 2, Clarke PoE CD: 7.20

<sup>215</sup> Paragraph: 007 Reference ID: 18a-007-2019072

<sup>216</sup> See plan titled: 'The Area of Modern Disturbance' CD: 7.20

undertaken by the Applicant's heritage witness indicates there is no evidence for the survival of any of the topographical features from the time of the battle. Essentially the establishment, subsequent operation and post-colliery works stripped the site of any remnants of the battlefield. In light of the above, it is considered that the site plays a very limited role in understanding the historical significance of the battlefield. [8.103]

12.115 The consultation response from Historic England adds weight to that view. They do not object and consider the development would have no direct impact on the core area of the Battlefield at Red Bank, or upon the majority of the Battlefield to the south and would not seriously affect the public's ability to understand how the battle developed or how the main events of the battle relate to the existing landscape. [9.113]

12.116 To mitigate any harm, the Applicant intends to provide a publicly accessible heritage trail with interpretation boards and visitor parking. Given that there is currently very little information available to the public regarding the battlefield, the Panel consider the trail and associated information boards would be a material benefit. [8.116]

12.117 Overall, given the scale of the development arising, there would be some inevitable harm to the Registered Battlefield. However, for the reasons given, including the proposed mitigation, the Panel finds that the harm would be limited. [6.1, 7.56, 8.108]

#### *Newton Park Farmhouse and Barn*

12.118 Newton Park Farmhouse and Newton Park Barn are grade II listed buildings and lie around 130 metres to the north of the application site. According to the listing descriptions<sup>217</sup>, the farm dates from 1774 with extensions and modifications undertaken during the 19th and 20th centuries. The barn dates to between the 16th and early 17th century. [2.4]

12.119 From inspection, both buildings are currently in a dilapidated and parlous state being supported by scaffolding and bracing. Many of the ancillary structures surrounding the buildings have been lost. Based on their current condition, there can be little doubt that the heritage value of the buildings is low. [8.103]

12.120 The setting of the buildings has evidently evolved over a considerable period. The establishment and closure of Parkside Colliery as well as other modern intrusions into the landscape including the housing development to the west and the M6 Motorway to the east have extensively transformed the historic landscape setting. The current setting is clearly defined by the yard which is tightly enclosed by an established band of trees to the south and west. The application site sits well outside this constrained setting and plays a very limited role in understanding or appreciating the assets. [8.103]

12.121 As part of the development, landscaped earth bunds would be established to the north of Unit D. Along with the landscaping referred to above, it is likely that this would help to screen, but not totally eliminate views of the development. There would be extremely limited intervisibility between

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<sup>217</sup> Appendix 2, Clarke PoE CD: 7.20

the listed buildings and the development and vice versa. In the Panel's view, this would not detract from the public's appreciation of the buildings. [2.4, 4.5, 8.103]

12.122 PAG are understandably concerned about the effect of the PP1 scheme on the setting of the buildings. However, that position is irreconcilable with their support for the Astral/Prologis SRFI scheme envisaged by CS Policy CAS 3.2 which would have involved the total loss of the buildings. [8.106, 8.118, 9.131, 9.132]

12.123 Based on the foregoing, the level of harm to the listed buildings would be limited. This harm along with that to the battlefield engages the NPPF paragraph 196 test. This states that the public benefits of the proposal should be weighed against the harm.

#### *Other Heritage Assets*

12.124 There would be no harm to the setting of St Oswalds Church or St Oswalds Well, both within Warrington.

12.125 Concerns have been raised regarding the effect on the Battlefield of Maserfield. However, there is no formal designation and evidence of its location is both scant and highly contentious with several other locations laying claim to the site of the battle. PAG raised concerns regarding the spoil tip on the site. Notwithstanding that this distinctive landscape feature would be largely unaffected by the PP1 scheme, it cannot reasonably be regarded as a heritage asset of any significance. [7.59, 8.110, 10.5]

#### *Heritage Conclusion*

12.126 There would be some minor encroachment into the setting of the listed buildings at Newton Park Farm by PP1 and intrusion into the northern part of the Battlefield. These encroachments would fail to preserve, or conserve, the setting of the listed buildings and would compromise the special historic interest of the Registered Battlefield. However, such harms need to be seen in the context of the very significant amount of change that has occurred over the last century that has progressively eroded the setting and significance of these heritage assets. Seen in that context, the harm to both assets should reasonably be assessed as limited. In light of this assessment, and accounting for the considerable importance and weigh to be apportioned to their preservation, and the great weight given to their conservation, the panel affords this harm moderate weight.

12.127 The consensus of the main parties that this harm be characterised as 'less than substantial', and with which the panel agrees, is significantly below the threshold of what might be considered substantial. Nevertheless, paragraph 196 requires that where this magnitude of harm is identified, it be assessed against any public benefits the scheme will bring. Aside from the benefits of the heritage trail, there are a substantial range of other benefits, economic and social, that can readily be confirmed as public benefits for the purposes of NPPF paragraph 196. These are set out below. When these public benefits are considered against the identified harm it is readily demonstrated that these very significantly outweigh them in the heritage balance.

## Benefits

- 12.128 Contrary to all the supporting economic evidence presented to the Inquiry, PAG do not accept that the PP1 scheme would deliver any significant benefits. [6.1, 7.12, 7.63]
- 12.129 However, in favour of the scheme, a number of forceful '*other considerations*' have been identified. The most significant of these is the contribution the development would make to the supply of employment land in St Helens, the LCR and M6 sub-region which the Council's and Applicant's evidence has demonstrated there is a pressing need particularly in relation to warehousing and distribution development. The delivery of up to 92,900m<sup>2</sup> of high-quality logistics floorspace would address known commercial needs.
- 12.130 The Applicant puts forward a number of additional economic benefits supported by a Socio-Economic Assessment<sup>218</sup>. These are:
- The creation of up to 457 full-time equivalent jobs during construction with £14.4m net additional GVA,
  - 1,330 gross (930 net) jobs during operation with £74.4 million net additional GVA,
  - Up to 78 apprenticeship trainees, and
  - Increased business rate revenue – estimated at £2.2 million per annum once fully developed. [8.113-8.117, 9.116-9.130]
- 12.131 The jobs created would help to tackle the deprivation issues within St Helens and north Warrington. Conditions are recommended to ensure that the uptake of employment by economically inactive residents can be maximised. The PP1 development would also help to improve perceptions of the Borough as a place to invest and work. [5.17, 5.18, 8.12, 8.32, 8.116, 9.7-9.10, 9.58 9.116]
- 12.132 There would also be benefits to existing businesses in the locality through additional household expenditure in the local area and a potential 'multiplier effect' with opportunities for small-medium sized enterprises and other smaller operations to become part of a supply chain for future occupiers. [9.127]
- 12.133 Regeneration benefits would accrue from bringing the site back into active use after standing vacant for nearly 30 years helping to address an objectively assessed need for more employment land, especially for logistics floorspace in St Helens. [5.40, 6.1 8.1, 8.5, 9.46, 9.133, 9.135]
- 12.134 Locationally, the site is close to a ready labour supply, in deprived areas, which are highly accessible by sustainable forms of transport. Moreover, the site boasts excellent accessibility to the strategic road network and is located in the M6/M62 "sweet-spot". [2.6, 5.7, 8.4, 9.11, 9.35-9.38]
- 12.135 A permissive footpath would be incorporated around the site, for use by walkers and cyclists including a heritage trail. There would also be improvement to the cycleway network between the A49 and Vulcan Village.

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<sup>218</sup> Appendix 10 to Rollinson PoE CD: 7.31

Given the current lack of formal public access to the site and the importance attached to healthy lifestyles in the NPPF these are tangible benefits. [8.116, 10.16]

- 12.136 The PP1 development would also help to prevent incidents of anti-social behaviour such as fly-tipping, traveller encampments, theft, vandalism, off-road vehicle and drug use, all of which have occurred regularly since the colliery closed<sup>219</sup>. [9.27]
- 12.137 The development would deliver improvements to the nearest bus stops on the A49 together with the provision of pedestrian crossing facilities at a number of locations along Main Street. These improvements although intended to mitigate the impact of the development would nonetheless benefit local residents. [8.116]
- 12.138 Finally, there would be environmental benefits consisting of a BNG, remediation of the site and flood alleviation works. [6.1, 8.98, 8.116, 9.22, 9.58, 9.135]

### ***Planning Obligations***

- 12.139 The Framework sets out policy tests for planning obligations; obligations must 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. The same tests are enshrined in the statutory tests set out in regulation 122 of the CIL regulations. [1.11]
- 12.140 Whilst BNG is not yet a legal requirement, the Council's SPD at paragraph 9.4.1 states that off-site habitat mitigation at a ratio of 3:1 would be required to compensate for loss of habitat. It also states that the Council may prefer off-site compensation measures to be directed towards Biodiversity Opportunity Sites. [9.101, 9.102]
- 12.141 The PP1 scheme would result in the loss of 8.5ha of woodland habitat, and therefore to meet the requirements of the SPD, the planting of 25.5ha of woodland is required to mitigate the loss of habitat. 8.8ha of woodland habitat is proposed to be created on site leaving a deficit of 16.7ha requiring off-site mitigation. [8.96, 9.100, 9.102]
- 12.142 The figure of £675,000.00 has been calculated in consultation with Mersey Forest<sup>220</sup> and is based on establishing a minimum of 16.7ha of off-site mitigation but potentially up to 24.5ha. The Applicant considers, based on previous experience of providing replacement woodland planting that the contribution would be sufficient to deliver 24.5ha. [8.96, 9.102]
- 12.143 Plan 2 attached to the s106 agreement shows the geographical area covered by the contribution. The agreement explains that the money would be used to provide woodland planting in the Mersey Forest area with particular focus on the Newton le Willows and Sankey Valley areas. [9.102]
- 12.144 On the basis of the above, The Panel is satisfied that the level of contribution is appropriate and would mitigate the lost woodland at a minimum

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<sup>219</sup> See Appendix 11 to Rollinson PoE CD: 7.31

<sup>220</sup> A partnership organisation of nine local authorities, Natural England and the Forestry Commission.

ratio of 3 to 1 as required by the SPD. The obligation therefore meets the statutory tests.

### **Conditions**

- 12.145 Agreed conditions are set out at Appendix B to this Report and the Panel recommends that these should be attached to planning permission should the SoS conclude that the application should be approved.
- 12.146 Conditions covering time limits, the reserved matters and the approved plans are necessary to provide certainty and in the interests of proper planning [conditions 1-4]. A site-wide phasing plan is necessary to ensure the development comes forward in a coherent and planned manner [condition 5]. A condition setting a minimum floor area for the buildings is necessary to ensure the development does not rival existing B8 units in nearby urban areas [condition 6]. Conditions covering levels, lighting and the siting of Unit A/B are necessary to protect the living conditions of neighbouring occupiers [condition 7-9].
- 12.147 To assist the move to a low-carbon future, a condition is necessary to ensure the buildings are built to high environmental standards. [condition 10]. A CEMP is necessary to ensure all aspects of the construction adhere to best practice and do not adversely affect the amenity of local residents [condition 11]. Training and employment plans are necessary to ensure opportunities for local people are maximised during the construction and operational phases of the development [conditions 12-14].
- 12.148 Contaminated land and remediation conditions are necessary to ensure that the land is suitable for its intended use [conditions 15 and 16]. Conditions covering tree removal and landscaping are necessary to ensure that the visual impact of the development is mitigated as far as practically possible [conditions 17 and 18]. Ecology conditions covering an agreed Ecological and Landscape Plan, supervision and bat boxes are necessary to mitigate for the harm caused to biodiversity [conditions 19-21]. A drainage condition is necessary to ensure satisfactory drainage and future maintenance of the site in the interests of flood prevention [condition 22].
- 12.149 Conditions securing the site access, off-site highway improvements and mitigation works are necessary to ensure the development does not give rise to unacceptable congestion on the local road network [conditions 23-26]. Details of the parking provision, (cycle, electric, car) unit-specific Travel Plans and the improvement of nearby bus stops and local footways/cycleways are all necessary to promote sustainable patterns of commuting to/from the development [conditions 27-32].
- 12.150 A condition requiring overnight lorry parking provision and associated driver amenity facilities is necessary to ensure the development does not give rise to indiscriminate parking on local residential roads [condition 33]. A condition relating to the heritage trail is necessary to mitigate the harm to the Registered Battlefield [condition 34]. An archaeology condition is necessary to protect any archaeological assets that may be present [condition 35]. Finally, noise conditions are necessary to safeguard the living conditions of local residents [conditions 36-40].

- 12.151 The suggested condition relating to the land to be safeguarded for a future reversing leg is unnecessary since this requirement is already captured by the plans condition.
- 12.152 Conditions 11, 15, 19, 20, 22 and 35 are pre-commencement form conditions and require certain actions before the commencement of development. In all cases the conditions were agreed by the Applicants and address matters that are of an importance or effect and need to be resolved before construction begins.
- 12.153 Overall, the Panel is satisfied that the conditions at Appendix B are necessary to control the effects of the development and are otherwise relevant, reasonable and enforceable in terms of the national policy tests.

### **Other Matters**

#### *Cumulative effects*

- 12.154 Amongst others, PAG raised concerns that the Applicant has failed to properly consider the cumulative effects of the development particularly alongside the PLR, PP2 and the SRFI. [7.11]
- 12.155 Section 9 of the ES contains a cumulative assessment of the PP1 scheme alongside these and other known developments in the area. In addition, each chapter of the ES also considers the cumulative effects of other developments. Of these other developments, the Parkside Link Road and PP2 are considered across all areas in the ES with the others considered in the chapters on traffic and transportation, noise, air quality and socio-economics. [4.9, 8.120]
- 12.156 In terms of the cumulative effects, the ES identifies that there would not be significant effects in relation to noise and vibration, air quality, ground and contamination, drainage, flood risk, utilities, energy or waste. No credible evidence was presented to the Inquiry that would lead the Panel to conclude differently. [8.54, 8.73, 8.83, 8.121]
- 12.157 There would inevitably be significant cumulative impacts arising as a result in the change to the landscape and the visual impact for some of the viewpoints closest to the site. In addition, there would be the potential for heritage harm and some adverse highway impacts. These harms would be offset by the socio-economic benefits in terms of GVA and job creation which would significantly boost the local economy. [8.122]
- 12.158 The Panel is thus satisfied that the cumulative effects have been properly assessed as part of the application.

#### *Public consultation*

- 12.159 A number of objectors have raised concerns about the lack of public consultation surrounding the scheme. However, the Council has confirmed that all the statutory publication procedures have been adhered to. The fact that the planning application has attracted over 650 written representations is a strong indication that it was widely publicised. [11.1]

12.160 As set out in the Statement of Community Involvement<sup>221</sup> and summarised in section 4 of the Design and Access Statement<sup>222</sup>, the Applicant undertook an extensive pre-application consultation exercise which comprised the following:

- A multi-stage approach to consultation to understand the aspirations of local residents and their priorities when beginning operations in the area,
- Proactive and sustained promotion of the wider strategic vision to the surrounding communities and a wider audience,
- Specific and varied methods of engagement, including the establishment of the community contact points; a project website; direct contact with householders; targeted events for key stakeholder groups; two community drop-in sessions and two Information Days also with a range of project team members in attendance,
- A series of meetings with key stakeholders and interested parties, including statutory, technical, and community representatives,
- Varied participation options to appeal to a wider demographic, including the establishment of a Freepost address, community information telephone line, online feedback forms, as well as hard copy feedback forms, and
- A proactive approach to engagement with the media, offering statements, and submitting adverts to raise the profile of the proposed development and encourage a wider audience to participate in pre-application discussions.

12.161 PAG re-iterated concerns about a lack of engagement at the Inquiry but were unable to suggest what more the Applicant could have done to involve local people. Accordingly, the Panel is satisfied that the level of consultation carried out by the Applicant was appropriate.

#### *Cross-boundary Considerations*

12.162 In terms of whether there are any cross-boundary issues that the SoS should consider, the evidence presented to the Inquiry is clear that neither the Symmetry Park nor Wingates schemes would address the need for employment land in St Helens. Whilst the same cannot be said of the Haydock Point development, this would not assist in the regeneration of the Parkside site, a key objective of the development plan. Moreover, no party to the appeal sought to suggest there was any direct competition between the PP1 and Haydock Point schemes in terms of planning need or land supply

12.163 Notwithstanding the above, the economic evidence presented to the Inquiry was unequivocal that there is sufficient commercial demand in the M6 sub-region to accommodate the PP1 scheme as well as Symmetry Park and Haydock Point. The scheme at Wingates, Bolton falls outside the M6 sub-corridor. It should also be noted that the PP1 scheme is also geared towards satisfying an identified need in the LCR rather than Greater Manchester which is the case for Symmetry Park.

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<sup>221</sup> CD: 4.46

<sup>222</sup> CD: 4.9

12.164 Based on the foregoing, cross-boundary issues do not arise. It therefore follows that the PP1 and PLR schemes can be determined independently by the SoS. <sup>[1.7, 6.2]</sup>

### ***Planning Balance***

12.165 At the heart of this case lies the balance between, on the one hand, the protection of Green Belt land and, on the other, the need to boost economic development both in general and in St Helens in particular.

12.166 The development would be inappropriate in the Green Belt. Moreover, it would cause moderate harm to openness and the Green Belt purpose of 'safeguarding the countryside from encroachment'. Collectively, these harms to the Green Belt must carry substantial weight in the overall planning balance, in accordance with NPPF paragraph 144.

12.167 Furthermore, there would be: moderate adverse but localised landscape and visual harm; 'less than substantial' harm to heritage assets and so limited harm to heritage; increased noise and disturbance to local residents as a result of construction activity and additional road noise and small reductions in air quality at a limited number of locations.

12.168 Whilst these matters weigh against the proposal in the planning balance, it is worth noting that there is no conflict with the provisions of the NPPF with regard to noise, landscape, air quality or residential amenity. Collectively these matters therefore carry limited weight. In finding harm to designated heritage assets, there is conflict with statute and the NPPF, and this has been afforded moderate weight.

12.169 Planning permission should only be granted if very special circumstances have been demonstrated. Very special circumstances can only exist if the Green Belt and other harms identified are clearly outweighed by other considerations.

12.170 In favour of the scheme, there are a number of weighty '*other considerations*' the most significant of which are those which pertain to the supply of much needed employment land in St Helens, the LCR and the M6 sub-region for which there is a demonstrable need. Section 6 of the NPPF attaches great importance to building a strong, competitive economy with significant weight being given to the need to support economic growth. Consequently, the need for employment land has to be afforded very substantial weight

12.171 The regeneration benefits include bringing a vacant, former industrial legacy site suffering from history of anti-social behaviour, back into active use, creating a significant number of jobs and economic benefits for the local community in the process. These benefits must carry additional weight given the proximity of the site to areas which suffer from high levels of economic deprivation. The regeneration benefits therefore carry substantial weight.

12.172 The locational benefits of the site are indisputable. It is within the "sweet-spot" of the M6, being roughly equidistant from Liverpool and Manchester and with convenient access to the M6, A580 and M62 as well as to multi-modal supply chain facilities in the region, including the Port of Liverpool, Manchester and Liverpool Airports. The site also benefits from its proximity to the Chat Moss railway and West Coast Main Line. Future employees would

benefit from genuine travel choices with the site being well located to bus, rail, walking and cycling. The locational benefits of the site thus carry significant weight.

12.173 It is agreed that the development cannot be accommodated on a non-Green Belt site or a more preferable Green Belt site and therefore the harms set out above would be the inevitable consequence of bringing forward any large-scale logistics site in the Borough. The PP1 site is visually contained and includes significant areas of previously disturbed/developed land. Accordingly, it has been consistently assessed as being suitable for a large-scale employment development and is proposed to be released from the Green Belt in the eLP. The lack of an alternative site carries significant weight.

12.174 The biodiversity net-gains, pedestrian and right of way improvements, the introduction of formal public access over parts of the site and bus stop improvements collectively carry moderate weight.

12.175 The Panel consider that the 'other considerations' listed above are of such magnitude that they clearly outweigh the Green Belt and non-Green Belt harms we have identified. On a further matter of judgement, we conclude that very special circumstances exist, which justify permitting the proposed development in the Green Belt. Accordingly, the proposal would not conflict with UDP Policies GB1 and GB2 or Green Belt policy in Section 13 of the NPPF. The proposal also passes the NPPF paragraph 196 test in relation to heritage assets. The consequence of the above is that the development complies with the development plan taken as a whole and should be approved without delay.

12.176 Should the SoS disagree with our assessment of very special circumstances, then there would be conflict with the development plan. The consequence being that the application should be refused.

### **13. Inspectors' Recommendation**

13.1 Having regard to all the relevant evidence, the Panel concludes that planning permission should be granted, subject to the imposition of the conditions set out in Annex B below.

*D. M. Young*

Inspector

*Brian J Sims*

Inspector

## Appendix A

### **APPEARANCES**

#### St Helens Metropolitan Borough Council

Mr Giles Cannock QC he called:

Mr Alyn Nicholls	BA (HONS) MRTPI	Planning witness
Mr Edward Mellor	CEng, MICE, MIGHT	Mott MacDonald - Highways witness
Mr Anthony Meulman	MRegDev	Employment Need Witness
Ms Melanie Hale	BSc (Hons), MA (Civic Design), MCD, MRTPI	Principal Planning Officer

#### Parkside Regeneration LLP

Mr Sasha White QC he called:

Mr David Rollinson	BA (Hons), Dip, MRTPI	Planning
Mr Alex Vogt	BSc (Hons), MSc, TPP, FCIHT	Highways
Mr Alistair Baxter	BA (Hons), MA (Oxon), MSc, CEcol, CEnv, MCIEEM	Ecology & Nature Conservation
Mr Andrew Pexton	BSc (Hons) MRICS	Employment Land Supply and Demand
Mr Jim MacQueen	BA (Hons), DipArch	Heritage
Mr Dani Fiumicelli	MSc, IoA, CIEH	Noise
Mr Carl Taylor	BA(Hons) Dip La/CMLI	Landscape and Visual Impact
Mr John Drabble	BSc(Hons), MSc, MIAQM, MIEEnvSci, MIEMA, CEnv	Air Quality

#### Warrington Council

Ms Sarah Reid of Counsel

Ms Alison Gough	MTCP (Hons), MBA, MRTPI	Principal Planning Officer
Mr Mike Taylor	PGDip	Warrington Highways

#### Parkside Action Group

Mr Dave Tyas	Co-Chair PAG
Ms Jackie Copley	Planning Consultant
Ken Marr	Planning & Heritage
Mr Gareth Edwards	Highways
Mrs Tamaryn McLafferty	Air Quality
Mr Peter Astles	Ecology
Ms Gill Dickinson	Community Impacts

Mr Peter Black

Climate Change

Interested Persons

Cllr Seve Gomez-Aspron

Deputy Leader, St Helens Council

Cllr David Smith

Member for Newton le Willows, St Helens Council

Cllr Edward Houlton

Member for Lowton, Wigan Council

Cllr Cathy Mitchell

Member for Winwick Ward, Warrington Council

Mr Richard Ward

Local Resident and Historian

Mrs Ann Lowe

Local Resident

Mrs Jacqueline & Mr Mark Richardson

Local Residents

Mr Ed Thwaite

Chairman of Lowton East Neighbourhood Development Forum

Mr Peter Black <sup>MRTPI MAA</sup>

Culcheth and Glazebury and Croft Parish Councils

Dr Kevin McLafferty

Local Resident

## Appendix B

### **CONDITIONS TO BE IMPOSED IF PLANNING PERMISSION IS GRANTED**

- 1) No development shall take place on any one phase until details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") of that phase have been submitted to and approved in writing by the Local Planning Authority.
- 2) All applications for reserved matters must be made within three years of the date of this decision notice.
- 3) 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.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Phase 1 Boundary Plan `16043\_PL101`
  - Means of Access Plan `B064334.000\_5001 C`
  - Phase 1 Parameter Plans Development Cells `16043\_PL110 Rev D`
  - Phase 1 Parameters `16043\_SK311 Rev E`
  - Phase 1 Parameter Plan Green Infrastructure `16043\_PL114 Rev I`
  - Phase 1 Parameter Plan Access and Circulation `16043\_PL112 Rev B`
  - Phase 1 Parameter Plan Drainage `16043\_PL113 Rev E`
  - Phase 1 Parameter Plan Acoustic Considerations `16043\_PL116 Rev C`
  - Phase 1 Parameter Plan Utilities Corridors and Easements `16043\_PL115 Rev A`
  - Phase 1 Parameter Plan Safeguarded Rail `16043\_PL111`
  - A49 / Southworth Rd Junction Improvements `58211-CUR-00-XX-DR-TP75001-P01`
  - Pedestrian Crossings (Crown Lane E / Ashton Rd mini-Roundabout and Park Rd N / High St / Church St Junction) `58211-CUR-00-XX-DR-TP75002-P01`
  - Junction Improvement Proposal Junction 2 – A49 Newton Road / Delph Lane `TPMA1389-102/C`
  - Junction Improvement Proposal Junction 3 – Winwick Island `TPMA1389-103/A`
  - Junction Improvement Proposal Junction 4 – Golborne `TPMA1389-104/A`
  - Junction Improvement Proposal Junction 5 – Hollins Lane `TPMA1389-105/B`
- 5) Concurrently with the submission of the first reserved matters application, a phasing plan shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with the agreed phasing plan. The phasing plan shall be updated as necessary for each subsequent reserved matters application.

- 6) The gross external floor area of any building in use class B8 shall not be less than 13,935m<sup>2</sup> (150,000ft<sup>2</sup>).
- 7) As part of the first reserved matters application, details of proposed site levels shall be agreed with the Local Planning Authority. The levels plan must include specifications for bund construction including cross sections and composition of bunds as well as a methodology for construction. The development shall be implemented in accordance with those details.
- 8) Reserved Matters applications relating to Unit A/B should demonstrate how they have had specific regard to minimising the harm caused to residential properties along Winwick Road. Buildings on the site should be located as far as practicably possible from the western edge of the development cell and shall use good design techniques to minimise the visual impact of their bulk and massing. Furthermore, there shall be no windows above ground floor level on the western elevation of any building on development cell A/B.
- 9) Reserved matters applications shall include a lighting strategy for that phase, which includes 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 baffels. The lighting scheme shall be designed to maintain the amenity of neighbouring residents, ensure highway safety and protect ecology by preventing excessive light spill onto sensitive habitats. The development shall be implemented in accordance with the agreed details
- 10) Reserved Matters applications for the B8 buildings shall demonstrate how the buildings have been designed to comply with a minimum rating of Building Research Establishment Environmental Assessment Method (BREEAM) 2014 'Excellent' and that at least 10% of its energy from decentralised and renewable or low carbon sources.

Within six months of the occupation of each unit, or within alternative timescales agreed with the Local Planning Authority, the relevant certification demonstrating BREEAM 'Excellent' has been achieved for the relevant unit shall be submitted to, and approved in writing by the Local Planning Authority.

- 11) No development shall commence 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. The CEMP shall include but not be limited to:
  - 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 pre-commencement checks for water voles and badgers will be undertaken,
  - A method statement for orchid translocation,
  - Reasonable avoidance measures for protected species, including bats and common toads,
  - Measures that will be taken to protect English Bluebells,

- Details of protection measures for retained trees, hedgerows and shrubs shown for retention in the Arboricultural Impact Assessment (JCA Ref 13429C/PH),
- A methodology for the soft felling of trees T62, T63, T64 and T65,
- Construction traffic routes, which shall include a primary traffic route from the south using the A49,
- 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 residential amenity and ecology,
- A surface water management plan,
- The identification of an 8m buffer zone from St Oswalds Brook in which no construction activity will be undertaken,
- 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,
- Confirmation that the noise mitigation measures detailed within Sections 8.1 - 8.3 of the ES Addendum shall be employed, and
- Where piling or other penetrative foundation methods are to be undertaken, a risk assessment to demonstrate that risks to ground water can be mitigated and a vibration assessment for that phase

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

- 12) Prior to the commencement of each phase, a local employment scheme for the construction of that phase shall be submitted to and agreed in writing with the Local Planning Authority. The submitted local employment scheme shall demonstrate how the development will use all reasonable endeavours to recruit at least 20% of labour from within the Borough of St Helens focusing on the most deprived super output areas. The scheme shall include the following:

- Details of how the initial staff/employment opportunities at the development will be advertised and how liaison with the Council and other local bodies such as St Helens Chamber, Ways to Work, Wargrave Big Local and the DWP Job Centre outreach held at Newton Family and Community Centre will take place in relation to maximising the access of the local workforce to information about employment opportunities,
- Details of how sustainable training opportunities will be provided for those recruited to fulfil staff/employment requirements including the provision of apprenticeships or an agreed alternative,

- A procedure setting out criteria for employment, and for matching of candidates to the vacancies,
- Measures to be taken to offer and provide college and/or work placement opportunities at the Development to students within the locality,
- Details of the promotion of the local employment scheme and liaison with contractors engaged in the construction of the development to ensure that they also apply the local employment scheme so far as practicable having due regard to the need and availability for specialist skills and trades and the programme for constructing the development,
- A commitment that the construction phase of the development will be undertaken in accordance with the Unite Construction Charter,
- A procedure for monitoring the local employment scheme and reporting the results of such monitoring to the Council including details of the origins qualifications numbers and other details of candidates; and
- A timetable for the implementation of the local employment scheme.

The development shall be implemented in accordance with the approved scheme.

- 13) Prior to the commencement of each phase of the development, a scheme to promote the use of local suppliers of goods and services during the construction of that phase shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with the agreed scheme.
- 14) Prior to the first use of any building, a local employment scheme for the operational phase of that building shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted local employment scheme shall demonstrate how the development will use all reasonable endeavours to recruit at least 20% of labour from within the Borough of St Helens focusing on the most deprived Super Output Areas. The scheme shall include the following:
- Details of how the initial staff/employment opportunities at the development will be advertised and how liaison with the Council and other local bodies such as St Helens Chamber, Ways to Work, Wargrave Big Local and the DWP Job Centre outreach held at Newton Family and Community Centre will take place in relation to maximising the access of the local workforce to information about employment opportunities,
  - Details of how sustainable training opportunities will be provided for those recruited to fulfil staff/employment requirements including the provision of apprenticeships,
  - A procedure setting out criteria for employment, and for matching of candidates to the vacancies,
  - Measures to be taken to offer and provide college and/or work placement opportunities at the Development to students within the locality,

- A procedure for monitoring the local employment scheme and reporting the results of such monitoring to the Council including details of the origins qualifications numbers and other details of candidates and,
- A timetable for the implementation of the local employment scheme.

The development shall be implemented in accordance with the approved scheme.

15) Prior to the commencement of development:

The Preliminary Geo-Environmental Assessment shall where reasonably possible be updated to address the points raised by the Council's Contaminated Land Officer in his consultation response of 20th February 2018 referenced 030433. The updated report shall then be submitted to and agreed in writing by the Local Planning Authority.

A detailed scope of works for a Phase II intrusive investigation of the site shall then be submitted to and approved in writing by the Local Planning Authority. The scope of works shall include i) a rationale for the type and location of all exploratory holes; ii) the proposed analytical suites and/ or monitoring programme for soil, gas, groundwater and surface water; iii) an indicative exploratory hole plan; and iv) details of the intended risk assessment methodologies. The scope of works shall be submitted to and approved in writing by the Local Planning Authority prior to any site investigations being carried out.

A phase II intrusive site investigation shall be completed in accordance with the agreed scope of works. This shall determine the extent of soil, groundwater and ground gas contamination throughout the site and any associated potential for contaminant migration. A report on the investigation, including a risk assessment and conceptual site model shall be submitted to and approved in writing by the Local Planning Authority.

Should the phase II investigation identify any requirements for remediation a remedial options appraisal and subsequently a detailed remediation strategy shall be submitted to and approved in writing by the Local Planning Authority. The remedial strategy shall include a verification plan setting out details of the information that will be collected in order to demonstrate that the necessary works have been successfully completed.

All of the above shall be completed by a competent person (as defined within the National Planning Policy Framework) in accordance with current best practice and guidance, namely BS10175:2011+A2:2017 and Land Contamination: Risk Management.

16) Prior to the first use of any building, the agreed remediation strategy (if required), or parts thereof as appropriate to the phasing and development of the scheme, will have been implemented, and a site validation/ completion report for that phase shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the site validation/ completion report shall include, but will not necessarily be limited to:

- full details of all remediation works undertaken,
- verification (in accordance with the verification plan detailed within the agreed remedial strategy) of the adequacy of the remediation,

- sampling, testing and assessment of the suitability of all imported and site won soils,
- the fate of any excavated material removed from site,
- verification of the installation of any gas protection measures, and
- a plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The site validation/ completion report shall be completed by a competent person (as defined in the National Planning Policy Framework) in accordance with current best practice and guidance, namely BS10175:2011+A2:2017 and Land Contamination: Risk Management.

- 17) All tree work must be to BS3998 (2010) with any tree or hedgerow removal being in accordance with the details submitted within the Arboricultural Impact Assessment JCA Ref 13429C/PH, with no felling taking place between the period 1st March to 1st September unless a report prepared by a suitably qualified ecologist or ornithologist which demonstrates that there are no breeding birds present in any areas of trees, woodland and scrub has been submitted to and agreed in writing with the Local Planning Authority.
- 18) Reserved matters applications must include fully specified landscape plans for that phase which must (where appropriate):
  - Be in accordance with the species recommendations, principles and standards detailed in Section 3 Habitat Creation and Management of the Outline Ecological and Landscape Management Plan V5 170719 (Ref 01-05-08 Issue 17th July 2019),
  - Show all specimen trees specified as container grown / root balled stock using standard, heavy standard and extra heavy standard stock (with the later used in more prominent areas). Tree pit specifications must be specified where required. With other planting e.g. woodland, bund, shrub areas etc, using tree sizes that are a minimum of 2+2 whips or 3 litre pots for evergreens, planted at 2 metre centres and be protected with tree shelters. Hedgerows must also use a minimum of 2+2 whips also be protected with tree shelters. Planting must be in a double zig-zagged row at a density of at least 6 trees per metre (evergreens would need to be at least 2 litre in pot size),
  - Include detailed designs and planting specifications, including cross sections, for all water bodies being created on site,
  - Include the under planting of existing woodlands such as Gallows Croft within the ecological zone / area using a species composition of quercus robur (oak) 30%, carpinus betulus (hornbeam) 10%, tilia cordata (lime) 10%, corylus avellana (hazel) 30% Ilex aquifolium (common holly), 10% and taxus baccata (common yew) 10%,
  - Include specifications for all other soft and hard landscape details, and
  - Include a timescale for the delivery of landscaping within the first planting season for that phase.

The development shall be implemented in accordance with the submitted details 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.

- 19) No development shall take place until a detailed Ecological and Landscape Management Plan based upon the Outline Ecological and Landscape Management Plan V5 170719 (Ref 01-05-08 Issue 17th July 2019) for areas of off-site mitigation (as defined on Figure 3.1 in the Outline Ecological and Landscape Management Plan V5) has been submitted to and agreed in writing with the Local Planning Authority. The Plan must
- i. Specify how an ecologically diverse grassland site is to be created and managed,
  - ii. Include the planting of native hedgerows (including native trees) to field boundaries and perimeters, riparian habitat improvement, enhancement for riparian species and enhancement for grassland species including birds such as kestrel and barn owl,
  - iii. Include detailed management prescriptions and an implementation plan detailing how the areas of LWS within the site will be enhanced and managed in perpetuity,
  - iv. Include a management plan for ongoing management and enhancement. This should include details of the management company / Trust or other organisations who will be responsible for the management of these areas, as well as the financial resources and funding arrangements to maintain and deliver the management proposals in perpetuity, and
  - v. Provide a timetable for implementation, which must specify that the works will be completed before the first use of any building hereby permitted.

The development shall be carried out in accordance with the agreed details

- 20) No development shall take place until details of ecological supervision that will ensure all ecological mitigation measures are delivered in accordance with the details within the Outline Ecological and Landscape Management Plan have been submitted to and agreed in writing with the Local Planning Authority. The details shall include the level of supervision, reporting mechanisms to the Council and frequency of site visits and reporting, and provision for a meeting on site prior to works taking place on site between the developer, developer's relevant contractors and arboricultural/ecological consultants as well as the Local Planning Authority.
- 21) A bat roost installation scheme shall be submitted to and agreed in writing with the Local Planning Authority before the felling of any trees on site. The scheme shall include the specification, location and siting of boxes along with a timetable for implementation. The agreed scheme shall be implemented.
- 22) No development shall take place in 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 Local Planning Authority. The scheme shall be based upon the principles of the Drainage Strategy (Ref: RPT-CL003 Rev F - Cundall November 2018). For the avoidance of doubt, the drainage scheme shall not include the infiltration of surface water drainage into the ground where contamination has been found and shall be designed to prevent the discharge of water on to the public highway. The agreed scheme shall be implemented before the first use of any building hereby permitted in that phase and managed/maintained as agreed thereafter.

- 23) The access to the development shall be implemented in accordance with the access arrangements shown on the approved Means of Access Plan Phase 1 (ref: B064334\_501 rev C). It shall be constructed to binder course surfacing level and completed prior to the first use of any building hereby approved. The access shall be kept available for use at all times.
- 24) No more than 22,000 square metres of gross floor area shall be used for the purposes hereby approved until the highway improvement works have been implemented. For the avoidance of doubt, the works shall include:
  - The provision of a signalised pedestrian crossing facility on A49 Ashton Road based on the principles of Curtins Drawing 58211-CUR-00-XX-DR-TP75002-P01 or on Ashton Road in close proximity to the southern footpath leading to Hope Academy,
  - The provision of a signalised pedestrian crossing facility on A572 Crow Lane East as illustrated on Curtins Drawing 58211-CUR-00-XX-DR-TP75002-P01,
  - The provision of a signalised pedestrian crossing facility on A49 to the immediate south of the Park Road North junction, as illustrated in Curtins Drawing 58211-CUR-00-XX-DR- TP75002-P01. This should include trigger detection equipment on Park Road North to identify the queue length and trigger the pedestrian crossing, and
  - The extension of the right-turn lane from A49 northbound onto Southworth Road, to provide capacity for 4 PCUs, as illustrated in Curtins Drawing 58211-CUR-00-XX-DR- TP75001-P01.
- 25) Except for site clearance and remediation, no development shall commence until the highway improvement works at the junction of A49 Newton Road/Hollins Lane to the principles of Curtins drawing TPMA1389-105/B and at the junction of A49 Newton Road/A573 Golbourne Road to the principles of Curtins drawing TPMA1389-104/A have been constructed.
- 26) No more than 22,000 square metres of B8 floorspace within the development hereby permitted shall be occupied until highway improvement works at the junction of A49 Newton Road/Delph Lane to the principles of Curtins drawing TPMA1389-102/C and at the junction of A49 Newton Road/Winwick Link Road to the principles of Curtins drawing TPMA1389-103/A have been constructed.
- 27) Reserved Matters applications shall include precise details of car, motorbike and cycle parking for that phase. The details shall include a justification for the level of spaces proposed, a layout plan, details of surfacing and any facilities such as lockers, showers etc.; and a scheme for electric vehicle charging (including proposals for the approach to be taken to accommodate

further future provision for electric vehicle charging points as and when required). No building proposed in that phase of development shall be brought into use until the agreed details that are associated with it have been provided. The parking and servicing areas, and any facilities, shall be retained as such thereafter.

- 28) No building shall be occupied until the owners and occupiers of that building have appointed a Travel Plan Coordinator. The Travel Plan Coordinator shall be responsible for the implementation, delivery, monitoring and promotion of the travel plan, including the day-to-day management of the steps identified to secure the sustainable transport initiatives. 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.
- 29) Prior to the first use of any building hereby approved, a travel plan for that building shall be submitted to and approved in writing by the Local Planning Authority. The plan 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, the travel plan shall include but not be limited to:
- Operational details of a shuttle bus service which would connect the site to the most deprived areas in the Borough,
  - 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.

The approved travel plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as the building is occupied and in use.

- 30) 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.
- 31) An enhancement scheme for the two bus stops on Winwick Road to the south of the site access shall be submitted to and agreed in writing with the Local Planning Authority. The enhancement scheme shall include access kerbs, shelters, new bus stop information and signage and road markings. The agreed works shall be implemented prior to the first use of any building on the site.

- 32) Prior to first use of any building for B8 purposes, an improvement scheme for the following cycleway/footways running north/south along Newton Brook and east/west between the Sankey Canal, through the Bradlegh Road estate and Vulcan Village shall be implemented in accordance with details that have first been submitted to and agreed in writing with the Local Planning Authority.
- 33) Reserved matters applications shall include provision for overnight lorry parking provision and associated amenity facilities and shall include 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.
- 34) Prior to first occupation of any building, a heritage trail shall be provided in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority. The details shall include the following:
- The design and specification for the construction of the heritage trail, which should seek to include a route that incorporates parts of the buffer zone between the base of the bunds constructed and the top of Gallows Croft woodland area. It must also include specifications for the path surfacing which must provide a route that is surfaced and at least 1.5 metres in width, preferably using a bound recycled stone surface e.g. Hoppath and incorporate "Access for All" principles e.g. maximum gradients of 1 in 20 (1:12 for short sections) where practicable,
  - Construction details and specifications for any structures required to create the heritage trail,
  - Details of signage and interpretation / information boards including their design and installation locations,
  - The location of a public car park to serve the heritage trail, including its location, the number of spaces, surfacing and marking,
  - A programme for implementation of the heritage trail and its availability for use, and
  - A management and maintenance plan for the heritage trail and the car park.

The agreed heritage trail shall be implemented and maintained in accordance agreed details thereafter.

- 35) No development shall take place until a written scheme of archaeological work has been submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.
- 36) Construction works audible at or beyond the site boundary shall not occur outside of the following hours:
- Monday to Friday 08:00 - 18:00 hrs,
  - Saturday 08:00 - 13:00 hrs, and
  - Not at all on Sundays or Public/Bank Holidays

- 37) Any reserved matters applications shall comply with drawing reference Phase 1 Parameter Plan Acoustic Considerations '16043\_ PL116 Rev C'. For the avoidance of doubt, no external services, plant or equipment shall be located within the orange hatched areas, and no loading bays shall be orientated towards the nearest residential areas within the orange arrowed areas.
- 38) The rating level (L<sub>Ar</sub>,Tr) of noise emanating from the site, when determined (by measurement or calculation) in accordance with BS 4142:2014+A1: 2019 and including applicable acoustic character corrections in accordance with this standard, shall not exceed the levels detailed within the following table.

Assessment Location	Allowable Night-time (23:00 to 07:00) Rating Level (L <sub>Ar</sub> ,15minute) dBA (1m from the façade)		Allowable Daytime (07:00 to 23:00) Rating Level (L <sub>Ar</sub> ,1hour) dBA (Freefield 1.25m above ground level)
Dwellings at Newton Park Farm and dwellings east of the east coast mainline railway on Whitefield Avenue, Newton Park Drive and Banastre Drive	43		47
Dwellings on A49 Winwick Road	48		55
Dwellings on Hermitage Green Lane	39		43

Dwellings at Hermitage Green and on Parkside Road	47		48
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The above day time limits shall be assessed under free-field conditions at a height between 1.25 and 1.5 metres above ground level at receptors at each assessment location i.e. they are free field levels.

The above night-time limits shall be assessed 1 m from the façade of upper storey windows of multistorey receptors at each assessment location i.e. they are façade levels.

- 39) Within three months of the commencement of operation of each phase of the development, a Verification Assessment Report which demonstrates that sound levels from the development comply with the requirements of Condition 38 shall be submitted to and agreed in writing with the Local Planning Authority. Should the report reveal sound levels in excess of the requirements of Condition 38 it shall include a scheme of additional mitigation, including a timetable for its implementation. Any additional mitigation shall be installed in accordance with the timetable for implementation.
- 40) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the development shall be used for uses associated with B8 Storage and Distribution with ancillary B1 (a) only, unless express consent is obtained from the Local Planning Authority.

## Appendix C

**INQUIRY DOCUMENTS**

<b>Ref</b>	<b>Document Title</b>
ID 13.1	The Opening Speech of the Applicant
ID 13.2	Opening Submission of the Local Planning Authority
ID 13.3	Opening Statement Parkside Action Group
ID 13.4	Cllr David Smith Speaking Note
ID 13.5	Cllr Edward Houlton Speaking Note
ID 13.6	Cllr Cathy Mitchel Speaking Note
ID 13.7	Parkside Phase 1 05 January 2012 Interested Person Verbal RWard Day 1 Afternoon Session
ID 13.8	Anne Lowe Speaking Note
ID 13.9	Jacqueline Richardson Speaking Note
ID 13.10	Edward Thwaites Speaking Note - 10a Appendix Edward Thwaites Speaking Note, 10b Appendix Edward Thwaites Speaking Note, 10c Appendix Edward Thwaites Speaking Note
ID 13.11	Parkside Phase One S106 Agreement
ID 13.12	18hr AAWT and 24hr AADT Development Flows, AM and PM Development Flows 60 40 HGV Distribution Split Core, AM and PM Development Flows 90 10 HGV Distribution Split WBC. HR Development Flows
ID 13.13	Updated Take Up Supply and Requirements
ID 13.14	List of Planning Application Plans to be Approved
ID 13.15	Peter Black Speaking Note
ID 13.16	Dr Kevin McLafferty Speaking Notes
ID 13.17	Cllr Seve Gomez-Aspron Speaking Note
ID 13.18	PAG Photo 1, PAG Photo 2. PAG Photo 3, PAG Photo 4, PAG Photo 5, PAG Photo 6, PAG Photo 7
ID 13.19	J Copley Photo 1, J Copley Photo 2, J Copley Photo 3

ID 13.20	T McLafferty Photo 1, T McLafferty Photo 2
ID 13.21	Parkside Phase One CIL Statement
ID 13.22	Terry Hewitt Written Statement
ID 13.23	Mayor of Greater Manchester Andy Burnham Written Statement
ID 13.24	Inspector Review of Suggested Conditions Application Comments
ID 13.25	Mr and Mrs King Written Statement
ID 13.26	Location Viewpoints inc Figures
ID 13.27	Heritage Round Table Agenda
ID 13.28	Agenda for Ecology Round Table DV1 Issue
ID 13.29	Written Statement Steve Ballard
ID 13.30	Written Statement Phillipa Smith
ID 13.31	Written Statement Annemarie Fearn
ID 13.32	Written Statement Chris Walker
ID 13.33	Written Statement Martin Brown
ID 13.34	Photos from Written Statement Martin Brown
ID 13.35	Written Statement Paul Hatfield
ID 13.36	Written Statement Sharon Wright
ID 13.37	Written Statement Rob Fearn
ID 13.38	Written Statement Linda Ken Horn
ID 13.39	Written Statement Mr Martin Boydell
ID 13.40	Ella AKD Coroner Report
ID 13.41	Parkside Phase 1 Employment Impact Addendum Note
ID 13.42	Written Statement Johanna Wade
ID 13.43	Written Statement Olwyn Foster

ID 13.44	Written Statement John Dickinson
ID 13.45	Written Statement Sophie Watkin
ID 13.46	The Voice for Golborne Lowton Community Impact Statement for Parkside Enquiry Jan 2021
ID 13.47	The Voice for Golborne Lowton West Jan 2021 New Economy Visioning Parkside Colliery Footprint
ID 13.48	The Voice for Golborne Lowton West 2021 Susan Spibey
ID 13.49	Written Statement Melvyn Brian
ID 13.50	Inspector Review of suggested Conditions St Helens LPA Comments, WSP Noise Comments for the Council, Environment Agency Response 20-03-2018
ID 13.51	Inspector Review of Suggested Conditions Application JC and PB Comments
ID 13.52	PAG Ecology for S106 Discussions 15th January Parkside Inquiry
ID 13.53	PAG Phase 1 Closing Statement
ID 13.54	St Helens LPA Parkside Phase 1 Closing
ID 13.55	Parkside Regeneration Final Closing 15th January 2021
ID 13.56	Parkside Inquiry Conditions Agreed On Day 8 15th January 2021
ID 13.57	Heritage and Landscape Combined Commentary Revision A July 2019

## Appendix D

**CORE DOCUMENTS**

<https://www.sthelens.gov.uk/parksidedocuments>

<b>CD Ref</b>	<b>Document Title</b>
<b>National Planning Policy</b>	
CD 1.1	National Planning Policy Framework (2019)
<b>Development Plan</b>	
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)
<b>SPD/Guidance/Other Planning Documents</b>	
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
<b>Planning Application Documents (Parkside Phase 1)</b>	
CD 4.1	Application Forms, Certificates and Notices
CD 4.2	Cover Letter
CD 4.3	Addendum Cover Letter

CD 4.4	Further Information Cover Letter
CD 4.5	Planning & Regeneration Statement (includes Market Report)
CD 4.6	Alternative Sites Assessment
CD 4.7	Updated Alternative Sites Assessment (November 2018)
CD 4.8	Phase 1 Changes Plan
CD 4.9	Design and Access Statement 1 and Design and Access Statement 2
CD 4.10	Location Plan
CD 4.11	Phase 1 Boundary Plan
CD 4.12	Topographical Survey (4 plans) (no link)
CD 4.13	Constraints and Opportunities Plan
CD 4.14	Phase 1 Illustrative Masterplan
CD 4.15	Illustrative Masterplan (i.e. comprehensive Phase 1 and 2)
CD 4.16	Proposed Drainage Strategy
CD 4.17	Cut & Fill Analysis Phase I
CD 4.18	Proposed Finished Contour Levels Phase I
CD 4.19	Proposed Road Levels Phase I
CD 4.20	Overhead Electric Cable Sections
CD 4.21	Overhead Electric Cable Plan
CD 4.22	Overhead Electric Cable Section (no link)
CD 4.23	Illustrative Cross Sections Phase I
CD 4.24	Illustrative Cross Sections Section 3 Zoom Phase 1
CD 4.25	Newton Park Farm Sections Phase I
CD 4.26	Southern Boundary Sections 1 and Southern Boundary Sections 2
CD 4.27	Gallows Croft Boundary Section

CD 4.28	Location of Tree Preservation Order (TPO) and Local Wildlife Sites (LWS)
CD 4.29	Means of Access Plan
CD 4.30	Access Road Cross Section Plan Including Landscaping and Swale
CD 4.31	Phase 1 Parameter Plan Development Cells
CD 4.32	Phase 1 Parameter Plan Safeguarded Rail
CD 4.33	Phase 1 Parameter Plan Access & Circulation
CD 4.34	Phase 1 Parameter Plan Drainage
CD 4.35	Phase 1 Parameter Plan Utilities Corridors & Easements
CD 4.36	Phase 1 Parameter Plan Noise (Acoustic Considerations)
CD 4.37	Phase 1 Parameter Plan Green Infrastructure
CD 4.38	Phase 1 – Parameters
CD 4.39	Transport ((Also appended to Addendum to Environmental Statement Part 2, Paper 2 Addendum to Traffic and Transport))
CD 4.40	Flood Risk Assessment (Also Appended to ES Part 2, Paper 3 Addendum to Drainage and Flood Risk) – Part 1 and Part 2
CD 4.41	Drainage Strategy (Also Appended to ES Part 2, Paper 3 Addendum to Drainage and Flood Risk)
CD 4.42	Rail Letter - Effect of the proposed Parkside development on the provision of a SRFI on the East Parkside site
CD 4.43	Response on Rail Matters
CD 4.44	Construction Environmental Management Plan (also Appended to ES Part 1)
CD 4.45	Arboricultural Impact Assessment (JBA)
CD 4.46	Statement of Community Involvement
CD 4.47	Non-Technical Summary
CD 4.48	Environmental Statement Part 1

CD 4.49	<p>Environmental Statement Part 2:</p> <ul style="list-style-type: none"> <li>- Paper 1 Ground Conditions and Contamination (no link)</li> <li>- Paper 2 Traffic and Transport (no link)</li> <li>- Paper 3 Drainage and Flood Risk (no link)</li> <li>- Paper 4 LVIA (no link)</li> <li>- Paper 5 Ecology and Nature Conservation (Conversation 1, Conversation 2, Conversation 3, Conversation 4. Conversation 5, Conversation 6. Conversation 7. Conversation 8, Conversation 9, Conversation 10, Conversation 11, Conversation 12)</li> <li>- Paper 6 Socio Economic (no link)</li> <li>- Paper 7 Noise and Vibration</li> <li>- Paper 8 Air Quality and Dust</li> <li>- Paper 9 Cultural Heritage and Archaeology (Cultural Heritage 1. Cultural Heritage 2. Cultural Heritage 3)</li> <li>- Paper 10 Utilities (no link)</li> <li>- Paper 11 Waste (no link)</li> <li>- Paper 12 Energy (no link)</li> </ul>
CD 4.50	Addendum to Non-Technical Summary
CD 4.51	Addendum to Environmental Statement Part 1
CD 4.52	Addendum to Non-Technical Summary Addendum to Environmental Statement Part 1

CD 4.53	<p>Addendum to Environmental Statement Part 2:</p> <p>Paper 2 Addendum to Traffic and Transport</p> <p>Paper 3 Addendum to Drainage and Flood Risk</p> <p>Paper 4 Addendum to LVIA (no link)</p> <p>Paper 5 Addendum to Ecology and Nature Conservation (Conversation 1. Conversation 2. Conversation 3. Conversation 4. Ecological Report)</p> <p>Paper 7 Addendum to Noise and Vibration</p> <p>Paper 8 Addendum, to Air Quality and Dust</p> <p>Paper 9 Addendum to Cultural Heritage and Archaeology (Cultural Heritage and Archaeology 1. Cultural Heritage and Archaeology 2. Cultural Heritage and Archaeology 3. Cultural Heritage and Archaeology 4. Cultural Heritage and Archaeology, 5. Cultural Heritage and Archaeology 6</p>
CD 4.54	Transport Assessment (no link)
CD 4.55	Drainage Strategy (no link)
CD 4.56	Flood Risk Assessment (no link)
CD 4.57	Preliminary Geoenvironmental Assessment (including background reports) (no link)
CD 4.58	Updated Ecological Appraisal 2018
CD 4.59	Ecology Updated Desk Study 2018
CD 4.60	Ecological Survey Reports (PEA; Bat, Badger; Breeding Birds; Invertebrate; Reptiles; Amphibians, Junctions and PEA)
CD 4.61	Baseline Light Spill Assessment (no link)
CD 4.62	Light Spill Assessment

CD 4.63	Ecological Landscape Management Plan
CD 4.64	Geophysical Survey Report (no link)
CD 4.65	Assessment of the Battlefield of Winwick (no link)
CD 4.66	Photo Viewpoints and Photomontages (no link)
CD 4.67	ES Traffic and Transport Paper Addendum – November 2018 (no link)
CD 4.68	Response on Rail (no link)
CD 4.69	Technical Note - Preliminary Ecological Appraisal for the area of land proposed for mitigation (i.e. land off Hermitage Green Lane)
CD 4.70	Outline Ecological and Landscape Management Plan (to include the area of land proposed for mitigation) (update to the version included at Appendix 5.13 of the ES Addendum) to Ecology and Nature Conservation ES Technical Paper 5
CD 4.71	Junction Improvement Proposal Junction 2 – Delph Lane (Update (at request of Warrington Council) to version included within Transport Assessment) (no link)
CD 4.72	St Helens Council Planning Committee Report (17th December 2019) (link not working)
CD 4.73	The final Technical Note 1 from WSP dated the 29th November 2019
CD 4.74	Noise Policy Statement for England (NPSE)
CD 4.75	National Planning Practice Guidance (NPPG) Noise section
CD 4.76	Design Manual for Roads and Bridges (Highways England) Volume 11, Section 3, Part 7 (henceforth referred to as HD 213/11 (The Highways Agency et al, 2011))

CD 4.77	BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites
Traffic and Transport	
CD 4.78	Access Arrangements (Plan Ref B064334.000_501 C) and (Plan Ref TPMA1389402_B)
CD 4.79	SHMBC Scoping Opinion Response April 17
CD 4.80	Highways England Scoping Opinion Response April 17
CD 4.81	Travel Plan – January 2018
CD 4.82	Travel Plan Addendum – November 2018
CD 4.83	Travel Plan – 27 June 2019
CD 4.84	1st post submission response to SHMBC Highways (Ref: SHMBC HR1) 11th February 2019
CD 4.85	2nd post submission response to SHMBC Highways (Ref: SHMBC HR2) 1st July 2019
CD 4.86	3rd post submission response to SHMBC Highways – (Ref: SHMBC HR3) 9th August 2019
CD 4.87	4th post submission response to SHMBC Highways – (Ref: SHMBC HR4) 1st October 2019
CD 4.88	5 <sup>th</sup> post submission response to SHMBC Highways – (Ref: SHMBC HR5) 19 <sup>th</sup> November 2019
CD 4.89	1st post submission response to WBC Highways (Ref: WBC HR1 V01) 20th March 2019
CD 4.90	Updated 1 <sup>st</sup> post submission response to WBC Highways (Ref: WBC HR1 V04) 27 <sup>th</sup> June 2019 (no link)

CD 4.91	3rd post submission response to WBC Highways – (Ref: WBC HR3) 12th August 2019
CD 4.92	4th post submission response to WBC Highways – (Ref: WBC HR4) 16th September 2019
CD 4.93	5th post submission response to WBC Highways – (Ref: WBC HR5) 23rd September 2019
CD 4.94	1st post submission response to HE – (Ref: HE 12.02.19) 12th February 2019
CD 4.95	2nd post submission response to HE – (Ref: HE 08.04.19) 8th April 2019
CD 4.96	3rd post submission response to HE – (Ref: HE 12.07.19) 12th July 2019
CD 4.97	1st post submission response to WC Highways – (Ref: WC HR1) 23rd May 2019
CD 4.98	2nd post submission response to WC Highways – (Ref: WC HR2) 13th November 2019
CD 4.99	Warrington Borough Council Highways 1st Consultation Response 1st March 2019
CD 4.100	Wigan Council Highways Consultation Response 15th May 2019
CD 4.101	Wigan Council Highways 3rd Consultation Response 6th November 2019
CD 4.102	Final WBC Consultation Response 19th November 2019
CD 4.103	Final HE Consultation Response 15th November 2019
CD 4.104	Curtins Drawing 58211-CUR-00-XX-DRTP75002-P01 – Potential Pedestrian Crossings

CD 4.105	Mott MacDonald Technical Note 3rd December 2019
CD 4.106	Curtins Drawing 58211-CUR-00-XX-DRTP75001-P01 – Southworth Road Mitigation
CD 4.107	Road Safety Audits – Warrington (RSA WA2 Mitigation with Phase 1 Delph Lane. RSA WA3 Mitigation with Phase 1 Winwick Island. RSA WA4 Mitigation with Phase 1 Golbourne Give-Way. RSA WA4 Mitigation with Phase 1 Hollins Lane)
CD 4.108	Road Safety Audits – St Helens (RSA1 A49 Church Street Mill Lane Junction and RSA1 A49 Mill Lane Parkside Access Road Junction)
Ecology	
CD 4.109	Circular 06/2005: Biodiversity and Geological Conservation
CD 4.110	BS42020: Biodiversity (no link)
CD 4.111	CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester (no link)
CD 4.112	England Biodiversity Strategy Climate Change Adaptation Principles (Conserving biodiversity in a changing climate) (2008)
CD 4.113	Making Space for Nature (2010)
CD 4.114	The Natural Environment White Paper (2011)
CD 4.115	Biodiversity 2020: A strategy for England’s wildlife and ecosystem services (2011)
CD 4.116	The National Pollinator Strategy: for bees and other pollinators in England (2014)
CD 4.117	Birds of Conservation Concern 4 (BoCC) Report (2015) (no link)

CD 4.117.1	The Biodiversity Metric 2.0. User Guide. Natural England Joint Publication JP029, July 2019 (no link)
CD 4.117.2	The Biodiversity Metric 2.0. Technical Supplement. Natural England Joint Publication JP029. July 2019 (no link)
<b>Air Quality</b>	
CD 4.118	Department for Environment Food and Rural Affairs (Defra), Clean Air Strategy 2019
CD 4.119	Environmental Protection UK (EPUK) and Institute of Air Quality Management (IAQM) 'Land Use Planning and Development Control: Planning for Air Quality' (EPUK & IAQM, 2017) (no link)
CD 4.120	Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction' (IAQM, 2016) (no link)
CD 4.121	Local Air Quality Management (LAQM) Policy Guidance (PG16). (LAQM.PG(16)) (Department for Environment Food and Rural Affairs (Defra), 2016)
CD 4.122	Local Air Quality Management (LAQM) Technical Guidance (TG16). (LAQM.TG(16)) (Department for Environment Food and Rural Affairs (Defra), 2018)
CD 4.123	Air Quality Strategy for England, Scotland, Wales and Northern Ireland (AQS) (March 2011)
CD 4.124	DMRB LA 105 Air Quality (November 2019) (no link)
CD 4.125	Warrington Air Quality Action Plans (January 2011) (no link)
CD 4.126	Warrington Air Action Plan (2018)
CD 4.127	ES Addendum Technical Review - Acoustics and Air Quality, WSP Report Reference 70047403, 13 June 2019

CD 4.128	ES Addendum Technical Review - Acoustics and Air Quality, WSP Report Reference 70047403, 13 June 2019 - RPS AIR QUALITY RESPONSES 05/07/2019 on behalf of the Applicant
CD 4.129	St Helens Council 2019 Air Quality Annual Status Report (ASR), June 2019
CD 4.130	Air Quality Action Plan for St Helens Council, March 2013
Landscape and Visual Impact	
CD 4.131	Guidelines for Landscape and Visual Assessment 3 (no link)
CD 4.132	National Character Area 56 Lancashire Coal Measures
CD 4.133	National Character Area 60 Mersey Valley (no link)
CD 4.134	St Helens Landscape Character Assessment (2 Agricultural Moss & AM4 Highfield Moss) and St Helens Landscape Character Assessment Figure 8
CD 4.135	A Landscape Character Appraisal of Warrington 2007 (Undulating Enclosed Farmland, area 1c Winwick, Culcheth, Glazebrook and Rixton)
CD 4.136	A Landscape Character Assessment of Wigan 2009
CD 4.137	DMRB IAN 135/10 Landscape and Visual Effects Assessment (2010) (no link)
CD 4.138	DMRB LA 107 Landscape and Visual Effects (February 2020) (no link)
CD 4.139	Advice Note 01/2011: Photography and photomontage in landscape and visual assessment (2011) (no link)
CD 4.140	TGN 06/19 Visual Representation of Development Proposals (September 2019) (no link)
CD 4.141	Visual Representation of Windfarms, Version 2.1 (2014) (no link)

CD 4.142	Visual Representation of Windfarms, Version 2.2 (February 2017) (no link)
CD 4.143	Wigan Local Plan Core Strategy (2013) Policies CP 8, CP 9, CP 10, and CP 17
Heritage	
CD 4.144	Chartered Institute for Archaeologists, 2020 Standard and Guidance for Archaeological Field Evaluation
CD 4.145	Chartered Institute for Archaeologists, 2020 Standard and Guidance for Archaeological Geophysical Survey
CD 4.146	Chartered Institute for Archaeologists, 2020 Standard and Guidance for Historic Desk-Based Assessment
CD 4.147	Historic England, 2008 Conservation Principles Policy and Guidance
CD 4.148	Historic England, 2017 (2nd ed) The Setting of Heritage Assets – Historic Environment Good Practice Guide in Planning Note 3
CD 4.149	Ancient Monuments and Archaeological Areas Act (1979)
CD 4.150	Planning (Listed Buildings and Conservation Areas) Act (1990)
CD 4.151	DMRB HA 208/07 Cultural Heritage (2007)
CD 4.152	Chartered Institute for Archaeologists Code of Conduct (2019)
CD 4.153	Managing Significance in Decision-taking in the Historic Environment (GPA2) (2015)
CD 4.154	Managing Significance in Decision-taking in the Historic Environment (GPA2) (2015)
CD 1.455	Statements of Heritage Significance: Analysing Significance in Heritage Assets (2019)

Need and Demand	
CD 4.156	BPF - What Warehousing Where (no link)
CD 4.157	Tritax – ‘The Economic Contribution of Logistics in the Northern Powerhouse’ (no link)
CD 4.158	The British Property Federation Report “Delivering the Goods in 2020” (no link)
Planning	
CD 4.159	Economic Recovery Plan - Building Back Better (2020) (no link)
CD 4.160	Liverpool City Region Strategic Housing & Employment Land Market Assessment (SHELMA) (2018)
CD 4.161	Greater Manchester Spatial Framework - Note of Employment Land Needs for Greater Manchester (February 2020) (no link)
CD 4.162	Parkside Photographic Schedule
CD 4.163	Statement of Common Ground (relating to General Matters between St Helens Council & Parkside Regeneration LLP)
CD 4.164	Highways Statement of Common Ground between Mott MacDonald, St Helens Council and Curtins
CD 5.78	5.78 St Helens Economic Evidence Base Paper (September 2015)
CD 5.79	5.79 St Helens Employment Land Need Study (October 2015)
CD 5.80	5.80 St Helens Employment Land Need Study (October 2017)
CD 5.81	5.81 St Helens Employment Land Need Study - Addendum Report (January 2019)
CD 5.82	5.82 Liverpool City Region Areas of Search Assessment (August 2019)

CD 5.83	5.83 Liverpool City Region "Assessment of the Supply of Large Scale B8 Sites" (June 2018)
CD 5.84	5.84 Liverpool City Region Spatial Planning Statement of Common Ground (October 2019)
<b>Proofs of Evidence</b>	
CD 7.28	Appendices to Proof of Evidence: Alistair Baxter
CD 7.29	Proof of Evidence: Carl Taylor
CD 7.30	Appendices to Proof of Evidence: Alex Vogt
CD 7.31	Appendices to Proof of Evidence: Dave Rolinson
CD 7.32	Appendix 1 to Final Proof of Evidence: Carl Taylor
CD 7.33	Appendix 2 to Final Proof of Evidence: Carl Taylor
CD 7.34	Appendix 3 to Final Proof of Evidence: Carl Taylor
CD 7.35	Appendix 4 to Final Proof of Evidence: Carl Taylor
CD 7.36	Proof of Evidence: Alex Vogt
CD 7.37	Proof of Evidence: Alistair Baxter
CD 7.38	Proof of Evidence: Andrew Pexton
CD 7.39	Appendices to Final Proof of Evidence: Andrew Pexton
CD 7.40	Proof of Evidence: Dani Fiumicelli
CD 7.41	Proof of Evidence: Dave Rolinson
CD 7.42	Proof of Evidence: Jim MacQueen
CD 7.43	Proof of Evidence: John Drabble
CD 7.44	Gateley Legal banner

CD 7.51	Topic Statement: Air Quality - Parkside Phase 1
CD 7.52	Topic Statement: Ecology and Biodiversity - Parkside Phase 1
CD 7.53	Topic Statement: Noise and Disturbance - Parkside Phase 1
CD 7.54	Topic Statement: Visual Amenity, Landscape Impact, Design & Appearance - Parkside Phase 1
CD 7.55	Topic Statement: Flood Risk & Drainage - Parkside Phase 1
CD 7.56	Topic Statement: Contaminated Land & Stability - Parkside Phase 1
CD 7.57	Topic Statement: Climate Change - Parkside Phase 1
CD 7.66	Proof of Evidence: Anthony Meulman
CD 7.67	Proof of Evidence: Anthony Meulman - Summary
CD 7.68	Appendices to Proof of Evidence: Anthony Meulman
CD 7.77	Parkside Action Group Written Statement - Traffic and Transport
CD 7.78	Parkside Action Group Written Statement - Air Quality
CD 7.79	Parkside Action Group Written Statement - Community Impacts
CD 7.80	Parkside Action Group Written Statement - Strategic Rail Freight Terminal Proposition and Viability
CD 7.81	Parkside Action Group Written Statement - Heritage Assets & Registered Battlefield
CD 7.82	Parkside Action Group Written Statement on Best & Most Versatile Agricultural Land - Rev 11
CD	7.83 Parkside Action Group Written Statement on Best & Most Versatile Agricultural Land - Rev 10
CD	7.84 Parkside Action Group Core Documents

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CD 7.85	Parkside Action Group Evidence Submission - Covering Letter
CD 7.86	Parkside Action Group Opening Statement
CD 7.87	Parkside Action Group Proof of Evidence Summary: Climate Change
CD 7.88	Parkside Action Group Proof of Evidence Summary: Ecology
CD 7.89	Parkside Action Group Proof of Evidence: Climate Change
CD 7.90	Parkside Action Group Proof of Evidence: Ecology
CD 7.91	Parkside Action Group Proof of Evidence: Economy & Employment Land Supply
CD 7.92	Parkside Action Group Proof of Evidence: Green Belt
CD 7.93	Parkside Action Technical Paper: Cumulative Effects
CD 7.94	Parkside Action Technical Paper: Landscape and Visual Impact Assessment
CD 7.95	Parkside Action Group Review Note 1: Traffic Generation



# Ministry of Housing, Communities & Local Government

[www.gov.uk/mhclg](http://www.gov.uk/mhclg)

## 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.