



CABINET

23 September 2020

Report Title	Local Plan
Cabinet Portfolio	Economic Regeneration & Housing
Cabinet Member	Councillor Richard McCauley
Exempt Report?	No
Reason for Exemption	Open
Key Decision	Yes
Public Notice issued	General Exception issued
Wards Affected	All Wards
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Borough priorities Please mark X for any priority supported by this report NB Use Section 4 - Background Information to explain how each selected priority is supported	Ensure children and young people have a positive start in life	
	Promote good health, independence and care across our communities	x
	Create safe and strong communities for our residents	x
	Support a strong, diverse and well-connected local economy	x
	Create a green, thriving and vibrant place to be proud of	x
	Be a modern, efficient and effective Council	

1. Summary

- 1.1 At the meeting on the 6th March 2020, Cabinet resolved to delay submission of the St Helens Local Plan Submission Draft (2019) to consider the land use planning implications of entering into a strategic partnership with English Cities Fund (ECF). Whilst ECF have ambitious plans, there is not enough evidence at this point that submission of the Local Plan be delayed.
- 1.2 The Local Development Scheme (LDS) is required to set out the development plan documents that the Council intends to produce and a timescale for their preparation. If Cabinet resolves to submit the Local Plan, it is recommended that the LDS be updated and brought into effect to reflect the timescale.

2. Recommendations for Decision

Cabinet is recommended to:

- i) Submit the St Helens Borough Local Plan Submission Draft (2019) as per the resolution of Council at the meeting held on the 19th December 2018; and
- ii) Bring the Local Development Scheme July 2020 (at appendix two) into immediate effect.

3. Purpose of this Report

- 3.1 To consider the outcome of discussions with the ECF within the context of the Local Plan, as per the resolution of Cabinet at the meeting held on the 6th March 2020.
- 3.2 To set out changes to the local development scheme to reflect the submission timescale for the St Helens Local Plan Submission Draft (2019).

4. Background/Reasons for the recommendations

Actions to Date

- 4.1 The National Planning Policy Framework states that the planning system should be plan led. The local plan is a positive vision of the future that addresses housing need and other

economic, social and environmental priorities. It sets out future development needs and aspirations and how we will protect and enhance important assets such as parks and open spaces.

4.2 At the meeting held on the 19th December 2018, the Council resolved:

- That the 'submission draft' version of the St Helens Borough Local Plan: 2020-2035 be approved;
- That the Plan be published with its supporting documents in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended);
- That the Plan and all relevant supporting documents be submitted, after the end of the publication period, to the Government in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended);
- That the Strategic Director, Place Services be authorised to make any necessary minor editorial changes to the Plan and supporting documents before they are published and/or submitted in accordance with recommendations above, with any substantive changes to the Plan to be agreed in consultation with the Cabinet Member - Balanced Development, Housing and Economic Opportunity; and
- That the St Helens Local Development Scheme 2018 be brought into effect from 1 January 2019.

4.3 The Council published the plan and supporting documents in January 2019. Officers have been analysing the responses as well as preparing background documents to support the submission of the plan.

4.4 At the meeting held on the 6th March 2020, Cabinet resolved to delay submission of the Local Plan in order to determine the land use planning implications of entering into a strategic partnership with ECF. Following this, officers were asked to report to Cabinet with recommendations as to how to go forward.

4.5 Unfortunately, the coronavirus crisis delayed a report coming back to Cabinet in the summer, but this report now sets out the outcome of the discussion and recommends how to proceed.

Discussions with ECF

4.6 Following the Cabinet resolution, officers facilitated a discussion with ECF. ECF is in the process of developing plans for St Helens town centre, they are confident that a mix of uses will be brought forward over the local plan period. In terms of housing development, recognising we are still in the very early stages of the partnership, it is anticipated that in the region of 400 dwellings could be delivered in the town centre. The majority of these would be built from 2030 onwards, with almost 50% of the units being in 2034 and 2035.

4.7 In addition, whilst ECF have ambitions to develop across the Borough, they were explicit that it is too early to come forward with any other meaningful plans at this stage.

4.8 The housing requirement for St Helens is 486 net additional dwellings per year. The number of units proposed in St Helens Town Centre, at 400, is relatively small and less than a years' worth of housing against the plan requirements. Over the plan period, it is anticipated that Town centre development would contribute an average of approximately 25 units per year. The Local Plan identifies a windfall allowance of 93 dwellings per year, therefore the development of St Helens Town Centre has in general terms already been accommodated and in fact will help to ensure that the windfall allowance is delivered.

- 4.9 ECF has not provided any evidence as to the deliverability of the scheme, simply because they are in the early stages of the project. There has not been time to work up the required level of detail to inform the plan that a scheme is both viable and deliverable. This would be looked at very closely by an Inspector at examination particularly if a site currently located in the Green Belt were dropped in favour of allocating land in the town centre. The Council would also face significant challenge by a dropped Green Belt site promoter.
- 4.10 As stated, approximately half of the residential units are anticipated to be delivered in the final phase, during the last two years of the plan period. Even a small amount of slippage in delivery rates would push delivery of the site beyond the plan period.
- 4.11 If the Council were to review the plan considering the above, it would need to be informed by all evidence. This would inevitably cause further delay. The risks associated with this delay could include; the potential for developers to submit planning applications and challenge our five year housing land supply; the plan strategy being undermined as the evidence becomes outdated; the potential for Government intervention, or fundamental change of national planning policy.
- 4.12 On the basis of the risks highlighted in the paragraph above, it is recommended that the Council submit the plan in its current form. It is, of course, appropriate to reference the partnership in the document, this could be achieved through modifications and agreed via delegated authority granted to the Executive Director Place and Portfolio Holder for Economic Development and Housing as per the decision by Council on the 19th December 2018. The suggested, draft modifications to the relevant policies and reasoned justification is attached at appendix three. Changes are also recommended to reference the Town Deal and coronavirus pandemic.

Local Development Scheme

- 4.13 Section 15 of the Planning and Compulsory Purchase Act (2004) (as amended) requires local planning authorities to prepare and maintain a document known as a Local Development Scheme (LDS). Amongst other matters, an LDS must specify the development plan documents to be produced and the timetable for their preparation. Legislation requires the Council to make information available showing the state of the authority's compliance (or non-compliance) with the timetable in the LDS.
- 4.14 The most up-to-date LDS must be provided when the Local Plan is submitted for examination, and the appointed Inspector will consider whether the Local Plan has been prepared in accordance with the timetable set out within it. The current LDS (December 2018) anticipated submission of the Local Plan to the Secretary of State in July 2019, so is now out of date. Therefore, an updated LDS has been prepared to supersede the current 2018 version, and in summary, it anticipates submission of the new Local Plan in October 2020, followed by Examination and then adoption by the end of 2021.
- 4.15 Should Members agree to submit the Plan, it is also recommended that the updated LDS (Appendix Two) be agreed to reflect this, to ensure that the submission date of the Plan aligns with the latest agreed LDS.

5. Community Impact Assessment

- 5.1 A Community Impact Assessment (CIA) was prepared when the Local Plan was considered at the Cabinet/Council meetings in December 2018. The CIA has been updated within the context of the most up to date template for this report.
- 5.2 The CIA identifies that the the Local Plan contains a comprehensive range of policies which aim to improve quality of life in St Helens. For example, policy LPA11 states that the Council will work with its health and wellbeing partners to promote public health principles, maximise opportunities for people to lead healthy and active lifestyles, and reduce health inequalities for residents within the Borough. The Council will use its planning powers to:
- Encourage improved access to a choice of homes and jobs that meet the needs of the area;
 - Ensure the provision of easy-to-maintain, safe and attractive public areas and green spaces to serve new development which minimise the opportunity for and fear of crime and which promote social cohesion and mental wellbeing;
 - Encourage people to be physically active by providing opportunities for walking, cycling, outdoor recreation and sport, including, where appropriate, the provision of opportunities for physical activity within the design of new development;
 - guide the location of food and drink uses such as hot food takeaways,
 - drinking establishments, restaurants, cafes and other uses which may have negative health impacts having regard to their impact on other land uses in the local area;
 - maximise the levels of accessibility between homes, educational establishments, jobs, public transport services, health and other services, recreational opportunities and community, cultural and leisure facilities;
 - Encourage measures to achieve affordable warmth;
 - Promote active design principles as established by Sport England; and
 - Manage air quality and pollution.

6. Consideration of Alternatives

- 6.1 There is a legal requirement for an up to date local plan to be in place. In developing the St Helens Borough Local Plan Submission Draft, officers have refined a range of options set out in the St Helens Local Plan Preferred Options 2016. This process has taken account of up-to-date evidence, the outcomes of the consultation on the Preferred Options and the requirements of national planning policy .A sustainability appraisal has been undertaken which has robustly assessed the emerging Plan (including alternative policy approaches and sites) against a range of economic, social and environmental objectives. Having regard to all these factors, a number of adjustments have been made to the Plan. These are summarised in section 2 of the report to Cabinet/Council considered at the meetings in December 2018. The report is attached at appendix one.

7. Conclusions

- 7.1 Cabinet resolved to delay submission of the Local Plan in order to consider the land use implications of entering into a strategic partnership with ECF. Whilst ECF has ambitious plans for St Helens Borough, there is not enough evidence that submission of the Local Plan should be delayed to take account of the proposals at this time. In order to progress and minimize risk, it is recommended that the Local Plan Submission Draft be submitted and that an updated LDS be brought into effect to reflect the change in timescale.

8. Implications

- 8.1 Legal Implications - It is a legal requirement to have an up to date Local Plan in place and to keep it under review. The plan must meet 'soundness' tests set out in the National Planning Policy Framework, including the need to accommodate objectively assessed need for development. The Government has the right to intervene where there is not an up to date Local Plan and there is a lack of progress to put one in place. The Plan must also satisfy other legal requirements such as the 'duty to cooperate' with neighbouring authorities and other public bodies.
- 8.2 Community Impact Assessment (CIA) Implications
- 8.2.1 Social Value – The Local Plan will provide opportunities for new employment and housing for all areas of the community. Protection, enhancement and provision of green spaces is a key priority and goes to the heart of the physical and mental health and well-being of residents.
- 8.2.2 Sustainability and Environment - The Local Plan will determine the future need and pattern of development for St Helens Borough. This will include identifying land for housing and employment. It will also help to deliver much needed affordable and specialist housing. The Local Plan will ensure that important assets such as parks and open spaces, biodiversity and the historic environment are protected and enhanced. It will also assist in the delivery of the new plans for the town centres and encouraging green growth in the Borough.
- 8.2.3 Health and Wellbeing – The nature of the physical environment is known to have an impact on the health and well being of residents. Adoption of the Local Plan will drive a sustained and effective programme of regeneration across St Helens Borough. There is therefore significant potential to contribute to the health and well-being outcomes. Policy LPA11 'Health and Wellbeing' sets out criteria to ensure that new development protects or enhances health and wellbeing. For example, this includes the provision of safe and attractive green spaces; designing out crime; providing opportunities for physical activity within new development; and controlling the location of hot food takeaways.
- 8.2.4 Equality and Human Rights - The CIA identifies that the Plan would bring a range of benefits to the community, for example by balancing the needs for new development with the need to preserve and enhance the environment. No adverse impacts on specific population groups, identified by reference to the protected characteristics set by the Equalities Act 2010 (for example race, disability, gender, age, sexual orientation, religion) have been identified. The Plan will also have specific benefits for some groups. For example, by allocating sites for use by gypsies and travellers the Plan will help to meet their specific needs. In addition, the policies concerning housing mix will ensure that some housing is designed or can be readily adapted to meet the needs of the less mobile and older age groups.
- 8.3 Customer and Residents – The plan will provide certainty as to how St Helens Borough will develop over the next 25 years. The plan will assist in the Council's aims for economic growth by making land available for new development to provide a wider range of job opportunities and housing, including affordable housing and a wider housing mix.
- 8.4 Asset and Property – The Council has an ownership interest in all or part of 4 of the sites proposed for housing allocation in the 'submission draft' version of the Plan. The Plan will also, through its role as part of the statutory 'development plan', guide the future development and use of all Council-owned buildings and sites in the Borough.

- 8.5 Staffing and Human Resource - Appropriate human resources are required to take the local plan forward and to participate in the Examination in Public Hearings
- 8.6 Risks – The risks associated with the decision are as follows:
- 8.6.1 *Risk of Government intervention* - The Government requires that local plans must be reviewed as quickly as possible and that it will use statutory powers to intervene where Councils fail to make sufficient progress in this regard. This means that the Government could take over the process of preparing the Plan if it is not progressed sufficiently quickly. The Council would lose control of the process in such circumstances. It is important to progress the plan expediently to minimise any risk of intervention.
- 8.6.2 *The need to provide certainty for local communities* - Significant elements of the adopted development plan in St Helens are over 5 years old and/or are out of date. Progressing the local plan within an appropriate timescale is necessary to provide clarity to local communities and developers about where new homes and employment buildings should be located. This is so that development is planned rather than the result of speculative planning applications.
- 8.6.3 *Reputational risk and volume of responses to public consultation* – Consultation for the preferred options and submission versions of the plan has given rise to a considerable public response. The issue of Green Belt release, in particular, continues to be controversial. It is important that there is effective communication with the public and other stakeholders. This should ensure that people understand how they may engage with the remainder of the process leading up to adoption of the plan.
- 8.6.4 *Changes to planning legislation and policy* - The national planning policy situation (for example in relation to the method by which housing needs are calculated) remains changeable. It will be necessary to address any changes to national policy or legislation as the Plan moves through its remaining stages.
- 8.6.5 *Changes to evidence base* - Any further changes which take place to the evidence that underpins the Plan (for example in relation to housing or employment needs or land supply) will need to be taken into account as the Plan progresses. If the plan does not move forward, the evidence base will also become out of date and will need to be reviewed and updated. This may cause even further delay.
- 8.6.6 *Infrastructure*: The level of development proposed would generate extra demands on existing infrastructure (e.g. transport, schools, health services, utilities, green infrastructure and recreational facilities). There are also likely to be circumstances in which new infrastructure is required. Whilst substantial work has been undertaken to ensure that the delivery of the Plan proposals would be supported by suitable infrastructure, there will be a need for on-going engagement with infrastructure providers as the Plan is implemented to monitor progress in relation to this issue
- 8.7 Finance - The forthcoming stages of the Local Plan, particularly the examination in public, will require appropriate funding. Delegated Executive Decision 0034 2019/20 approved the necessary budgetary provision.
- 8.8 Policy Framework – Once adopted, the Local Plan will be the development plan for St Helens and will be a key element of the Council's policy framework. The Plan will replace some elements of the current 'development plan', namely the St Helens Core Strategy 2012 and the 'saved' policies of the St Helens Unitary Development Plan 1998.

9. Background Papers

9.1 The following documents are relevant:

- St Helens Borough Local Plan 2020-2035 Submission Draft (2019)
- St Helens Borough Local Plan Policies Map (2019)
- St Helens Borough Local Plan 2020-2035 Submission Draft Sustainability Appraisal (2019)
- St Helens Borough Local Plan 2020-2035 Preferred Options Report of Consultation (2018)
- St Helens Borough Local Plan 2020-2035 Submission Draft Habitats Regulations Assessment (2018)
- St Helens Borough Local Plan 2020-2035 Green Belt Review (2018)

10. Appendices

10.1	Appendix One	Report to Cabinet 12 th December/Council 19 th December 2018
	Appendix Two	Proposed Development Scheme
	Appendix Three	Suggested modifications