

Briefing

Haydock Point

December 2020

AMENDMENTS TO APPEAL PROPOSALS

PLANNING INSPECTORATE APPEAL REF: APP/H4315/W/20/3256871 – PROPOSED DEVELOPMENT AT HAYDOCK POINT, LAND AT A580 EAST LANCASHIRE ROAD / A49 LODGE LANE, HAYDOCK, ST HELENS

Introduction

1. Peel L&P Developments Ltd (“the appellant”), is hosting a consultation exercise on a series of design amendments relating to the proposed development at Haydock Point, St Helens. The proposed development is currently subject to an appeal against St Helens Borough Council’s failure to determine an outline application for the development in statutory timeframes (St Helens Borough Council reference: P/2017/0254/OUP and appeal reference: APP/H4315/W/20/3256871).
2. The appellant is seeking planning permission for the following form of development:

“Outline Planning application with all matters other than access reserved for the development of the site for up to 167,225m² of B8/B2 (up to 20% B2 floor space), ancillary office and associated site facilities floor space, car parking, landscaping, site profiling, transport, drainage and utilities infrastructure.”
3. The appeal was made to the Secretary of State for Housing, Communities and Local Government on 29th July 2020. The appeal will be heard by way of an Inquiry scheduled to commence on 9 February 2021. Part of the reasoning for the appellant launching an appeal was because of the prospect of any resolution to grant permission being the subject of a ‘call in’ direction by the Secretary of State, notwithstanding that the Appellant had hoped that there would have been local support for the proposals from the Council. This followed the Secretary of State’s decision to simultaneously call in three other schemes for major logistics proposals in the Green Belt in St Helens, Wigan and Bolton.
4. The appeal scheme was considered by the St Helens Planning Committee on 24th November in order to decide what position it would have taken with respect to the application had the Council remained the determining authority. The planning officers recommended that the application should be supported. In the event, the Planning Committee resolved that they would have refused the application for the following reason :

There would be landscape and visual harm caused to the character and appearance of the area that outweighs the economic benefits including jobs and investment in the planning balance. Very special circumstances do not exist to outweigh the harm to the Green Belt. The development would be contrary to saved policy GB1 of the St Helens Unitary Development Plan and paragraphs 143 and

144 of the National Planning Policy Framework which states that when considering any planning application, local planning authorities should ensure substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations.

5. Given the nature of the putative reason for refusal, the Appellant's professional advisors have been asked to re-assess the scheme and consider whether any mitigation or other amendments could be made to the scheme which would go some way to addressing the reason for refusal.

Proposed Amendments

6. Following a review of the scheme, certain amendments have been made to the Parameter Plan and the Green Infrastructure Mitigation Plan, which will form the basis of the planning permission have been devised, which are principally aimed at strengthening and widening the woodland belts around the site (to extend the Haydock Park Woodlands) along with the introduction of bunding to selected areas of structural landscaping within the site. The proposed changes aim to improve the woodland setting of the development and reduce its visual prominence from the northwest and south. The changes also involve a small reduction in the scale of the development parcels within which the proposed main logistics and manufacturing buildings can be constructed in accordance with the proposed parameters. The means of access to the site, access strategy, general arrangement of the development, total floorspace and height parameters of the development are unchanged. The reduction in the maximum building parameters does not result in a reduction in the maximum level of floorspace for which the permission is sought because the floorspace can be re-provided in another form within the scheme (such as additional mezzanine space within the buildings).
7. Presented alongside this Briefing Note is a revised **Parameters Plan (reference 30926-FE-008A5)** and revised **Green Infrastructure Mitigation Plan (reference 30926-FE-027T)** which will be used to determine the appeal and will be referenced on any positive decision notice. None of the other plans proposed for approval and which would be conditioned on the outline permission are affected by these changes.
8. The appended revised **Illustrative Masterplan (30926-FE-042T)** reflects these changes but is illustrative only and will not form the basis of any planning permission. The Illustrative Masterplan is provided to indicate how the site could come forward in the context of the parameters proposed.
9. A written explanation of the scheme amendments are provided below and should be read alongside the updated plans:

Parameters Plan reference 30926-FE-008A5 (to supersede 30926-FE-008A2)

- Landscape zone increased, particularly to the south by approx. 15m and southwest by approx. 15m
- Development parcel reduced/ vertical no build zone increased to northern boundary of Unit 1 by approx. 32m
- Development parcel reduced/ vertical no build zone increased to southern boundary of Units 2 & 3 by approx. 35m

- Development parcel reduced to north of Unit 3 to enable additional structural landscape by approx. 22m
- Increased greening alongside A49 route
- Overall internal floor area remains unchanged through greater use of mezzanines
- Access points remain unchanged

GI Mitigation Plan reference 30926 – FE-027T (to supersede 30926-FE-027E)

- Structural woodland planting increased along each boundary with the addition of bunding at a maximum height of 5m where appropriate to assist with screening of the units.
- Additional structural planting alongside the diverted A49 to provide a green corridor.
- Swale in south-western corner moved to achieve increased structural woodland planting on the south-west corner of the site.

10. The proposed amendments do not change the substance of the scheme considered by the Council's Planning Committee on 24th November. As noted, changes are principally limited to the landscape and green infrastructure strategy for the development, with a limited reduction of the extent of developable areas within the site.

11. No changes to the overall and amount of development are proposed.

Assessment of impact on judgements within the Environmental Statement (including Environmental Statement Addendum 1 and Environmental Statement Addendum 2)

12. The appellant's design and environmental consultants have reviewed the proposed amendments and confirmed that the Environmental Statement submitted as part of the application remains valid and the judgements contained therein are unaffected by the amendments. These are addressed in turn below:

- **Socio-economics** – confirmation from Turley Economics concludes that the proposed changes will not affect the judgements reached in this topic area within the Environmental Statement. The amount of floorspace proposed remains the same and therefore the estimates around expenditure during construction and benefits during operation remain up to date.
- **Transport** – Vectos have confirmed that as the maximum floor area and points of access remain unchanged the proposed changes will not affect the judgements reached in this topic area within the Environmental Statement.
- **Ecology** – TEP have confirmed that there will be no effect on the judgements reached in this topic area within the Environmental Statement. The judgement in relation to trees and woodland remains the same; a significant positive residual benefit, and the amendments retain the ecological corridor through the site and retains the required water vole protection measures.

- **Archaeology** – TEP have confirmed that the proposed changes will not affect the judgements reached in this topic area within the Environmental Statement and the conclusions remain valid.
- **Landscape and Visual Effects** – TEP have confirmed that there would be no greater effects on the judgements made in the Environmental Statement (including Environmental Statement Addendum 1 and Environmental Statement Addendum 2) in relation to landscape and views as a result of the changes to the Parameter Plan (Ref 30926-FE-008A5) and GI Mitigation plan (Ref 30926 – FE-027T). TEP confirm that the proposed changes are beneficial amendments in relation to landscape and views.

The revised Parameter Plan increases the landscape buffer zones to the south, south west and north to accommodate more woodland and structural planting and it also incorporates smoothly contoured bunding to increase the levels of the areas to be planted. It also reduces the vertical no-build zones to the southern boundary of proposed Units 2 and 3 and the northern boundary of the proposed Unit 1. The floor areas and access points will remain the same. This increase in space available to implement a landscape scheme and the reduction in the development zone will be beneficial in landscape and visual terms as it allows for the proposed development to be set within a more comprehensive landscape scheme.

TEP have reviewed the judgements in the Landscape and Visual Effects Environmental Statement chapter and in the accompanying visual assessment tables (Appendix 10.2 of the Environmental Statement) and confirmed that the judgements originally made will not alter as a result of the proposed changes. The proposed bunding within the landscape areas will assist in reducing views to the lower elevations of the development ‘at completion’ before the planting establishes, and as the woodland planting matures it will screen more of the development and will assist in integrating the development into the surrounding landscape. The proposed changes are beneficial as the broader areas of woodland planting to the outward edges of the development area combined with mounding will provide greater screening ability particularly for the closest receptors where a higher significance of effect was reported. The effects reported in the original assessments including the residual effects at 15 years would not however reduce from one category of effect to a lower category albeit there is an acknowledged improvement in the development proposals.

- **Air Quality** – Miller Goodall have confirmed that as the floorspace remains the same and the traffic generation figures aren’t changed, there will be no material effect on the judgements reached in this topic area within the Environmental Statement.
- **Noise and Vibration** – Resound Acoustics have confirmed that as the floorspace remains the same and the traffic generation figures aren’t changed, there will be no material effect on the judgements reached in this topic area within the Environmental Statement.
- **Geology, Soils and Contamination** - Shepherd Gilmour have confirmed that the proposed changes will not adversely affect the judgements reached in this topic area and the conclusions of the Environmental Statement remain valid.

- **Water Environment** – Shepherd Gilmour have confirmed that the judgements reached in the Environmental Statement in this topic area remain unchanged as all proposed mitigation can still be implemented in accordance with the scheme as set out in the Flood Risk Assessment. It's worth clarifying that the drainage strategy is not submitted for determination at this stage. The submission of a final Drainage Strategy will be required as part of any future reserved matters application.
13. It is therefore clear that the judgements within the submitted and previously consulted on Environmental Statement remain unaffected by the proposals.
 14. Having regard to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 there is no requirement to submit further Environmental Statement evidence as a result of the proposed changes.

Consultation

15. The Wheatcroft principle states that amendments may be made to a scheme where those changes do not result in a development which is different in substance from that for which the original application was made. Further, changes should not be allowed where they would change the development so much that to grant permission would deprive those who should have been consulted on the changed development of the opportunity of such consultation. It is clear from the explanation above that the changes now under consideration satisfy the principles laid down in the Wheatcroft case.
16. St Helens Borough Council and the Planning Inspectorate have been notified of the proposed changes to the development and the appellant's intention to undertake consultation. The Planning Inspector appointed to the appeal agreed (by letter dated 17 December 2020) that the proposed changes do not result in a development which would significantly differ from those on which the appeal was made in July 2020. The proposed changes to the scheme have been accepted by the Inspector for the purposes of the determination of the appeal and the appellant has been directed to undertake a four week consultation on the changes.
17. The period of consultation on the proposed changes commences on 24 December 2020 and close on 21 January 2021. Any comments received during this time will be shared with the Planning Inspectorate and St Helens Borough Council as part of the appeal process.
18. Please submit comments via one of the following methods:
 - **Online feedback form:** www.haydockpoint.co.uk
 - **Email:** haydockpoint@havingyoursay.co.uk,
 - **Phone:** Community Information Line 0844 566 3002 (weekdays 9.00am – 5.30pm)
 - **Post:** Haydock Point c/o Lexington Communications, Third Floor, Queens House, Queen Street, Manchester, M2 5HT

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