



Department for Levelling Up,  
Housing & Communities

Mr John Sherward  
St Helens Metropolitan Borough Council  
Wesley House  
Corporation Street  
St Helens  
WA10 1HF

Our ref: APP/H4315/V/20/3253230 &  
APP/M0655/V/20/3253232  
Your ref: P/2018/0249/FUL &  
2018/32514

11 November 2021

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77  
APPLICATION MADE BY ST HELENS METROPOLITAN BOROUGH COUNCIL  
LAND BETWEEN A49 WINWICK ROAD AND A573 PARKSIDE ROAD, INCLUDING A  
PROPORTION OF THE FORMER PARKSIDE COLLIERY SITE AND LAND FROM THE  
A573 PARKSIDE ROAD TO A579 WINWICK LANE CONNECTING TO M6 JUNCTION 22  
APPLICATION REF: P/2018/0249 & 2018/32514**

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 application for planning permission reference P/2018/0249/FUL & 2018/32514 dated 23 March 2018 for:
  - A single carriageway link road between A49 Winwick Road (WA12 8EF) and A573 Parkside Road; at each location a signalised junction will be formed. The road then utilises the existing A573 Parkside Road to cross the M6 (via existing overbridge) before realigning Parkside Road to a new roundabout before heading east to A579 Winwick Lane to a newly formed roundabout. The section of carriageway from the new Winwick Lane roundabout and the M6 Junction 22 will be a dual carriageway. The A573 and A579 will be realigned to the new roundabouts.
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 applications be referred to him instead of being dealt with by the local planning authorities.
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 Phase 1 development 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 Unilateral Undertaking.
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 both planning permissions. 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) which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Having taken account of the Inspectors' comments at IR1.13-1.15, 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 plans consist of the adopted St Helens Core Strategy 2012 (CS), the St Helens Unitary Development Plan 1998 (the UDP) (Saved Policies) and the adopted Warrington Local Plan Core Strategy 2014 (WCS). The Secretary of State considers that relevant development plan policies in the CS and the UDP include those set out at IR4.19-4.28. He considers that the relevant development plan policies in the WCS include that set out at IR4.29-4.31.
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').

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 plans comprise the St Helens Borough Local Plan 2020-2035 Submission Draft 2019 (the eLP) and the Warrington Proposed Submission Version Local Plan 2017-2037 March 2019 (IR4.32-4.40).

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 IR4.39 the Secretary of State considers that the policies in the eLP carry little weight due to the eLP being the subject of a significant number of objections. However, the Secretary of State agrees with the Inspectors for the reasons given at IR4.33-4.38 & IR4.39, 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. In respect of the Warrington Proposed Submission Plan, the Secretary of State agrees with the Inspectors' reasons given at IR4.40 that the plan is not at a stage where material weight can be attached to it in the determination of this application (IR4.40).

### **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 about the most important policies for determining the application. 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. Overall, the Secretary of State agrees for the reasons at IR12.4-12.6 that notwithstanding that Policy CAS 3.2 is out-of-date in terms of its locational requirements for the SRFI, for the reasons given at IR12.7-12.8 the PLR application is not in conflict with Policy CAS 3.2 and accordingly, it is compliance with Policy GB1/GB2 that will prove determinative in this case.

### **Green Belt**

#### *Inappropriate Development*

18. The Secretary of State agrees for the reasons given at IR12.9 that the PLR would be 'not inappropriate' under Framework paragraph 150 b) and c) provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. As such, he agrees with the Inspectors in considering the effects of the development on openness and purposes before concluding on inappropriateness.

### *Openness*

19. The Secretary of State agrees for the reasons given at IR12.10-12.11 that the PLR would cause harm to the visual and spatial dimensions of openness, but that the harm to openness of the western section of the PLR would be strictly limited. He also agrees for the reasons given at IR12.12 that the impact of the PLR on the land to the east of the colliery would be initially significant, reducing over time to moderate as the landscape mitigation matures, and that the visual harm would not be significant.
20. The Secretary of State agrees for the reasons given at IR12.13 that any alternative location for the PLR is likely to result in greater harm to openness.

### *Green Belt Purposes*

21. The Secretary of State agrees with the Inspectors at IR12.14 that the PLR would not harm the Green Belt purpose b) of preventing neighbouring towns merging into one another and similarly purpose d) preserving the special character of an historic town or purpose e) of assisting urban regeneration.
22. For the reasons given at IR12.15, the Secretary of State agrees with the Inspectors that in respect of purpose a) checking the unrestricted sprawl of large built-up areas, the PLR would not result in the merging of settlements Newton le Willows, Hermitage Green and Winwick.
23. For the reasons given at IR12.16, he further agrees that there would be harm to purpose c) of Framework paragraph 138 'safeguarding the countryside from encroachment', primarily from the eastern section of the PLR.

### *Green Belt Conclusion*

24. For the reasons given at IR12.17 the Secretary of State agrees with the Inspectors' conclusions that the development would cause moderate harm to openness and Green Belt purpose c) and would not therefore benefit from the exemption under NPPF 146 b) and c) and would, by definition, be inappropriate development in the Green Belt. He agrees that collectively, these harms carry substantial weight in the overall Green Belt balance in accordance with paragraph 148 of the Framework.

### ***Economic Considerations***

25. For the reasons given at IR12.19, the Secretary of State agrees with the Inspectors that there is a demonstrable national policy support for the storage and distribution operations in suitably accessible locations. He further agrees for the reasons at IR12.21 that it is not disputed that the Parkside Phase 2 and 3 cannot come forward without the PLR. Furthermore, the economic evidence supporting the PLR is inextricably linked with the need for the wider Parkside development for which there is a compelling need as evidenced in the eLP evidence base (IR12.21).
26. The Secretary of State agrees, for the reasons given at IR12.19-12.25, with the Inspectors at IR12.25 that overall, there is compelling policy support for the PLR at a local, regional and national level.

## **Highways**

27. The Secretary of State agrees with the Inspectors' analysis of transport evidence at IR12.26-12.35. Overall, he agrees with the Inspectors' conclusions at IR12.34 that there is no credible evidence to suggest the scheme would result in any 'severe' impacts in conflict with paragraph 111 of the Framework and accordingly the PLR would be compliant with local and national transport policy. The Secretary of State considers the highway benefits identified at IR12.35 weigh in favour of the application and agrees with the Inspectors (IR12.112) that when considered alongside the other ecological benefits, they attract moderate weight.

## **Environmental Considerations**

### *Landscape and Visual Effects*

28. Overall, the Secretary of State agrees for the reasons given at IR12.36-12.42 with the Inspectors' conclusions at IR12.42 that whilst the PLR would inevitably cause some landscape and visual harm, the harm, particularly in the long term, would not be experienced over a wide area but would be localised in its extent. He further agrees that the harm would be largely mitigated through a series of embedded mitigation measures. He further agrees that there would be some residual harm through the subsequent development phases enabled by the PLR and that these harms weigh against the scheme in the overall planning balance. The Secretary of State agrees (IR12.109) that this harm, when considered collectively with noise, residential amenity and loss of Best and Most Versatile Agricultural land, carries limited weight against the application.

### *Residential Amenity*

29. Overall, for the reasons given at IR12.43, the Secretary of State agrees with the Inspectors that there would be a degree of adverse impact at a small number of residential properties in outlook and this would weigh against the application in the planning balance. The Secretary of State agrees (IR12.109) that this harm, when considered collectively with the other harms set out at paragraph 28 above, carries limited weight against the application.

### *Noise*

30. For the reasons given at IR12.44-12.50, the Secretary of State agrees that the potential adverse noise impacts resulting from the development would be mitigated to minimum in accordance with paragraph 185 of the Framework (IR12.50). The Secretary of State agrees (IR12.109) that this harm, when considered collectively with the other harms set out at paragraph 28 above, carries limited weight against the application.

### *Air Quality*

31. For the reasons given at IR12.51-12.59, the Secretary of State agrees with the Inspectors that the potential effects of the PLR have been appropriately considered by the Applicant. He further agrees with the Inspectors at IR12.59 that the proposal is entirely consistent with Framework paragraph 186 and the relevant air quality objectives.

### *Ecology*

32. For the reasons given at IR12.60-12.67 the Secretary of State agrees that there would be an immediate beneficial effect in respect of the proposed areas of species-rich grassland

and ponds, habitats that are not currently present within the application site boundary (IR12.64). He further agrees that subject to mitigation, there would be no adverse effect on any statutory or locally designated sites including Highfield Moss SSSI and no likely significant effect on internationally designated sites (IR12.65)..

33. The Secretary of State agrees, for the reasons given, with the Inspectors' analysis of biodiversity net gain at IR12.68. He further agrees that the scheme would not have an unacceptable impact on protected species or their habitat subject to conditions securing the implementation of mitigation measures. He agrees that there would be no conflict with the Framework or CS Policies CQL2 and CQL3, WCS Policies CS1 and QE5 (IR12.69).

#### *Climate Change*

34. For the reasons given at IR12.70-12.72 the Secretary of State agrees with the Inspectors' conclusions on climate change.

#### *Best and Most Versatile Agricultural Land*

35. The Secretary of State agrees for the reasons given at IR12.73-12.74 that the loss of Best and Most Versatile Agricultural Land (BMVAL) weighs against the scheme. He further agrees that the loss of BMVAL, when considered collectively with the other harms set out at paragraph 28 above, carries limited weight against the scheme in the overall planning balance.

#### *Heritage*

36. For the reasons given at IR12.75 the Secretary of State agrees that the harm to the Battlefield and setting of listed buildings is 'less than substantial' as defined in the context of Framework paragraph 202. For the reasons given at IR12.76-12.77 he agrees that there would be harm to the setting of the listed buildings at Newton Park Farm and intrusion into the battlefield, and that 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 (IR12.77). However, he further agrees that 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 both designated heritage assets, and that in this context, the harm to both assets should reasonably be assessed as limited (IR12.77). For the reasons given at IR12.78 he agrees that this harm should be afforded moderate weight. The Secretary of State agrees for the reasons at IR12.79 that there would be 'less than substantial' harm in respect of the undesignated asset Monk House.
37. The Secretary of State agrees that there would be a small beneficial effect on the setting of St Oswald's Well and church and that this would weigh in favour of the proposals (IR12.80). He agrees that this benefit attracts moderate weight (IR12.112). He further agrees with the Inspectors in respect of the proposed demolition of Rough Farm Cottage and Barn (IR12.81) and for the reasoning given at IR12.82 agrees that the spoil tip's heritage significance to be strictly limited.
38. Overall, the Secretary of State agrees with the Inspectors at IR12.83 that the harm identified is calibrated as limited. He agrees that in finding this harm there is conflict with statute and the Framework, and that this should be afforded moderate weight (IR12.83 and 12.109). In addition, he further agrees that this harm should be characterised as 'less

than substantial' and that it is very significantly below the threshold of what might be considered substantial.

## **Benefits**

39. For the reasons given at IR12.85-12.86, the Secretary of State agrees with the Inspectors that the proposed development is essential enabling infrastructure necessary for the delivery of Parkside Phase 2 and the SRFI, both key elements of the eLP, and that the SRFI is also supported by the CS and the PLR is consistent with criteria 2 of Policy CAS 3.2. The Secretary of State agrees, for the reasons given at IR12.86, that if the long-term policy imperative of regenerating and developing the Parkside strategic site is to be realised and St Helens is to meet the compelling demand for B8 logistics floorspace, the PLR must be delivered.
40. The Secretary of State has considered the economic benefits as detailed at IR12.87 and taken into account that the jobs created by the construction of the PLR would be close to significant areas of deprivation (IR12.88). As such, the Secretary of State agrees with the Inspectors that the PLR would deliver significant socio-economic benefits in an area of undoubted need, consistent with the social and economic dimensions of sustainable development in the Framework (IR12.88-89).
41. The Secretary of State agrees for the reasons given at IR12.110 that economic and social benefits must attract very substantial weight.
42. In line with IR12.111, the Secretary of State agrees that there would be significant regeneration associated with the SRFI and Parkside Phase 2, which are contingent upon the delivery of the PLR, by bringing back a vacant, former industrial legacy site suffering from a history of antisocial behaviour back into active use. In addition, he further agrees with the sustainability benefits set out at IR12.111. The Secretary of State agrees that collectively the regeneration and sustainability benefits attract very significant weight in favour of the scheme in the overall planning balance.
43. The Secretary of State agrees at IR12.90 that there would be environmental benefits in the form of a BNG, a reduction of traffic on sensitive routes and minor beneficial effects in terms of heritage, noise and air quality. He agrees at IR12.112 that the ecological benefits including a BNG and reduction in traffic along sensitive routes carry moderate weight, and that the heritage benefits also carry moderate weight.

## **Other Matters**

### *Cumulative Effects*

44. For the reasons given at IR12.102-12.104, the Secretary of State agrees that overall, the cumulative effects are a neutral consideration in the planning balance (12.105).

## **Planning conditions**

45. The Secretary of State has given consideration to the Inspectors' analysis at IR12.94-12.101, 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**

46. Having had regard to the Inspectors' analysis at IR12.91-12.93, the Unilateral Undertaking dated 23 December 2020, 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 IR12.93 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**

47. For the reasons given above, and in light of his conclusion in paragraph 52 of this letter, the Secretary of State finds no conflict with development plan policies, and thus concludes that the application is in line with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

48. Collectively the Green Belt harms carry substantial weight against the proposal. 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, and harms by way of noise, residential amenity and loss of BMVAL collectively carry limited weight.

49. Weighing in favour of the proposal are the economic and social benefits of the scheme which carry very substantial weight, and the regeneration and sustainability benefits which also carry very significant weight. The ecological benefits including a BNG and a reduction in traffic along sensitive routes carry moderate weight, and the heritage benefits also attract moderate weight.

50. 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.

51. Overall, the Secretary of State agrees that the public benefits of the scheme very significantly outweigh the identified 'less than substantial' harm to the heritage assets (IR12.84). He considers that the balancing exercise under paragraph 202 of the Framework is therefore favourable to the proposal.

52. 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 outweigh the harm to the Green Belt, and that very special circumstances exist to justify permitting the development. As such he finds no conflict with UDP Policies GB1 and GB2, WCS Policy CS5 or Green Belt policy in Section 13 of the Framework.

53. 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.

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

## **Formal decision**

55. 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:



- A single carriageway link road between A49 Winwick Road (WA12 8EF) and A573 Parkside Road; at each location a signalised junction will be formed. The road then utilises the existing A573 Parkside Road to cross the M6 (via existing overbridge) before realigning Parkside Road to a new roundabout before heading east to A579 Winwick Lane to a newly formed roundabout. The section of carriageway from the new Winwick Lane roundabout and the M6 Junction 22 will be a dual carriageway. The A573 and A579 will be realigned to the new roundabouts.

In accordance with application references P/2018/0249/FUL & 2018/32514 dated 23 March 2018.

56. 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**

57. 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.

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

## Annex A 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

### St Helens

1. The works hereby permitted must be begun within 3 years of the date of this decision notice.
2. The development hereby permitted shall be carried out in accordance with the following plans:
  - Scheme location plan sheet 1 of 2 PD-RAM-00-00-DR-Z-0100 P03
  - Scheme location plan sheet 2 of 2 PD-RAM-00-00-DR-Z-0101 P04
  - General Arrangement Sheet 1 of 2 PD-RAM-01-00-DR-C-0004 P09
  - General Arrangement Sheet 2 of 2 PD-RAM-01-00-DR-C-0005 P09
  - Parkside Link Road Parkside Road Footway/Cycleway PD-RAM-01-00 DRC-0012 P05'
  - Parkside Link Road West A49 Junction Layout PD-RAM-01-00-DR-C-0013 P04
  - Parkside Link Road West A573 Junction Layout PD-RAM-01-00-DR-C-0014 P04
  - Highway Alignment Layout PD-RAM-01-00-DR-C-0050 P03
  - Highway Alignment Long Sections PD-RAM-01-00-DR-C-0051 P03
3. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing with the Local Planning Authority. The CEMP shall include but not be limited to:
  - Details of phasing,
  - A dust management plan which includes details of the proposed dust monitoring programme, both before and during construction, with proposed locations and duration of monitoring,
  - Details of how 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,
  - A methodology for the soft felling of trees T62 and T65,
  - Construction traffic routes,
  - The location and numbers of parking spaces for contractors,
  - Temporary roads/areas of hard standing,
  - A schedule for large vehicles delivering/exporting materials to and from site,
  - A scheme of street sweeping/street cleansing/wheel washing,
  - 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,
  - Pollution prevention measures to ensure that pollution and run off from the construction site does not enter St Oswald's Brook,
  - Site waste management plan,
  - Materials management plan,

- Measures to protect English bluebell and woodland ground flora with Gallows Croft LWS,
- Pre-commencement inspection of affected trees for potential bat roosting features,
- 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 1974,
- Confirmation that the good practice noise mitigation measures detailed within BS5228-1: 2009+A1:2014 shall be employed,
- Confirmation that the mitigation measures detailed within Sections 10.52.1. to 10.5.3 of the ES shall be employed,
- Confirmation that with the exception of the use of vibratory rollers. no driven, impulsive or vibratory ground or piling works, including driving in pile casings, shall be undertaken unless otherwise approved in writing by St Helens Council,
- Consideration for joining a Considerate Contractors Scheme, and
- Contact details of the principal contractor.

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

4. No works shall take place outside of the following hours:

- 07:30 -18:30 hrs Monday – Friday
- 09:00 – 14:00 hrs Saturdays
- At no time at all on Sundays and Public/Bank Holidays

5. A Surface water drainage system shall be installed in accordance with the following details before the first use of the road hereby permitted:

- Parkside Link Road Surface Water Drainage Strategy' PD-RAM-01-00DR-C- 0551 Rev P04
- Parkside Link Road Sustainable Urban Drainage Strategy' PD-RAM-0100-DRC-0554 Rev C01
- Drainage and Ducting Sheet 1 of 12 PD-RAM-01-00-DR-C-0501 Rev C01
- Drainage and Ducting Sheet 2 of 12 PD-RAM-01-00-DR-C-0502 Rev C02
- Drainage and Ducting Sheet 3 of 12 PD-RAM-01-00-DR-C-0503 Rev C02
- Drainage and Ducting Sheet 4 of 12 PD-RAM-01-00-DR-C-0504 Rev C02
- Drainage and Ducting Sheet 5 of 12 PD-RAM-01-00-DR-C-0505 Rev C02
- Drainage and Ducting Sheet 6 of 12 PD-RAM-01-00-DR-C-0506 Rev C02
- Drainage and Ducting Sheet 7 of 12 PD-RAM-01-00-DR-C-0507 Rev C02
- Drainage and Ducting Sheet 8 of 12 PD-RAM-01-00-DR-C-0508 Rev C02
- Drainage and Ducting Sheet 9 of 12 PD-RAM-01-00-DR-C-0509 Rev C01
- Drainage and Ducting Sheet 10 of 12 PD-RAM-01-00-DR-C-0510 Rev C01
- Drainage and Ducting Sheet 11 of 12 PD-RAM-01-00-DR-C-0511 Rev C01
- Drainage and Ducting Sheet 12 of 12 PD-RAM-01-00-DR-C-0512 Rev C01
- Drainage and Ducting Standard Details Sheet 1 PD-RAM-01-00-DR-C-0523 C01
- Drainage and Ducting Standard Details Sheet 2 PD-RAM-01-00-DR-C-0524 C01
- Highway Drainage Network 2 Oswald's Brook Outfall Layout PD-RAM-01-00-DR-C-0530 C01

The drainage network shall be thereafter be maintained in accordance with Section 5 of the 'Parkside Link Road Highway Runoff SUDS Treatment and Risk Assessment' (Ref PD-RAM-01-ZZ-REP-D-003).

6. No development shall take place until a hydrogeological risk assessment demonstrating that the risks posed to groundwater by the proposed development can be satisfactorily managed has been submitted to and agreed in writing with the Local Planning Authority. Any mitigation measures that are identified as necessary within the strategy shall be implemented, maintained and retained thereafter.
7. No development shall take place until an earthworks specification document has been submitted to and agreed in writing with the Local Planning Authority. The specification document shall include sampling methodologies for site won and imported soils and shall detail sampling frequencies and reuse criteria against which the results will be assessed. The reuse criteria shall account for baseline conditions within the agricultural areas to the east of the colliery spoil mound and to the east of the M6 motorway. The specification shall ensure that the reuse of colliery spoil either as engineering fill or for the purposes of ecological enhancement does not result in an increase in contaminant concentrations within the current agricultural land or introduce new contaminants that are not currently present. The development shall be undertaken in accordance with the agreed document.
8. Prior to the first use of the road, a verification report shall be submitted to and agreed in writing with the Local Planning Authority. The verification report shall document the reuse of soils on site and shall include all of the testing required in accordance with the earthworks specification document agreed above.
9. 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 Boroughs of St Helens and Warrington focusing on the most deprived Super Output Areas. The Scheme shall include the following:
  - a) 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,
  - b) 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,
  - c) A procedure setting out criteria for employment, and for matching of candidates to the vacancies,
  - d) Measures to be taken to offer and provide college and/or work placement opportunities at the Development to students within the locality,
  - e) 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,
  - f) A commitment that the construction phase of the development will be undertaken in accordance with the Unite Construction Charter,

- g) 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,
- h) A timetable for the implementation of the Local Employment Scheme.

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

- 10. 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.
- 11. A mitigation scheme for the Parkside Road/Newton Road/Golborne Dale Road staggered crossroads A572/A572/A573/A573 based upon the mitigation measures outlined in Section 7 of the Transport Assessment 2019 (PDRAM-03-00-REP-TR-0014 Rev B) shall be submitted to and agreed in writing with the Local Planning Authority. The agreed mitigation scheme shall be implemented before the road is first opened to the public.
- 12. A mitigation scheme for the Southworth Road/Church Road/Mill Lane junction based upon the drawing PD-RAM-01-00-SK-C-0042 Rev I02 shall be submitted to and agreed in writing with the Local Planning Authority. The agreed mitigation scheme shall be implemented before the first use of the road hereby approved.
- 13. The design of a specification of a 2.5m high acoustic barrier along the alignment detailed within general arrangement drawings: PD-RAM-01-00-DR-C-0107, PDRAM-01-00-DR-C-0108, PD-RAM-01-00-DR-C-0307 and PD-RAM-01-00-DR-C0308 shall be submitted to and agreed in writing with the Local Planning Authority. For the avoidance of doubt, the specification shall confirm that the acoustic barrier construction has been certified to a minimum B3 performance in accordance with BS 1793-2: 1998 (or later versions) and therefore have a tested minimum DLR performance of >24dB.”. The agreed acoustic barrier shall be installed before the first use of the road
- 14. The section of the proposed development demarked in green in Figure 10.4 of the Environmental Statement shall be installed with a low noise road surface. The specification for the surface to be used shall be submitted to and agreed in writing with the Local Planning Authority and shall be resurfaced as such thereafter. For the avoidance of doubt the road surface specified for installation shall have a Road Surface Influence (High Speed, RSIH or Medium Speed, RSIM) of  $\leq -2.5\text{dB}$  demonstrable by test data, certification or product data sheet.
- 15. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works shall take place during the period 1 March to 31 August inclusive unless all trees, scrub, hedgerows and vegetation have been checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected shall be submitted to and agreed in writing with the Local Planning Authority. The works shall then be carried out in accordance with the agreed details.
- 16. 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

(Ref 6354.06.001 Version 2 Vol 2, Part 4, Appendix 8.10 of the Environmental Statement” submitted with this application. All tree work must also be supervised by the arboricultural supervisor for the site

17. Temporary measures to provide physical protection of all trees, hedges and shrubs shown to be retained shall be in accordance with the "Arboricultural Impact Assessment (Ref 6354.06.001 Version 2 Vol 2, Part 4, Appendix 8.10 of the ES Statement and Tree Protection Plans detailed in ES Addendum Technical Appendix A7.3:

- Tree Protection Plan Sheet 1 of 12 PD-RAM-01-00-DR-EN-3041 rev P02
- Tree Protection Plan Sheet 2 of 12 PD-RAM-01-00-DR-EN-3042 rev P02
- Tree Protection Plan Sheet 3 of 12 PD-RAM-01-00-DR-EN-3043 rev P02
- Tree Protection Plan Sheet 4 of 12 PD-RAM-01-00-DR-EN-3044 rev P02
- Tree Protection Plan Sheet 5 of 12 PD-RAM-01-00-DR-EN-3045 rev P02
- Tree Protection Plan Sheet 6 of 12 PD-RAM-01-00-DR-EN-3046 rev P02
- Tree Protection Plan Sheet 7 of 12 PD-RAM-01-00-DR-EN-3047 rev P02
- Tree Protection Plan Sheet 8 of 12 PD-RAM-01-00-DR-EN-3048 rev P02
- Tree Protection Plan Sheet 9 of 12 PD-RAM-01-00-DR-EN-3049 rev P02
- Tree Protection Plan Sheet 10 of 12 PD-RAM-01-00-DR-EN-3050 rev P02
- Tree Protection Plan Sheet 11 of 12 PD-RAM-01-00-DR-EN-3051 rev P02
- Tree Protection Plan Sheet 12 of 12 PD-RAM-01-00-DR-EN-3042 rev P02
- Temporary Tree Protection Fencing Specification PD-RAM-01-00-DR-EN3053 Rev P02

submitted with this application. The provision of total exclusion zones must be achieved by the erection of protective fencing as specified in the submitted plans which should not be to a standard less than that specified in British Standard BS5837 (2012). The areas so defined shall be kept free of machinery, stored materials of all kinds and any form of ground disturbance not specifically catered for in the agreed measures, for the duration of site, demolition and building works.

18. All tree work shall be to BS3998 (2010) with any tree or hedgerow removal and the supervision of no dig surfacing construction being in accordance with the details submitted within the "Arboricultural Impact Assessment (Ref 6354.06.001 Version 2 Vol 2, Part 4, Appendix 8.10 of the Environmental Statement) submitted with this application. All tree work shall also be supervised by the arboricultural supervisor for the site. Details of the level of supervision, reporting mechanisms to the Council and frequency of site visits and reporting shall be submitted to and agreed in writing by the Local Planning Authority prior to any work commencing on site.

19. Landscaping shall be undertaken in accordance with the following plans in accordance with a phasing plan that has been submitted to and agreed in writing with the Local Planning Authority.

- Landscape and Ecology Detailed Planting Plan sheets 1-12 (drawing numbers PD-RAM-01-00-DR-EN-3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072); and
- Landscape and Ecology Detailed Planting Plan Schedule and Notes (drawing number PD-RAM-01-00-DR-EN-3073)

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. The landscaping and ecological features show on the landscaping plans shall be managed in accordance with the Landscape and Habitat Creation Management Plan (PD-RAM-01-00-SP-EN-3007 Rev 3) following their implementation. Progress, review and delivery of this management plan must be provided to the Council as Local Planning Authority annually.

20. Before the road is opened to the general public, bird and bat boxes shall be installed in accordance with details that have first been submitted to and agreed in writing with the Local Planning Authority.
21. Before any lighting is installed, a lighting strategy which demonstrates how adverse lighting effects that could cause harm to bats and their habitats shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with the agreed strategy.
22. Any works within 10m of the banks of St Oswalds Brook shall be undertaken in accordance with the Water Vole Mitigation Strategy (7066.015 Version 1.0).
23. The development shall be carried out in accordance with the common toad mitigation measures as set out in the 'Great Crested Newt and Common Toad Mitigation Strategy (7066.013 Version 1.0).
24. No development shall take place until a written scheme of investigation for archaeological work, which includes reporting mechanisms, 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.
25. Prior to any works affecting Rough Cottage and Rough Farm, a written scheme of archaeological building recording, details of which shall first have been submitted to and agreed in writing with the Local Planning Authority, shall be carried out.

### Warrington

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission.
2. The development shall be carried out in accordance with the following plans:
  - Scheme location plan sheet 1 of 2 PD-RAM-00-00-DR-Z-0100 P03
  - Scheme location plan sheet 2 of 2 PD-RAM-00-00-DR-Z-0101 P04
  - General Arrangement Sheet 1 of 2 PD-RAM-01-00-DR-C-0004 P09
  - General Arrangement Sheet 2 of 2 PD-RAM-01-00-DR-C-0005 P09
  - Parkside Link Road Parkside Road Footway/Cycleway PD-RAM-01-00-DR-C-0012 P05
  - Parkside Link Road West A49 Junction Layout PD-RAM-01-00-DR-C-0013 P04
  - Parkside Link Road West A573 Junction Layout PD-RAM-01-00-DR-C-0014 P04
  - Highway Alignment Layout 'PD-RAM-01-00-DR-C-0050 P03



- Highway Alignment Long Sections 'PD-RAM-01-00-DR-C-0051 P03

3. Prior to the commencement of any works on site, the developer shall provide in writing a Construction Environmental Management Plan (CEMP) to the Local Planning Authority for written approval. The CEMP shall review all demolition and construction operations proposed on site including logistics. It shall cover as a minimum the following areas of work on a phase by phase basis, identifying appropriate mitigation measures as necessary:

**A. Highway and Traffic**

- Access to the site.
- Entrance/exit from the site for visitors/contractors/deliveries.
- Temporary roads/areas of hard standing.
- Schedule for large vehicles delivering/exporting materials to and from site and details of manoeuvring arrangements. For the avoidance of doubt all construction vehicles shall load/unload within the confines of the site and not on the highway.
- Details of street sweeping/street cleansing/wheel wash facilities.

**B Site layout and Storage**

- Proposed locations of Site Compound Areas.
- Siting of temporary containers.
- Location of directional signage within the site.
- Parking for contractors, site operatives and visitors.
- Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition/construction.
- Storage of materials and large/heavy vehicles/machinery on site.

**C Environmental Controls**

- Proposed construction hours, proposed delivery hours to site, phasing of works including start/finish dates.
- Full details of any piling or any other foundation designs using penetrative methods
- Acoustic mitigation measures, including vibration, dust and air quality measures.
- Details for the recycling/storage/disposal of waste resulting from the site.
- Consideration for joining a Considerate Contractors Scheme.
- Contact details of the principal contractor

Once approved in writing, all identified measures within the CEMP shall be implemented in accordance with the requirements therein and shall be reviewed on a regular basis and in case of receipt of any justified complaint. Any changes to the identified CEMP mitigation measures from either the regular review process or following receipt of a complaint shall be forwarded to the Local Planning Authority within 24hrs of a change being agreed or implemented. The development shall be carried out in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority.

4. A surface water drainage system shall be installed in accordance with the following details before the first use of the road hereby permitted:

- Parkside Link Road Surface Water Drainage Strategy' PD-RAM-01-00DR-C- 0551 Rev P04

- Parkside Link Road Sustainable Urban Drainage Strategy' PD-RAM-0100-DRC-0554 Rev C01
- Drainage and Ducting Sheet 1 of 12 PD-RAM-01-00-DR-C-0501 Rev C01
- Drainage and Ducting Sheet 2 of 12 PD-RAM-01-00-DR-C-0502 Rev C02
- Drainage and Ducting Sheet 3 of 12 PD-RAM-01-00-DR-C-0503 Rev C02
- Drainage and Ducting Sheet 4 of 12 PD-RAM-01-00-DR-C-0504 Rev C02
- Drainage and Ducting Sheet 5 of 12 PD-RAM-01-00-DR-C-0505 Rev C02
- Drainage and Ducting Sheet 6 of 12 PD-RAM-01-00-DR-C-0506 Rev C02
- Drainage and Ducting Sheet 7 of 12 PD-RAM-01-00-DR-C-0507 Rev C02
- Drainage and Ducting Sheet 8 of 12 PD-RAM-01-00-DR-C-0508 Rev C02
- Drainage and Ducting Sheet 9 of 12 PD-RAM-01-00-DR-C-0509 Rev C01
- Drainage and Ducting Sheet 10 of 12 PD-RAM-01-00-DR-C-0510 Rev C01
- Drainage and Ducting Sheet 11 of 12 PD-RAM-01-00-DR-C-0511 Rev C01
- Drainage and Ducting Sheet 12 of 12 PD-RAM-01-00-DR-C-0512 Rev C01
- Drainage and Ducting Standard Details Sheet 1 PD-RAM-01-00-DR-C-0523 C01
- Drainage and Ducting Standard Details Sheet 2 PD-RAM-01-00-DR-C-0524 C01
- Highway Drainage Network 2 Oswald's Brook Outfall Layout PD-RAM-01-00-DR-C-0530 C01

The drainage network shall thereafter be maintained in accordance with Section 5 of the 'Parkside Link Road Highway Runoff SUDS Treatment and Risk Assessment' (Ref PD-RAM-01-ZZ-REP-D-003).

5. Prior to the commencement of the development hereby approved, a hydrogeological risk assessment and management plan demonstrating that the risks posed to groundwater from the development can be satisfactorily managed and including an assessment of the discernibility of hazardous substances shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved assessment and management plan.
6. Prior to the commencement of the development, a Local Employment Scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted Scheme shall include but not be limited to:
  - a) Details of how the initial staff/employment opportunities at the development will be advertised and how liaison with the Council and other bodies will take place in relation to maximising the access of the local workforce to information about employment opportunities;
  - b) 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;
  - c) A procedure setting out criteria for employment, and for matching of candidates to the vacancies;
  - d) Measures to be taken to offer and provide college and/or work placement opportunities at the development to students within the locality;
  - e) 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;

- f) A procedure for monitoring the Local Employment Scheme and reporting the results of such monitoring to the Local Planning Authority including details of the origins qualifications numbers and other details of candidates; and,
- g) A timetable for the implementation of the Local Employment Scheme.

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

- 7. Prior to the commencement of the development hereby approved, a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
  - 1. A site investigation scheme, based on the desk study already submitted, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

- 8. Prior to the development hereby approved being first brought into use a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
- 9. No works shall commence at the junction of M6 Junction 22/Winwick Lane until a scheme for the design and construction of highway improvement works at M6 Junction 22 including timetable for implementation has been submitted to and approved in writing by the Local Planning Authority, in consultation with Highways England. For avoidance of doubt, the works shall include:
  - i. The full signalisation of the M6 Junction 22 roundabout to the principles Drawing PD-RAM-01-1200-SK-C-001 prepared by Ramboll.
  - ii. Installation of CCTV monitoring system.
  - iii. Resurfacing of footway and carriageways of the approach roads contiguous with the improvement scheme to provide a continuous palette of material and surface treatment appropriate to the detailed design.
  - iv. Replacement/upgrade of street lighting necessary as part of the detailed design.
  - v. Drainage works necessary to facilitate the highway works.
  - vi. Replacement/upgrade of signage necessary as part of the detailed design.

The approved scheme shall be in accordance with DMRB, include a Road Safety Audit and subsequently be implemented prior to the opening to general traffic of the development hereby approved.

10. Prior to first use of the road hereby approved, a scheme for the design and implementation of freight traffic signage including timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. For avoidance of doubt, the freight traffic signage shall highlight that the recommended route for goods vehicles to and from the motorway network is M62 J9 along A49 Newton Road to A49 Winwick Link Road to A579 Winwick Lane via M6 J22. The approved scheme shall be implemented prior to the opening to general traffic of the development hereby approved.
11. Except for site clearance and remediation no development shall commence until a Road Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Road Phasing and Completion Plan shall set out the development phases and the standards to which roads serving each phase of the development will be completed. The development shall be carried out in accordance with the approved plan.
12. Prior to road being opened to general traffic, an acoustic barrier along Winwick Lane shall be installed as shown drawing PD-RAM-01-00- DR-C- 0308, or any amendment to such drawing as may have first been submitted to and approved in writing by the Local Planning Authority.
13. All tree work shall be to BS3998 (2010) with any tree or hedgerow removal and the supervision of no dig surfacing construction being in accordance with the details submitted within the "Arboricultural Impact Assessment (Ref 6354.06.001 Version 2 Vol 2, Part 4, Appendix 8.10 of the Environmental Statement) submitted with this application. All tree work shall also be supervised by the arboricultural supervisor for the site. Details of the level of supervision, reporting mechanisms to the Council and frequency of site visits and reporting shall be submitted to and agreed in writing by the Local Planning Authority prior to any work commencing on site.
14. Temporary measures to provide physical protection of all trees, hedges and shrubs shown to be retained shall be in accordance with the "Arboricultural Impact Assessment (Ref 6354.06.001 Version 2 Vol 2, Part 4, Appendix 8.10 of the ES Statement and Tree Protection Plans detailed in ES Addendum Technical Appendix A7.3:
  - Tree Protection Plan Sheet 1 of 12 PD-RAM-01-00-DR-EN-3041 rev P02
  - Tree Protection Plan Sheet 2 of 12 PD-RAM-01-00-DR-EN-3042 rev P02
  - Tree Protection Plan Sheet 3 of 12 PD-RAM-01-00-DR-EN-3043 rev P02
  - Tree Protection Plan Sheet 4 of 12 PD-RAM-01-00-DR-EN-3044 rev P02
  - Tree Protection Plan Sheet 5 of 12 PD-RAM-01-00-DR-EN-3045 rev P02
  - Tree Protection Plan Sheet 6 of 12 PD-RAM-01-00-DR-EN-3046 rev P02
  - Tree Protection Plan Sheet 7 of 12 PD-RAM-01-00-DR-EN-3047 rev P02
  - Tree Protection Plan Sheet 8 of 12 PD-RAM-01-00-DR-EN-3048 rev P02
  - Tree Protection Plan Sheet 9 of 12 PD-RAM-01-00-DR-EN-3049 rev P02
  - Tree Protection Plan Sheet 10 of 12 PD-RAM-01-00-DR-EN-3050 rev P02

- Tree Protection Plan Sheet 11 of 12 PD-RAM-01-00-DR-EN-3051 rev P02
- Tree Protection Plan Sheet 12 of 12 PD-RAM-01-00-DR-EN-3052 rev P02
- Temporary Tree Protection Fencing Specification PD-RAM-01-00-DR-EN-3053 Rev P02

submitted with this application. The provision of total exclusion zones shall be achieved by the erection of protective fencing as specified in the submitted plans which shall not be to a standard less than that specified in BS5837 (2012). The areas so defined shall be kept free of machinery, stored materials of all kinds and any form of ground disturbance not specifically catered for in the agreed measures, for the duration of site, demolition and building works.

15. Landscaping shall be undertaken in accordance with the following plans and in accordance with a phasing plan that shall first be submitted to and agreed in writing by the Local Planning Authority:

- Landscape and Ecology Detailed Planting Plan sheets 1-12 (drawing numbers PD-RAM-01-00-DR-EN-3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072); and
- Landscape and Ecology Detailed Planting Plan Schedule and Notes (drawing number PD-RAM-01-00-DR-EN-3073)

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. The landscaping and ecological features shown on the landscaping plans shall be managed in accordance with the Landscape and Habitat Creation Management Plan (PD-RAM-01-00- SP-EN-3007 Rev 3) following their implementation.

16. The development hereby approved shall be carried out in accordance with the details contained within the Ecological Management Plan prepared by TEP (report ref: 7066.001 January 2019), or any subsequent amendment/update to the Plan as may be made in relation to condition 14 of this permission.

17. Prior to first use of the road hereby approved, further precautionary surveys relating to bats, badgers and water voles shall be submitted to and approved in writing by the Local Planning Authority. Should these species be found during the resurveys, the Ecological Management Plan referred to in condition 13 of this permission shall be updated accordingly. The development shall thereafter be carried out in accordance with the updated Plan.



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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

### APPLICATIONS BY

**ST HELENS METROPOLITAN BOROUGH COUNCIL**

### MADE TO

**ST HELENS METROPOLITAN BOROUGH COUNCIL AND WARRINGTON  
METROPOLITAN BOROUGH COUNCIL**

Inquiry Held on 5-29 January 2021

Land between A49 Winwick Road to A573 Parkside road and land from the A573 Parkside Road to A579 Winwick Lane.

File Refs: APP/H4315/V/20/3253230 & APP/M0655/V/20/3253232

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### **Appendices**

- A**      **Appearances**
- B**      **Conditions**
- C**      **Inquiry Documents**
- D**      **Core Documents**

**GLOSSARY**

APAS	Cheshire Archaeological Planning Advisory Service
AQA	Air Quality Assessment
AQAP	Air Quality Action Plan
AQMA	Air Quality Management Area
BCR	Benefit to Cost Ratio
BMVAL	Best and Most Versatile Agricultural Land
BNG	Biodiversity Net Gain
CD	Core Document
CCC	Committee on Climate Change
CEMP	Construction Environmental Management Plan
CIL	Community Infrastructure Levy
CS	St Helens Core Strategy, October 2012
dB	Decibel
DEFRA	Department for Environment Food and Rural Affairs
DfT	Department for Transport
DMRB	Design Manual for Roads and Bridges
EIA	Environmental Impact Assessment
ES	Environmental Statement
FBC	Full Business Case
FEI	further environmental information
FF	Florida Farm
GMEU	Greater Manchester Ecology Unit
GCN	great crested newt
GVA	Gross Value Added
ha	hectares
HGV	Heavy Goods Vehicle
IAQM	Institute of Air Quality Management
J	Junction
LAQM	Local Air Quality Management
LCA	Landscape Character Area
LCR	Liverpool City Region
LEP	Local Economic Partnership
LMVR	Local Model Validation Report
LPA	Local Planning Authority
LVIA	Landscape and Visual Assessment
LWS	Local Wildlife Site
MEAS	Merseyside Environmental Advisory Service
NCA	National Character Area
NO <sub>2</sub>	Nitrogen Dioxide
NPPF	National Planning Policy Framework
NPSNN	National Policy Statement for National Networks
PAG	Parkside Action Group
PDL	Previously Developed Land
PLR	Parkside Link Road
PLRTM	Parkside Link Road Traffic Model
PM <sub>2.5</sub> /PM <sub>10</sub>	Particulate Matter 2.5/10 microns
PoE	Proof of Evidence
PP1/PP2/PP3	Parkside Phase 1/2/3
PPG	Planning Practice Guidance
PRoW	Public Rights of Way
RSS	Regional Spatial Strategy [for the North West]
S106	Section 106 of the Town and Country Planning Act 1990
SIF	Strategic Investment Fund
SoCG	Statement of Common Ground
SoS	Secretary of State
SRFI	Strategic Rail Freight Interchange
SSSI	Site of Special Scientific Interest
SHMBC	St Helens Metropolitan Borough Council
TA	Transport Assessment
TEMPro	National Trip End Model Presentation Program
TRICS	Trip Rate Information Computer System
µg/m <sup>3</sup>	micrograms per cubic metre
WBC	Warrington Borough Council
WC	Wigan Borough Council
WCS	Warrington Local Plan Core Strategy 2014
WebTag	Transport Analysis Guidance
WHO	World Health Organisation
UU	Unilateral Undertaking



**File Ref: APP/H4315/V/20/3253230**

**Land between A49 Winwick Road and A573 Parkside Road, including a proportion of the former Parkside Colliery site and land from the A573 Parkside Road to A579 Winwick Lane connecting to M6 Junction 22.**

- 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 St Helens Metropolitan Borough Council to St Helens Metropolitan Borough Council.
- The application Ref P/2018/0249/FUL is dated 23 March 2018.
- The proposed development is described as follows:  
*"a single carriageway link road between A49 Winwick Road (WA12 8EF) and A573 Parkside Road; at each location a signalised junction will be formed. The road then utilises the existing A573 Parkside Road to cross the M6 (via existing overbridge) before realigning Parkside Road to a new roundabout before heading east to A579 Winwick Lane to a newly formed roundabout. The section of carriageway from the new Winwick Lane roundabout and the M6 Junction 22 will be a dual carriageway. The A573 and A579 will be realigned to the new roundabouts"*.
- The reason given for making the Direction was that: 'in deciding whether to call in this application, the Secretary of State has considered his policy on calling in planning applications. This gives examples of the types of issues which may lead him to conclude, in his opinion, that the application should be called in. In the light of his policy, the Secretary of State has decided to call-in this application'.
- On the information available at the time of making the Direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application:
  - a) The extent to which the proposed development is consistent with Government policies for protecting Green Belt land (NPPF Chapter 13);
  - b) The extent to which the proposed development is consistent with Government policies for building a strong, competitive economy (NPPF Chapter 6);
  - c) The extent to which the proposed development is consistent with the development plan for the area; and
  - d) any other matters the Inspector considers relevant

**Summary of Recommendation: That planning permission for the development be granted subject to the conditions outlined.**

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**File Ref: APP/M0655/V/20/3253232**

**Land between A49 Winwick Road and A573 Parkside Road, including a proportion of the former Parkside Colliery site and land also from the A573 Parkside Road to A579 Winwick Lane connecting to M6 Junction 22.**

- 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 St Helens Metropolitan Borough Council to Warrington Borough Council.
- The application Ref 2018/32514 is dated 23 March 2018.  
The development proposed is:  
*"a single carriageway link road between A49 Winwick Road (WA12 8EF) and A573 Parkside Road; at each location a signalised junction will be formed. The road then utilises the existing A573 Parkside Road to cross the M6 (via existing overbridge) before realigning Parkside Road to a new roundabout before heading east to A579 Winwick Lane to a newly formed roundabout. The section of carriageway from the new Winwick Lane roundabout and the M6 Junction 22 will be a dual carriageway. The A573 and A579 will be realigned to the new roundabouts"*.

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    - b) The extent to which the proposed development is consistent with Government policies for building a strong, competitive economy (NPPF Chapter 6);
    - c) The extent to which the proposed development is consistent with the development plan for the area; and
    - d) any other matters the Inspector considers relevant

**Summary of Recommendation: That planning permission for the development be granted subject to the conditions outlined and with the benefit of the planning obligation in the Unilateral Undertaking.**

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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 parts. The first<sup>1</sup> considered the evidence related 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 schemes, the proposals 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 the 4 and 5 March 2021 with the main parties providing an agreed list of viewpoints<sup>3</sup>.
- 1.3 The PLR scheme crosses between two local planning authority areas, that of St Helens Metropolitan Borough Council (SHMBC) and Warrington Borough Council (WBC). Separate planning applications were therefore made to each Council as respective local planning authorities. The application submitted to SHMBC was considered by the Planning Committee on 17 December 2019. In accordance with the recommendation of professional officers<sup>4</sup>, the Committee resolved to approve the application subject to conditions and referral to the Secretary of State (SoS).
- 1.4 The WBC Planning Committee considered the application on 18 December 2019. In accordance with the recommendation of professional officers, the WBC

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

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

<sup>3</sup> ID: 14.64

<sup>4</sup> CD: 5.45

Committee also resolved to grant planning permission, subject to conditions and a planning obligation secured through a Unilateral Undertaking under s106 of the Town and Country Planning Act 1990 (UU), as set out in the Council's Committee report<sup>5</sup>.

- 1.5 Both planning applications were 'called-in' for determination by the SoS by means of a Direction dated 21 May 2020.
- 1.6 The two Parkside Link Road (PLR) applications were called-in alongside the following other applications:
  - Wigan Council (WC) application ref: A/18/85947/MAJES for employment development on land at Junction (J) 25 of the M6 Motorway, Wigan (PINS Ref: 3230827),
  - Bolton Council application ref: 04766/18 for an employment development on land west of Wingates Industrial Estate off Chorley Road, Westhoughton, Bolton (PINS ref: 3253244),
  - St Helens Council application ref: P/2018/0048/OUP for a B8 logistics development at the former Parkside Colliery east of the A49 (Parkside Phase 1 – PP1) (PINS ref: 3253194).
- 1.7 Subsequently the SoS also recovered for determination by himself St Helens Council application P/2017/0254/OUP for employment development at Haydock Point (PINS ref: 3256871).
- 1.8 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.
- 1.9 It was initially agreed that the Panel would report all the cases simultaneously, after the last Inquiry to be held, so that the SoS would have the opportunity to consider any cross-boundary or other interrelationships between the several proposals that did become apparent during the proceedings.
- 1.10 With respect to the PLR and PP1, both schemes share a similar evidence base 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. Accordingly, in the interests of enabling the applications to be determined as expeditiously as possible, the PP1 and the PLR Reports are submitted to the SoS independently of the Reports on other developments considered by the Panel.
- 1.11 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>6</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

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<sup>5</sup> CD: 5.46

<sup>6</sup> Ms Jackie Copley

to the presentation of their own case and the cross-examination of opposing witnesses. Nonetheless, on several occasions, the Panel ruled not to accept late evidence from PAG<sup>7</sup>. In all cases, the acceptance of the material would have breached Inquiry procedure rules aimed at ensuring fairness to all parties.

1.12 A signed and dated UU<sup>8</sup> ( ) under s106 of the Town and Country Planning Act 1990 was submitted during the Inquiry together with a Compliance Statement<sup>9</sup>. The UU contains a single obligation to WBC in respect of off-site amphibian habitat creation at Rixton Clay Pits Local Nature Reserve. The proposed contribution needs to be assessed against the statutory Community Infrastructure Levy (CIL) tests, a matter addressed later in this Report.

1.13 The application was submitted with a substantial body of supporting evidence contained in an Environmental Impact Assessment (EIA)<sup>10</sup>. The Environmental Statement (ES) considers the cumulative effects of a number of developments in the vicinity of the<sup>11</sup>. An Addendum ES<sup>12</sup> was submitted in March 2019 to reflect changes to the scheme in relation to drainage, minor realignments, removal of the need for works in Cockshot Brook, relocation of the Winwick Lane noise barrier and associated changes to the site boundary. The Addendum ES was submitted during the determination period and pre-dated the Committee resolutions.

1.14 Further environmental information (FEI) was submitted in October 2020<sup>13</sup>. This addressed a number of 'external changes' that had arisen since the submission of the Addendum ES. Put briefly, these included changes to the transport work to reflect; 1) a revised and more realistic opening date for the development following the decision to call-in the applications, 2) a new Traffic Order implemented by Wigan Borough Council (WC) on Winwick Lane, and 3) updates to the Design Manual for Roads and Bridges (DMRB) guidance introduced in 2019 and 2020. The additional information was advertised in accordance with Regulation 25 of the EIA Regulations and the responses received have been taken into account.

1.15 The Planning Inspectorate undertook a review of the ES in accordance with Schedule 4, Part 2 of the EIA Regulations on 9 December 2020 and concluded that the ES is adequate. No legal points have been raised over the adequacy of the ES.

1.16 Signed Statements of Common Ground (SoCG) were submitted relating to air quality<sup>14</sup>, ecology and nature conservation<sup>15</sup>, economic impact<sup>16</sup>, landscape<sup>17</sup>,

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<sup>7</sup> See paragraph 10.12 ID: 14.59

<sup>8</sup> ID: 14.58 & CD: 12.1

<sup>9</sup> ID: 14.57

<sup>10</sup> CD: 5.51

<sup>11</sup> ES Chapter 15 CD: 5.1

<sup>12</sup> CD: 5.9-5.11

<sup>13</sup> CD: 5.47-5.52

<sup>14</sup> CD: 7.1

<sup>15</sup> CD: 7.2

<sup>16</sup> CD: 7.3

<sup>17</sup> CD: 7.4

noise and vibration<sup>18</sup>, planning matters<sup>19</sup> and transport and design<sup>20</sup>. These are considered in more detail in section 5 of this Report.

- 1.17 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>21</sup>.

## **2. The Site and Surroundings**

- 2.1 A description of the site and its surroundings is comprehensively set out in the Planning SoCG, the Committee Reports<sup>22</sup>, Section 2 of the ES Addendum Non-Technical Summary<sup>23</sup>, the Statements of Case<sup>24</sup> and the Planning Proofs of Evidence (PoE)<sup>25</sup>.
- 2.2 The application site is located to the east of Newton le Willows and extends to 37.7 hectares (ha) of which 12.7ha falls within Warrington's administrative boundary. All of the application site is within the Green Belt and comprises two distinct areas. The western part is former industrial land that accommodated part of the Parkside Colliery between 1959 and 1993. This land is relatively flat, lower lying and visually self-contained. By contrast, the eastern part of the site comprises existing roads and open arable farmland.
- 2.3 The application site within the former Colliery runs west to east and initially follows the former Colliery access road until it reaches a concrete pad and an operational electricity substation. Much of the area to the south of the access road is woodland. This area also forms part of the Registered Battlefield of Winwick Pass.
- 2.4 Beyond the substation, the application site crosses an area of scrub and hardstanding and then incorporates a raised area of land consisting of a spoil tip now partly colonised by trees and scrub. At the eastern extent of the spoil tip, the site enters the WBC administrative area where it traverses agricultural land to the north of Woodhead Farm until it meets the A573 Parkside Road, crosses the M6 motorway and returns into the St Helens administrative area.
- 2.5 On the eastern side of the M6 motorway, the site follows the line of Parkside Road until it meets a collection of former agricultural buildings which have been converted into residential use. The site then runs south east across an agricultural field to the south of Barrows Lane which is a public right of way until it meets the Winwick Lane and J22 of the M6 motorway both of which are in the WBC administrative area.

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<sup>18</sup> CD: 7.5

<sup>19</sup> CD: 7.6

<sup>20</sup> CD: 7.7 & 7.8

<sup>21</sup> CD: 5.75 & 5.77

<sup>22</sup> CD: 5.45 & 5.46

<sup>23</sup> CD: 5.11

<sup>24</sup> CD: 5.67-5.71

<sup>25</sup> CD: 7.16, 7.45, 7.75

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### 3. The Proposal

- 3.1 A full description of the development proposal is set out in the respective Committee Reports, the Planning SoCG, Statements of Case and the ES Non-Technical Summary<sup>26</sup>.
- 3.2 In brief, the PLR would be part single carriageway and part dual carriageway. It would link the A49 Winwick Road to the A579 Winwick Lane enabling direct and convenient access between the wider Parkside strategic site and J22 of the M6. The route of the proposed road can be broken down into the following elements:
- 1.45km of new single carriageway extending eastwards from the A49 Winwick Road to the A573 Parkside Road, including a new three-arm, signalised junction in broadly the same location as the existing access that served the former colliery. To cater for the signals and for right-turning vehicles there would be a new dedicated left turn on the northern approach to the junction and a right turn ghost island to the south. There would also be new pedestrian refuge islands and crossing facilities to the north of the junction with the A49 (known as Parkside Link Road West; partly within St Helens, partly within Warrington),
  - 1.3km of new single carriageway road east of the M6 linking the A573 Parkside Road to a new roundabout on the A579 Winwick Lane (comprising 800m Parkside Link Road East, 250m Parkside Road West and 250m Parkside Road South; within St Helens),
  - 300m of new dual carriageway road extending westwards from the new roundabout mentioned above to M6 J22 (known as Winwick Lane South; within St Helens with the exception of Winwick Lane and part of J22), including the demolition of Rough Farm, on the north side of Winwick Lane (in St Helens),
  - 295m of new single carriageway road extending eastwards from the new roundabout to tie in with the existing A579 Winwick Lane (known as Winwick Lane North; within St Helens),
  - Reconfiguration of access to the properties on the south side of the A579 Winwick Lane (within Warrington),
  - A grass verge and shared cycle and pedestrian route along the entirety of the proposed road. There would be a foot and cycle way on the northern side of the road with sections on the southern side,
  - Lighting along the whole of the carriageway,
  - Drainage to Hermitage Green Brook/Oswalds Brook (to the west of the M6) and drainage to either Cockshot Brook or soakaways (to the east of the M6), and
  - An ecological mitigation area (within Warrington).

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<sup>26</sup> CD: 5.1

3.3 The PLR is required to facilitate the delivery of the Parkside Phase 2 (PP2) scheme<sup>27</sup> at Parkside West and a Strategic Rail Freight Interchange (SRFI) at Parkside East (also referred to as PP3). The 'Parkside strategic site' refers to the area covered by all three phases.

#### **4. Planning Policy and Guidance**

##### *National*

- 4.1 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.
- 4.2 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.
- 4.3 Of particular relevance in this case are those parts of the NPPF which deal with the 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.
- 4.4 Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.
- 4.5 NPPF paragraph 8a) sets out the three overarching objectives of national planning policy. The economic objective is seen as helping to build a "*strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure*". In the same vein, paragraph 80 states that planning "decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development".
- 4.6 NPPF paragraph 82 which recognises the specific locational requirements of different sectors and directs local planning authorities to make provision for storage and distribution operations at a variety of scales and in suitably accessible locations.

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<sup>27</sup> PP1 is not reliant on the delivery of the PLR

- 4.7 Relevant to this proposal 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 and spatial development strategies 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.
- 4.8 NPPF Paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment by, in summary, protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; recognising the intrinsic character and beauty of the countryside; minimising impacts on and providing net gains for biodiversity, addressing unacceptable levels of soil, air, water or noise pollution or land instability; and through the remediation and mitigation of certain land forms, where appropriate.
- 4.9 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.
- 4.10 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.'*
- 4.11 Paragraph 108 states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location,
  - Safe and suitable access to the site can be achieved for all users; and
  - Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 4.12 Paragraphs 109 and 110 state that development should only be 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'. Other relevant paragraphs in the NPPF are referenced, as appropriate, later in this Report.
- 4.13 Although the PLR scheme is not itself a Nationally Significant Infrastructure Project, its purpose, in part, is to facilitate the provision of a SRFI. The National Policy Statement for National Networks (NPSNN) highlights that SRFIs are



strongly supported by the Government as a driver for economic growth and social development.

4.14 The Planning Practice Guidance (PPG), initially published in 2014, is also a material consideration in the determination of this appeal. Of particular relevance to the proposed development is paragraph 31 which states 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, and has distinct locational requirements"*.

4.15 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*

4.16 The statutory development plan relevant to the part of the application site falling within St Helens Borough includes the following:

- The St Helens Core Strategy (the CS), October 2012<sup>28</sup>, and
- The St Helens Unitary Development Plan 1998 (the UDP) (Saved Policies)<sup>29</sup>

4.17 The development plan relevant to the part of the application site falling within Warrington comprises the Warrington Local Plan Core Strategy (2014) (the WCS) Warrington Local Plan<sup>30</sup>.

4.18 The relevant policies are set out in the Planning SoCG those policies which are in dispute and/or are particularly relevant to the application are summarised below.

#### *St Helens*

4.19 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 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 SRFI. 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".

4.20 Section 9 of the CS 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 now revoked North West of England Plan Regional Spatial Strategy to 2021 (the RSS ), and consistent with a contemporaneous planning application (subsequently withdrawn), the policy highlights that *"the former Parkside Colliery and immediately adjacent land is*

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<sup>28</sup> CD: 2.2

<sup>29</sup> CD: 2.1

<sup>30</sup> CD: 2.7

*identified as a strategic location which has the potential to facilitate the transfer of freight between road and rail”.*

- 4.21 The policy spells out SHMBC’s belief that a SRFI can be delivered on the western side of the M6 (on the former colliery site). The policy then sets out 15 criteria that will need to be satisfied for the Council to support a scheme for a SRFI.
- 4.22 Of particular relevance to the PP1 application is criterion 2 which states that *“Direct access to the site from the M6 for HGVs can be obtained avoiding use of Traffic Sensitive Routes identified in the Network Management Plan. Adverse impacts on the Strategic Road Network will be mitigated”.*
- 4.23 Also, of particular relevance are criteria 14 and 15, which are both predicated on the Council’s understanding that that, for operational, viability and commercial reasons, a larger area of land, extending to the east of the M6 motorway, may also be required to accommodate an enlarged SRFI. If Parkside East land is to be utilised for the development of a SRFI, criterion 14 stipulates that the area of land to the western side of the M6 (PP1 and PP2) is to be developed first and that the SRFI is proven to be not deliverable without Parkside East land. Finally, 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 rail freight interchange.
- 4.24 The supporting text also explains that the access to the Parkside site from the A49 would not be acceptable as the main access to a freight terminal and therefore land at Parkside East is likely to be necessary to deliver direct access to the M6.
- 4.25 The justification in paragraphs 9.50-9.54 of the CS are also noteworthy. In essence, they acknowledge that the development of a SRFI would represent inappropriate development in the Green Belt, in addition to causing significant harm to openness. However, it 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 CO<sub>2</sub> emissions. On that basis, the CS contemplates a situation where very special circumstances could be demonstrated.
- 4.26 CS Policy CE1 requires that sufficient land and premises be provided to strengthen and diversify the Borough’s economic base. It requires that at least 37ha of land be available to meet local needs for Class B1, B2 and B8 to 2027 through the identification of a range of sites within the Allocations DPD. Progression of the Allocations DPD has been abandoned and replaced with the eLP which proposes to allocate the PP1 application site to meet employment needs. Criterion 2 of CE1 sets out support for the development of a SRFI at Parkside in line with Policy CAS 3.2.

#### *The UDP*

- 4.27 The relevant UDP policies are set out in the SoCG<sup>31</sup>. Of most relevance to the PLR application are Policies S1, GB1 and GB2 which concern development in the Green Belt.

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<sup>31</sup> CD: 7.6

4.28 Policy GB1 states that new buildings within the Green Belt will not be permitted, except in very special circumstances, unless the development 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, as defined on the proposals map, will be maintained in order to, inter alia, assist in safeguarding the countryside from encroachment.

#### *Warrington*

4.29 WCS Policy CS2, Quantity and Distribution of Development, outlines a number of principles which will determine the detailed distribution of development through the plan period including that, within the Green Belt, development will only be allowed where it is considered to be appropriate in accordance with national policy. It also states that major warehousing and distribution developments will be located away from areas sensitive to heavy vehicle movements, with direct access to the primary road network and where possible with access to rail.

4.30 WCS Policy CS5, Green Belt, states that development proposals within the Green Belt will be approved where they accord with relevant national policy. WCS Policy CS4 states that WBC will support improvements to the transport network that integrate with transport networks both within and outside Warrington to enhance the sustainability of cross boundary travel.

4.31 WCS Policy MP 1 General Transport Principles states 'To secure sustainable development the Council and its partners will support proposals where they:

- Mitigate the impact of development or improve the performance of Warrington's Transport Network, including the Strategic Road Network, by delivering site specific infrastructure which will support the proposed level of development.'

#### *Emerging policy*

4.32 Emerging policy appears in the form of the St Helens Borough Local Plan 2020-2035 Submission Draft<sup>32</sup> 2019 (the eLP). The eLP was taken to public consultation in 2019 and was 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.

4.33 Key objectives of the eLP are to ensure a strong and stable economy with two of the strategic objectives being to ensure an adequate supply of employment land and to utilise the Borough's strategic location in relation to the rail network by facilitating rail-enabled employment development. Supporting regeneration and balanced growth are key themes at the heart of the plan which recognises the strategic importance of regenerating the former Parkside colliery site as well as delivering a SRFI.

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<sup>32</sup> CD: 3.18

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- 4.34 The eLP proposes to allocate 265.3ha<sup>33</sup> of employment land to 2035 with an additional 85.88ha safeguarded for employment use beyond the plan period<sup>34</sup>. The PP1 site, along with PP2 and Parkside East, is proposed to be removed from the Green Belt and allocated as employment land appropriate for Class B2/B8 development<sup>35</sup>. In the context of the eLP, the sites are simply referred to as Parkside East and Parkside West.
- 4.35 Policy LPA02 of the eLP 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*".
- 4.36 Policy LPA04 states that SHMBC will aim to deliver a minimum of 215.4ha of land for employment development. This policy lists the sites to meet this requirement in Table 4.1. Parkside West, which comprises the PP1 and PP2 sites, 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.
- 4.37 Paragraph 3 of Policy LPA10 sets out specific criteria that development on Parkside East Site 7EA would be required to meet. These include the need to create safe and convenient access from J22 of the M6 for Heavy Goods Vehicles and other vehicles (clause b) and the need to mitigate any adverse impacts on the surrounding strategic and local road network (clause c).
- 4.38 Appendix 5 to the eLP sets out the specific requirements for the Parkside West allocation. These include:
- Access to an initial phase of development can be provided off the A49 (Winwick Road).
  - Later phases of development should be served by a new link road from the east (linking to J22 of the M6).
  - The amount of development achievable within each phase must be determined using a comprehensive transport assessment to be approved by relevant highway authorities.
  - Suitable measures must be included to control impact of increased traffic movement or uses within the site on residential amenity, noise and/or air quality in the surrounding area.
  - Proposals must include measures to mitigate any adverse impacts on the Battle of Winwick Registered Battlefield and other heritage assets in the area.

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<sup>33</sup> See Table 4.1

<sup>34</sup> See Table 4.7

<sup>35</sup> See Figure 4.2: Key Diagram

- The development must avoid prejudicing the future development of siding facilities (to serve future development within Parkside East Site 7EA) within the area indicated for this purpose shown on the Policies Map.

4.39 Although the eLP has been submitted for Examination, there are a number of unresolved objections relating to the above policies. Nonetheless, the eLP is underpinned by a substantial body of up-to-date technical evidence some of it specific and highly relevant to the PLR scheme.

4.40 The Warrington Proposed Submission Version Local Plan 2017-2037<sup>36</sup> was published in March 2019. The Regulation 19 consultation period ended in June 2019. The draft plan has yet to be submitted to the SoS for Examination. The plan is therefore not at a stage where material weight can be attached to it in the determination of this application.

## **5. Facts Agreed Between the Applicant, St Helens and Warrington Councils**

5.1 Eight SoCGs signed by the Applicant, SHMBC and WBC have been submitted<sup>37</sup>, the following salient points emerge:

### *a) Policy*

- The development of a SRFI at Parkside is a longstanding policy objective that was first identified in the RSS and forms an integral part of the current development plan.
- The current proposal departs from what was anticipated in CS Policy CAS 3.2 in that the site of the SRFI is now proposed on land to the east of the M6 Motorway.
- The PLR provides the necessary road infrastructure for PP2 and Parkside East PP1 is not dependent on the PLR.
- The eLP proposes removing the Parkside application site, adjoining land to the north and land to the east of the M6 Motorway from the Green Belt and allocating it for employment purposes and for the provision of a SRFI.
- The eLP is not at a stage where material weight can be attached to it in the determination of this application.
- The eLP evidence base is however a material consideration in the determination of this appeal.

### *b) Green Belt*

- The PLR is transport infrastructure and an engineering operation. WBC argue that it is inappropriate development. SHMBC say it is not inappropriate by definition because it is a development for infrastructure. However, in light of NPPF paragraph 146, it would be inappropriate because of its impact on the openness of the Green Belt.
- The impact of the PLR on openness would vary along its length. To the west of the M6 Motorway comprising the Parkside colliery site, and the land within

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<sup>36</sup> CD: 2.9

<sup>37</sup> CDs: 7.1-7.8

Warrington, the PLR would have a limited adverse impact. To the east of the M6 Motorway, the PLR would have a significant adverse impact.

- Substantial weight should be attached to the harm to the openness of the Green Belt in balancing the merits of the application. The overall impact on the openness of the Green Belt for the whole scheme, would be moderate.
- The PLR would not harm the Green Belt purposes checking the unrestricted sprawl of large built up areas, of preventing neighbouring towns merging into one another, of preserving the special character of an historic town, or the purpose of assisting urban regeneration. The PLR would however harm the purpose of assisting in safeguarding the countryside from encroachment.
- The impact of further development at Parkside, including PP2 and PP3, would harm the openness of the Green Belt and conflict with purposes of including land within it. As the purpose of the PLR is to facilitate further development, this should weigh against the proposed development in the planning balance.
- It is agreed by SHMBC and WBC that it is necessary for very special circumstances to be demonstrated for the PLR.
- The need for PP2 and PP3, and the benefits arising from them, are capable of amounting to very special circumstances to justify development.
- If very special circumstances are established the PLR application would be compliant with the Green Belt policies within the development plans and Green Belt policy within the NPPF.

*c) Economic considerations*

- The need for economic development in St Helens is substantial. There is a lack of suitable sites in St Helens to accommodate the need and demand.
- The PLR is required to deliver employment land comprising PP2 and PP3 for which there is policy and market support demonstrated in a contemporary evidence base.
- A strength of the Parkside strategic site is that it is in a highly accessible location, adjacent to the M6 Motorway, close to the M62 Motorway and adjacent to the West Coast and Chat Moss railway lines.
- The PLR would result in an investment of approximately £31.5 million of construction related expenditure and provide the equivalent of 40 full time jobs. It would also facilitate the provision of a SRFI and further development at the Parkside strategic site and the employment benefits associated with those developments.
- The location of the Parkside strategic site close to Newton le Willows where there are pockets of multiple deprivation is an important matter when judging the weight to be accorded to the economic benefits that would be unlocked by the PLR.
- The future phases of development enabled through the delivery of the PLR would benefit residents of St Helens and Warrington through the creation of employment opportunities and increasing expenditure within the local economy.

- Based on potential capacity at PP2 and PP3 for 417,000m<sup>2</sup> of distribution and industrial premises, it is estimated there would be 7,910 gross direct and indirect full-time equivalent jobs, 3,560 net additional FTE jobs and £391 million of net additional Gross Value Added (GVA) per annum.
- The scale of the economic benefits should be given significant weight in accordance with paragraph 80 of the NPPF.

*d) Highways*

- SHMBC's review of the highway impacts of the PLR scheme are based on the: Traffic Model Data Collection Report 2018<sup>38</sup>; Transport Assessment (TA) <sup>39</sup>; Operational Assessment Report 2020<sup>40</sup>; Traffic Forecasting Report (October 2020)<sup>41</sup>; Local Model Validation Report (LMVR)<sup>42</sup> and Option Appraisal Report June 2017<sup>43</sup>.
- The design of the road has been completed in accordance with the DMRB.
- Sections 3 and 5 of the TA set out the baseline conditions on the highway network within the study area. Sections 4 and 5 set out the forecast traffic conditions.
- The optioneering undertaken and reported in the Options Appraisal Report demonstrates that no non-Green Belt alternative was available for the PLR.
- The LMVR describes the appropriate validation of the Base Model.
- The proposed local developments are appropriately represented in the transport models.
- The operational assessment of key junctions in the local highway network have been appropriately analysed as reported in the Operational Assessment Report. The A49/Hollins Lane, A49/Golborne Road and A49/Winwick Link Road junctions would experience an operational benefit with the PLR.
- The PLR would increase traffic at M6 J22, A49/A572 Southworth Road and A572/A573 Southworth Road/Parkside Road/Golborne Dale Road junctions. However, with mitigation all junctions would operate below the Ratio of Flow to Capacity threshold of 85%-90%.
- The PLR would increase traffic flows along the surrounding highways resulting in some additional queueing and delay at junctions.
- All the highway mitigation schemes have been agreed with the relevant Highway Authority.
- With a Benefit to Cost Ratio (BCR) of 1.469 the PLR scheme represents the higher end of the Low Value for Money range. If the monetary benefits of the

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<sup>38</sup> CD.5.6

<sup>39</sup> CD.5.48

<sup>40</sup> CD.5.51

<sup>41</sup> CD.5.49

<sup>42</sup> CD5.52

<sup>43</sup> CD.5.133

Wider Economic Benefits were added to the appraisal the scheme would move into the Medium Value for Money category.

*e) Environmental considerations – Landscape and visual impact*

- The Study Area in the Landscape and Visual Assessment<sup>44</sup> (LVIA) is appropriate for the consideration of the likely important effects on landscape character and on views.
- The PLR site does not have a landscape designation and is not a 'valued landscape' for the purposes of paragraphs 170 and 171 of the NPPF.
- The PLR site is within the context of the existing transport corridors associated with the M6, Parkside Road and Winwick Lane.
- The relevant local landscape character areas (LCAs) are LLCA 1: Newton le Willows, LLCA 2: Former Parkside Colliery Site, LLCA 3: Undulating and Generally Enclosed Arable Farmland and LLCA 4: Relatively Flat and Open Arable Farmland.
- The visual receptors identified in paragraphs 7.4.3-7.4.6 in the ES are appropriate. Further, the parties agree that the Representative Viewpoints outlined in paragraph 7.4.8 are also appropriate to consider the likely effects on the receptors identified.
- The residual effects on landscape are set out in Table 7.7 of the LVIA replicated on page 4 of the Landscape SoCG. The significance of effect for each LCA ranges from 'moderate to slight adverse' range at year 1 to 'slight beneficial' at year 15.
- The most significant visual effects would be experienced at H14 (Hilbre and Hill Crest on the east side of the A579 Winwick Lane and H16 ('Sherbrooke' on the east side of the A579 Winwick Lane both in Warrington.
- By year 15, the greatest visual effect beyond 0.5km of the PLR would be 'Slight Adverse'.
- The new planting would take time to grow and therefore it is inevitable that the effectiveness of landscape and visual mitigation may not be fully realised for a number of years.

*f) Environmental considerations - Amenity*

- The PLR would impact on the amenity of homes in the vicinity of the route. There would be some impact arising from noise, activity and visual impact. The harm to residential amenity should weigh against the application in the planning balance.

*g) Environmental considerations – Noise & Vibration*

- The methodology of the Noise Assessment in Chapter 10 of the ES is consistent with NPPF and the Noise Policy Statement for England.

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<sup>44</sup> ES Chapter 7 CD: 5.1



- During the construction phase there are likely to be significant but temporary noise effects at residential properties along A579 Winwick Lane. There would also be significant but temporary vibration effects at residential properties along A49 Winwick Road and Parkside farm near Barrow Lane.
- Subject to the implementation of low noise surfacing and a road noise barrier there would be no significant residual effects during the operational phase at the nearest residential properties.
- With the proposed mitigation there would be a minor beneficial effect<sup>45</sup> during the operational phase at properties on A579 Winwick Lane between J22 of the M6 and the junction with PLR East.
- A minor beneficial effect would occur due to reduced traffic flow and speed on the A49 south of the junction with PLR West and the A573 Parkside Road, south of the junction with PLR West.

#### *h) Environmental considerations – Air Quality*

- The Assessment Methodology set out in Section 4.5 to the ES Air Quality chapter<sup>46</sup> is consistent with national and international guidelines.
- For operational road traffic impacts, atmospheric dispersion modelling has been used to predict the impact of development traffic; with the model verified against local monitoring data.
- The UK Air Quality Strategy objectives as outlined in paragraphs 5.2.8 and 5.2.9 of the 2018 ES are appropriate for consideration of the air quality effects of the scheme on human health.
- The DMRB and Institute of Air Quality Management (IAQM) significance criteria contained in Tables 5-4 to 5-6 of the 2018 ES are appropriate for consideration of the significance of operational road traffic impacts and effects.
- The PLR would lead to both beneficial and adverse impacts on local air quality.
- There are no predicted exceedances of air quality strategy objectives without and with the PLR scheme in the 2024 and 2034 assessment years.
- With the exception of one slight beneficial impact on annual mean nitrogen dioxide (NO<sub>2</sub>) concentrations in 2024, all other impacts are negligible, and that the overall effect on air quality is not significant.
- There would be no significant impact on current AQMAs in St Helens, Warrington and Wigan.

#### *i) Environmental considerations – Ecology*

- The features of nature conservation significance to be considered in the planning decision are Highfield Moss Site of Special Scientific Interest (SSSI); located 610m off-site in Wigan, Gallows Croft and Newton Brook Local Wildlife Sites (LWSs) both in St Helens.

<sup>45</sup> No significant effect defined as an increase of no more than 3dB in the short term or 5dB in the long term

<sup>46</sup> Further Environmental Information Section 4, CD: 5.47

- Habitats of Principal Importance or local interest found on and adjacent the application site, include watercourses, broadleaved woodland and trees/hedgerows.
- Protected Species and Species of Principal Importance found on and adjacent the application site include bats, amphibians, water voles, breeding birds and foraging use by barn owls and hedgehogs.
- The assessment methodology set out in section 8.2 of the ES<sup>47</sup> and section A8.5 of the ES Addendum is appropriate, consistent with national and international guidelines and has been applied appropriately.
- The baseline conditions set out in section 8.3 of the ES and section A8.6 of the ES Addendum has been mapped in detail and fully characterised and incorporates the results of consultations with local and statutory bodies, design development and information from detailed surveys<sup>48</sup> carried out prior to and during the application period.
- Mitigation would take the form of implementation of the following measures:
  - a full and detailed Construction and Environmental Management Plan (CEMP) based on the submitted Outline CEMP<sup>49</sup>,
  - Landscape and Ecology Detailed Planting Plans<sup>50</sup>,
  - a Landscape and Habitat Creation Management Plan<sup>51</sup>,
  - the Tree Protection Plan<sup>52</sup>,
  - the great crested newt (GCN) and Common Toad Mitigation Strategy<sup>53</sup>;
  - a Water Vole Mitigation Strategy<sup>54</sup>,
  - an Ecological Management Plan<sup>55</sup>,
  - a Sensitive Lighting Strategy (to be secured by condition); and
  - A financial contribution to habitat improvements to benefit GCN off-site at Rixton Clay Pits.
- The specific measures are set out in paragraphs 12-26 of the Ecology SoCG.
- There would be a net loss of 0.3ha of broadleaf woodland, the creation of 6 new ponds equating to a total 0.13ha of water surface, a net gain of 8.5ha of species-rich grassland and a net gain of 2.17km of hedgerow.

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<sup>47</sup> CD: 5.9

<sup>48</sup> Appendices 82-89 CD: 5.1

<sup>49</sup> Appendix 2.4 of the ES CD 5.2

<sup>50</sup> Appendix A71 CD: 5.10

<sup>51</sup> Appendix A72 CD: 5.10

<sup>52</sup> Appendix A73 CD: 5.10

<sup>53</sup> Appendix A82 CD: 5.10

<sup>54</sup> Appendix A83 CD: 5.10

<sup>55</sup> Appendix A84 CD: 5.10

- Overall, the PLR would not have an unacceptable impact on protected species or their habitat subject to conditions securing the implementation of mitigation measures. There would be no conflict with CS Policies CQL2, CQL3 and the NPPF.
- The relatively small net-loss of woodland would be offset by the quantitative net gain in habitats of conservation priority and would also benefit more species than would experience a residual decline. On this basis, the scheme delivers a biodiversity net gain (BNG).
- Using the Department for Environment Food and Rural Affairs' (Defra) 2 metric the Biodiversity Impact Assessment<sup>56</sup> shows a 38% increase in habitat units and a 67% increase in hedgerow units. These results are far in excess of the 10% net gain target that is included in the Environment Bill and will likely be included in the Environment Act.

j) *Heritage*

- The PLR would cause 'less than substantial' harm to the setting of the listed buildings at Newton Park Farm, the Registered Battlefield and Woodhead Farm and Barn (Grade II).
- The demolition of Rough Farm Barn and Cottage and Monk House (non-designated) would result in 'less than substantial' harm.
- In Warrington the PLR would have a neutral effect on Oven Back Cottage (undesigned heritage asset).
- The impact on St Oswald's Well (Grade II listed and scheduled monument) would be neutral during construction, therefore no impact on the asset's significance during construction and moderate beneficial during the operational phase.
- the PLR would deliver substantial public benefits and therefore the harm to heritage assets would be outweighed, irrespective of whether the harm was 'substantial' or 'less than substantial'.

## 6. The Case for Parkside Action Group

*The case for the PAG is provided in detail in their Statement of Case [CD5.70], Proofs of Evidence [CD7.77-7.95] Opening [ID14.4] and Closing Submissions [ID14.59].*

### **Policy**

6.1 PAG supports the delivery of a SRFI at Parkside, given the exceptional worth of the site from a national transportation perspective. Locally, the SRFI is considered suitable for the Parkside West site. As recognised by Policy CAS 3.2, a SRFI would facilitate the transfer of freight to rail and a reduction in CO<sub>2</sub> emissions. Under cross examination PAG's Planning witness accepted the following:

- Policy CAS 3.2 is directed to the actual delivery of a SRFI to exploit the site's unique location,

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<sup>56</sup> Appendix 1 to Hesketh PoE CD: 7.11

- The colliery site (54ha) had “*severe limitations*” in delivering a SRFI and that any desire for a SRFI solely on the site of the former colliery has never been a realistic option,
- The larger site (including land to the east of the M6) is required in order to secure direct road access to M6 and to accommodate the required lengths of trains,
- The delivery of an acceptable SRFI is dependent on appropriate infrastructure to mitigate local and wider off-site traffic impacts accordingly,
- There is an express recognition in Policy CAS 3.2 that:
  - An access solution was required which did not use the A49,
  - Land to the east may be required for the access solution, and
  - Land to the east may be required for the functional requirements of the SRFI, and
- The benefits of a SRFI could justify very special circumstances, such benefits including economic benefits and a reduction in CO<sub>2</sub> emissions.

6.2 Although it is intended to remove the entire Parkside strategic site from the Green Belt in the eLP, there are outstanding objections to the plan and it has yet to be examined in public. The eLP can only therefore be afforded limited weight. 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 PLR.

6.3 Despite the designation in the eLP, the land to the east of the M6 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>57</sup> shows that the PLR would cross areas shown for sidings and loading areas. These may therefore need to be relocated. Further, 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 the SRFI at Parkside East.

6.4 In light of the above, Parkside West is the better option for the SRFI in terms of cost and operational flexibility. The PLR would reduce the available land and operational flexibility for an SRFI at Parkside East. Overall, the strategic opportunity to bring forward a SRFI at Parkside West, in line with currently adopted policy and the potential to decarbonise freight transport in line with Government policy and international obligations would be severely degraded by the PLR proposal.

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<sup>57</sup> CD 5.54

## **Green Belt**

- 6.5 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 Green Belt in this location was established in 1983 and has performed well.
- 6.6 In accordance with Paragraph 144 of the NPPF, harm to the Green Belt must be given substantial weight. The PLR would enable further sites in the Green Belt to be developed causing unrestricted sprawl, cause the merging of distinct areas, and cause built forms to encroach into the rural area, rather than supporting regeneration of nearby urban areas. SHMBC's 2018 Green Belt Review<sup>58</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.
- 6.7 The PLR constitutes inappropriate development in the Green Belt. It has been agreed by all concerned that the development would cause definitional, spatial, and visual harm to openness and permanence.
- 6.8 The economic case to justify very special circumstances is based on subjective aspiration and is strongly contested. The economic need cannot be established in these times of uncertainty. The scheme would cause economic harm, together with social and environmental harm. There are no very special circumstances to justify approval of the PLR and associated schemes within the Green Belt.
- 6.9 The PLR would be contrary to national policy on Green Belts and the development plan. Only a SRFI would justify taking the PLR site out of the Green Belt.

## **Economic Considerations**

*PAG's concerns as set out in their Economy & Employment Land Supply PoE<sup>59</sup> relate mainly to the PP1. The points relevant to the PLR are summarised here*

- 6.10 The need for a strong, competitive and diverse economy, as set out in Chapter 6 of the NPPF is strongly supported. However, the PLR would compromise the potential for a SRFI being realised, as proposed in the adopted Local Plan.
- 6.11 Development enabled by the PLR would be almost entirely B8 orientated. The Applicant has failed to demonstrate that recent local B8 schemes in the area, such as Omega at Warrington, have made any impact on deprivation in the local area. Deprivation has actually increased since such schemes have become operational. The local community has no confidence that further large scale B8 development is the solution.
- 6.12 When taken into consideration with other B8 developments in the area like FF, various Haydock sites, Haydock Point, Omega South, Warrington Omega, and Symmetry Park, Wigan, a blanket saturation of the same type of development is unlikely to stimulate the right mix of skills needed to lift the capabilities of the

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<sup>58</sup> CD: 3.5

<sup>59</sup> CD: 7.91

future workforce and economy. It makes the local economy extremely vulnerable to economic shocks.

- 6.13 The impacts of Covid-19 and Brexit on distribution and office needs are unknown at present. Many large retail concerns have gone into administration with their wholesale premises in out-of-town locations, and high street outlets becoming vacant.
- 6.14 The economic case put forward by the Applicant is based on very shaky and shifting foundations, whatever the level of expertise of those putting them forward.
- 6.15 The need and demand for employment land should be considered through a more rigorous and strategic plan-making process than is possible with individual planning applications.
- 6.16 The Benefit to Cost Ratio (BCR) of 1.469 is considered to be on the high side given the current economic climate and believe a more cautious return would occur in reality.
- 6.17 The loss of high-grade agricultural land for development would further narrow the economic base of the area and harm the future prospects of the rural economy, specifically farming. This is afforded too little weight by the Applicant.
- 6.18 Ramboll (the Applicant's consultants) conclude that the range of wider benefits from the PLR would produce a good 'Value for Money' case. PAG disagree that this is a factor that weighs in favour of the scheme given the harm to the future delivery of the SRFI.

### **Highways**

*PAG's Highway evidence as set out in their Transport and Traffic PoE relies heavily on Technical Note 2, which was not supported orally at the Inquiry)<sup>60</sup>.*

- 6.19 The cooperation between WC and the Applicant has been limited. WC object on the basis of trip rates, junction assessments, traffic forecasting, public transport access and committed developments.
- 6.20 The Applicant states that the primary case for the PLR is to support future development and not to alleviate existing traffic issues. The public have been consistently misinformed on this point. The additional heavy goods vehicles (HGVs) and employee traffic generated by this future development has been grossly under-estimated. The worse-case scenario associated with higher-than-expected logistic operation and job densities has not been assessed.
- 6.21 The Parkside Link Road Traffic Model (PLRTM) has only been validated against link flows. No validation of turning movements has been carried out as advised in the Department for Transport (DfT) guidance. Table 6 of the 2019 LMVR<sup>61</sup> provides a comparison of the actual and modelled am peak-hour traffic flows. It shows significant differences at some of the check points which casts doubts on the validity of the PLRTM forecasts. Although the model meets DfT validation

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<sup>60</sup> CD: 7.95

<sup>61</sup> CD: 5.23

criteria, it is clearly not fit for purpose and the model cannot be used for predicting local congestion and air quality effects.

- 6.22 There is further concern with the assignment of traffic in the PLRTM. For example, between checkpoints 15 and 16 there is a loss of 515 vehicles. This means the model is assigning the traffic to Barrow Lane and Sandy Brow Lane which is not realistic given the substandard nature of these routes. The ES and ES addendum do not assess the potential for 'induced' traffic and therefore seriously underestimates the amount of traffic that would use the new road and other surrounding roads including those unsuitable for more or heavier traffic.
- 6.23 The other area of concern relates to the review of the Applicant's transport work. The Mott McDonald review on behalf of SHMBC was not extensive and relied on the assumption that the documentation supporting the PLRTM would have been scrutinised during the review of the Full Business Case (FBC) submission by Cushman & Wakefield<sup>62</sup>. However, the 2019 TA is not listed as supporting information in the application. On that basis, the PLRTM and the associated documentation suite have not been subject to a sufficiently rigorous independent review.
- 6.24 The PLR scheme does not provide direct access to the M6 and would result in additional vehicles on the local roads many of which are unsuited to deal with additional traffic. 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.
- 6.25 The October 2020 TA has revealed the stressed nature of local road junctions to the north of the site, particularly those inter-connecting with the A580. Lane Head was acknowledged to be at or near capacity. Golborne roundabout was also acknowledged to be at capacity but the Applicant claimed it would also be used as a primary route for development traffic accepting Lane Head was not an option. The only other primary A road route to the A580 is Newton High Street. The TA model was acknowledged here to show a 30% increase in two-way Annual Average Daily Traffic flows in 2024 (PP1) and 45% in 2034 (PP1-3). Newton High Street is an AQMA but no mitigation has been offered by the Applicant.
- 6.26 The alternative road scheme as proposed by Prologis in 2008 is a preferred alternative. The Prologis scheme proposed a new motorway junction north of J22 at the point where Parkside Road crosses the M6 and then retire M6 J22. The scheme 'ring fenced' Parkside development traffic to use of the motorway, and therefore largely eliminated use of local roads by induced traffic and removed associated air quality impacts from local receptors.
- 6.27 The TA does not take into account planned weight restrictions in the Culcheth, Glazebury, Winwick and Croft area. Moreover, SHMBC has expressed its intention to weight restrict the A49 once the PLR is constructed. There has been no assessment of the likely impact of these changes.

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<sup>62</sup> CD 5.53

6.28 The residual cumulative impacts on the road network would be severe and in line with NPPF paragraph 109 the PLR scheme should be refused.

### ***Environmental Effects***

#### *Landscape and Visual Impact*

- 6.29 Although the PLR site does not have a landscape designation and is not a valued landscape for the purposes of NPPF paragraphs 170 and 171, the Applicant's baseline underplays the landscape value of the site, particularly to the east of the M6.
- 6.30 The western part of the site is partially degraded former colliery land. However, much of the land 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. The land east of the M6 is a flat area of high-grade farmland supporting an array of wildlife and many historic and cultural associations and is of the highest possible sensitivity.
- 6.31 The PLR would cause a very large adverse change to the landscape character, including to a predominately rural area currently used for agriculture and an area with an ecological designation. The extent of harm is therefore more than the LVIA suggests.
- 6.32 There are a number of residential receptors on Winwick Road and also on Hermitage Green Lane that the Applicant agrees would experience significant adverse effects. The main parties also agree that the PLR would be apparent in the context of the M6, Parkside Road and Winwick Lane.
- 6.33 The glow from street lighting along the PLR would be significant and has not been properly considered.
- 6.34 When considering the overall landscape and visual impacts of the PLR there would be an unacceptable negative effect.
- 6.35 The landscape and visual impacts of the PLR have not been cumulatively assessed with those arising from PP1, PP2 and PP3. The cumulative overall landscape and visual amenity harm would be very large adverse.

#### *Residential Amenity*

- 6.36 The scheme would impact on the quality and amenity of the surrounding area, causing significant detriment to the way the local community values its area. The loss of a much valued 'green lung' has not been considered and the proposal would have an adverse impact on health contrary to NPPF paragraph 92. The scale of the development would cause amenity effects of a significant and substantial level.

#### *Noise*

- 6.37 The lives of many local residents are already blighted by noise from HGVs passing through residential areas particularly at night. Substantial additional traffic movements would cause significant additional noise and disturbance to residents.



- 6.38 The PLR would have an adverse impact on tranquillity over a very wide area. The harm cannot be designed out or mitigated. The scale of the road and the development of sites associated with it would have effects of a significant and substantial level.
- 6.39 Night-time noise levels regularly exceed 40-45 decibels (dB) on Winwick Lane. This would increase as drivers take the shortest route to the A580 through Lane Head where 28% of night-time traffic currently comprises HGVs.
- 6.40 Sound levels at the properties to the south of Winwick Lane require mitigation through an acoustic sound barrier. Increased noise on High Street, Newton le Willows would impact on commercial businesses as well as residents. Long-term health impacts associated with noise and disturbance include increased incidences of heart attack, stroke, dementia and hearing problems.

#### *Air Quality*

- 6.41 According to the 2014/15 figures issued by the St Helens Joint Strategic Needs Assessment, the Borough has a higher rate of mortality from respiratory disease than the rate for England.
- 6.42 SHMBC has a commitment to the zero carbon emissions policy in addition to objectives and plans under the 1995 Environment Act. These objectives are being overridden by the proposed development and other plans in the area.
- 6.43 The modelling for impacts on air quality are not transparent and not consistent with national or local air quality guidance in many areas. The proposed development would result in increased traffic in two AQMA's. The air quality assessments (AQA) should therefore have evidenced that good modelling practices had been applied. Evidence suggests that good modelling practices have not been applied in all iterations of the air quality assessments. Erroneous modelling means that impacts cannot be as stated.
- 6.44 The PLR would have an adverse impact on health, even where predicted increases in NO<sub>2</sub> concentrations are stated to be negligible. The PLR would enable PP2 and PP3. Although there is some uncertainty as to the exact nature and composition of these proposals, they should have been included in the AQA. In addition, the traffic impacts of PP1 must also be included. The predicted impacts on future air quality cannot be accurate, if cumulative impacts are based on vague speculation.
- 6.45 The Applicant's AQA is deficient in the following areas.
- A failure to correctly apply the quoted Local Air Quality Management (LAQM) Technical Guidance for model verification<sup>63</sup>,
  - A lack of transparency in the PLR modelling work which conflicts with IAQM guidance,
  - Over-optimistic predictions on future year air quality levels, given the Covid-19 pandemic, and
  - A failure to comply with the various Air Quality Action Plans (AQAPs)

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<sup>63</sup> CDs: 4.121 & 4.122

- 6.46 In all iterations of the AQA there has been a failure to correctly apply the quoted LAQM Technical Guidance for model verification. There is a large disagreement between modelled road NO<sub>2</sub> with measured road NO<sub>2</sub> in the model verification. LAQM Technical Guidance emphasises the importance of basing model verification on the source contribution of NO<sub>2</sub>. There is no evidence in any of the AQAs that the guidance has been adhered to in this respect.
- 6.47 This fundamental issue has been reiterated by the PAG's air quality expert, in Technical Note 1. It was shown during the Inquiry that one of the model setup issues may include the fact that Newton le Willows High St and other canyon-like roads, included in the modelling locations, have been modelled as though they were roads in open countryside. The results of the AQA cannot be relied upon if modelled locations do not truly represent the urban environment. Consultants for SHMBC and WBC have failed to highlight these fundamental model verification and model setup issues.
- 6.48 No information has been provided in the AQAs of how the traffic consultants converted their traffic data to that required by the air quality consultants. Information is missing on the background NO<sub>2</sub> concentrations inputs used in all iterations of the assessments. No model verification has been carried out on particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>) concentrations. Furthermore, PAG's air quality consultant<sup>64</sup> requested model files, in order to draft a response to the Applicant's Rebuttal PoE<sup>65</sup>. The Applicant refused to provide these files.
- 6.49 Despite the Applicant's expert assertions that discrepancies in NO<sub>2</sub> model verification is somehow 'normal', LAQM technical guidance is clear and the model verification is clearly indicating that something is wrong in the model setup. The provision of the model files would have been an opportunity, at the very least, for the Applicant to prove the expert's assertions. Very limited weight should be given to the AQA.
- 6.50 The AQA assumes that air quality would improve in 2024 and 2034. However, it is not possible to say what the effect of the Covid-19 pandemic will be, both in terms of changing traffic flows, diurnal variation and the future fleet turnover due to the adverse economic outcomes of the pandemic. DfT statistics on transport mode use during the Covid-19 pandemic show a significant increase in the percentages of HGVs on the road in 2020, compared with 2019 levels.
- 6.51 The NPPF clearly stipulates that a developer must adequately prove that impacts from a development would not breach air quality objectives and they must also not conflict with local AQAPs and the currently adopted Local Plan. Defra guidance stipulates that all AQAPs must maintain as its key objective an improvement of air quality in AQMAs. It is PAG's position that the PLR developer has not been able to prove that air pollution would not deteriorate as a result of the development in the AQMA's in Newton le Willows.
- 6.52 The last annualised bias adjusted NO<sub>2</sub> concentration recorded at Winwick Lane junction was 57.7µg/m<sup>3</sup> (micrograms per cubic metre) and 17.7µg/m<sup>3</sup> above the national objective. Traffic will travel north up Winwick Lane from the new PLR junction. It is well evidenced that WC are acting to declare this area an AQMA,

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<sup>64</sup> Dr Holman

<sup>65</sup> CD: 8.2

and the area is currently being managed within the Greater Manchester AQAP. The area is also subject to the directive issued by the SoS requiring WC to take decisive action to improve air quality where there is an exceedance of the NO<sub>2</sub> objective. No weight can be given to any assertion by the Applicant that the effects of development would not conflict with the objectives of the Greater Manchester AQAP.

- 6.53 The landmark Ella Kissi Debrah<sup>66</sup> case found that death occurred as a result of being exposed to NO<sub>2</sub> in excess of EU limit values and particulate concentrations in excess of World Health Organisation (WHO) limit values. WHO Limit values on PM<sub>2.5</sub> is 107µg/m<sup>3</sup>, and on PM<sub>10</sub> is 207µg/m<sup>3</sup>. The AQA assessment predicts PM<sub>2.5</sub> and PM<sub>10</sub> pollution levels that are in excess of these WHO limit values.
- 6.54 Despite the AQA predicting levels in excess of the WHO limit values, the Applicant's witness stated that there would be a negligible increase in baseline levels as a result of the development. However, as the model verification shows large under-predictions at sites in the High Street AQMA, there can be little confidence in the applicant's predictions.
- 6.55 As the PLR would see an exceedance in the local area of WHO PM<sub>2.5</sub> and PM<sub>10</sub> limit values, the development proposals conflict with NPPF 180 which states that planning decisions should ensure new development is appropriate for its location taking into account the likely effects of pollution on health. It also conflicts with NPPF 170(e) which seeks to prevent new development giving rise to unacceptable risks from, inter alia, air pollution.

### *Ecology*

- 6.56 The area of the application site is enjoyed by around forty thousand local people and is known as an important ornithology site in the North-West.
- 6.57 The importance of habitats, wildlife corridors, greenery and biodiversity have not been recognised or addressed adequately in the proposals. The PLR scheme would cause considerable harm, regionally and locally, in terms of adverse impacts on ecology, wildlife and biodiversity.
- 6.58 The Applicant's desktop analysis was based on limited knowledge of the area. Lancashire Wildlife Trust was not approached despite directly operating the management plan for the SSSI. Some of the wildlife surveys are out of date.
- 6.59 The mitigation measures for the PLR are weak and tokenistic and would not achieve a BNG. Tree planting, mainly outside the area, would not replace wildlife or habitats or provide adequate compensation for the local community.
- 6.60 The Applicant's BNG assessment was produced in November 2020, six weeks before the Inquiry. Unlike traffic or air quality no background data or workings were provided, only output reports. Given the complexity and field data required it would be impossible for even an experienced team of ecologists to validate. The report therefore must be considered invalidated and little weight applied. The PLR proposal is contrary to Paragraph 92 of the NPPF.

### *Climate Change*

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<sup>66</sup> ID: 13.40

- 6.61 Climate change is the biggest challenge facing our generation. The Mayor for the Liverpool City Region 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. SHMBC has declared a climate emergency which means that action has to be taken now.
- 6.62 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.
- 6.63 The PLR would facilitate further road-based logistics development and is a retrograde step in terms of considering impacts on climate change. Whilst PAG accept the need for economic development and regeneration, this should meet the needs of the area and local economy and be sustainable against the very real and urgent context of climate change.

*Best and Most Versatile Agricultural Land*

- 6.64 The PLR is an enabler for PP2 and PP3. Collectively these phases would lead to the loss of approximately 207ha of Grade 2 and 3 Best and Most Versatile agricultural land (BMVAL). The PLR application does not consider the total impacts arising from these subsequent phases. In particular, the Applicant's Agricultural Considerations Report<sup>67</sup> which concludes the loss of 19.6ha of BMVAL land as being of "low magnitude", fails to engage with the cumulative impact.
- 6.65 Up to 80% of the Parkside strategic site is currently producing food. The National Farmers' Union statement declares "*Farmed Land is pivotal to society in gaining sustainable products from our land resources.*" Agriculture/crop production is the key part of the nation's "Farm to fork" food chain and is worth £110 billion to the economy.
- 6.66 Agricultural self-sufficiency is acknowledged to be essential in supporting the forecast population growth and ensuring food availability. Any loss to the national output in the face of such population increases cannot be afforded.
- 6.67 The Government, in its 2017 advisory body report, Commission on Climate Change, identified risks to domestic and international food production and trade, as one of the UK's top 6 climate change risks. A recent study by the UK Centre for Ecology and Hydrology published in July 2020 found that an area of green space equivalent to the size of the county of Cornwall has been lost to development in the last 25 years. It is therefore vital to protect and enhance whatever means we have for food production. This is hardly a scenario to continue removing valuable resources.
- 6.68 It is also widely accepted that agricultural land absorbs carbon. It does not therefore seem wise to replace it with carbon generating activity i.e. a road and warehousing.

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<sup>67</sup> Appendix 112 CD: 5.2

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**Heritage**

- 6.69 The scheme would cause substantial harm to the settings of several designated and non-designated heritage assets<sup>68</sup>.
- 6.70 The Registered Battlefield is the site of the final battle of the second English Civil war and is acknowledged as 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.
- 6.71 The public's ability to fully appreciate the battlefield in long distance views from the east would be hugely compromised by the PLR and enabled future development. The open setting of the battlefield would be lost altogether particularly by PP3.
- 6.72 The field studies of the battlefield site are considered incomplete and fall short of that required for a site of this significance. As a result, the true historical importance of the battlefield has not been established.
- 6.73 The Battlefield Trust objected to the PP1 development because of the degree of harm to the core Battlefield site but have acknowledged that the PLR would have 'less than substantial harm' to the battlefield setting to the east. Historic England also consider harm to the battlefield would be 'less than substantial'. PAG dispute these assessments and believe the harm to the battlefield from the construction of PLR would be extreme and substantial.
- 6.74 Views to and from Winwick Church (Grade I listed) would be seriously impaired by the road. 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 and its setting, including key views, has not been properly considered, contrary to Historic England's 'Setting of Heritage Assets'<sup>69</sup>.
- 6.75 St Oswald's Well, a Grade II listed building and Scheduled Monument is located outside the Registered Battlefield area but within its setting. It should therefore be considered as of the highest significance and wholly exceptional.
- 6.76 Woodhead Farm and the Battlefield of Maserfield and its setting do not appear to have been considered in the heritage assessments, raising concerns that heritage protection and asset recording may not satisfy national planning policy.
- 6.77 The spoil tip is part of the historic industrial landscape. It is clear from the Applicant's rebuttal statement<sup>70</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.

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<sup>68</sup> See Tables 1 and 2 CD: 7.81

<sup>69</sup> CD: 4.148

<sup>70</sup> CD: 8.4

6.78 The true scale of the cumulative impact of the PP1, PP2, PP3 and PLR schemes on heritage assets has not been fully assessed.

### **Benefits**

6.79 The traffic, amenity and environmental impacts outweigh the marginal direct benefits and questionable claimed indirect benefits of the PLR scheme.

### **Conclusions**

6.80 PAG's objection to the proposal is based on the following:

- The PLR would be inappropriate development in the Green Belt and contrary to national and local Green Belt planning policies as well as Policy CAS 3.2,
- Very special circumstances have not been demonstrated to justify development in the Green Belt,
- The consideration of substantial Green Belt release through ad-hoc planning applications rather than a proper development plan process is unsatisfactory,
- Approval of the PLR would imply release of further sites from the Green Belt, pre-empting future planning applications,
- The scheme would harm the rural economy and enable development that would fail to diversify economic opportunity and is of marginal and questionable economic value,
- Traffic generation would be unsustainable and would cause harm in terms of congestion and also to amenity, especially if worst case scenarios occur,
- The schemes would have a detrimental effect on air quality, which already exceeds limits,
- The air quality modelling is deficient and the argument for an improvement in air quality is implausible,
- The schemes would cause considerable harm to landscape character, visual amenity, ecology, wildlife and biodiversity,
- Mitigation for the loss of the natural environment is inadequate,
- The scheme would harm amenity through noise and disturbance (loss of tranquillity), light, visual impact and loss of recreational facilities,
- The schemes cause substantial harm to several heritage assets (designated and non-designated) and their settings,
- In the case of the spoil heap, the heritage impact has not been understood or considered at all,
- The scheme would have adverse impacts in terms of climate change and based on embedding more road haulage, in advance of the priority rail purpose, it is not sustainable, and
- Cumulative impacts with other developments have not been fully assessed.

6.81 On the basis of the evidence and issues raised at the Inquiry it is respectfully recommended that the SoS refuse the application on the basis of a negative planning balance.

## **7. The Case for St Helens Council (as applicant)**

*The case for the Applicant is provided in detail in their Statement of Case [CD5.67A] Proofs of Evidence, [CD7.9-CD7.27, Opening/Closing Submissions [ID14.1, ID14.62], together with Statements of Common Ground [CD7.1-CD7.8]. The material points are set out below:*

### *Overview*

- 7.1 The PLR is the key element of infrastructure to unlock the wider Parkside development site for employment development. PP1 does not require the construction of the PLR, but it nevertheless delivers the first phase of the PLR by providing the access off the A49 and across the former colliery site. PP2 and PP3 require the additional capacity and direct access to J22 of the M6. Hence the purpose of the PLR is to enable the development of PP2 and a SRFI to the east of the M6 also referred to as PP3.
- 7.2 The Applicant's evidence<sup>71</sup> demonstrates that notwithstanding the promotion of the Parkside site over many years, the upfront capital cost has been a major stumbling block. Nevertheless, the very obvious locational advantages of the site and the opportunity it presents has been consistently recognised. This is underscored by the 2016 Parkside Logistics and Rail Freight Interchange Study<sup>72</sup> which states:

*"independent analysis has confirmed that the market attractiveness of this site for logistics activity remains as strong as and arguably stronger than in 2006 when the previous application for the site was put forward. One of the principle [sic] reasons for the site not coming forward ... was the issue concerning achieving a sustainable access option to the site. The provision of the eastern access road to the A570 and the connection to the west and the east side of the development site, along with enabling rail connection work for the construction phase allows the development to take place. It could initially be with an A49 link but which commits to the development of the eastern access and implementation of the required rail connections and terminal in a later phase of development."*

## **Planning Policy**

### *National Policy*

- 7.3 Chapter 6 of the NPPF contains the Government's commitment to building a strong and competitive economy. Paragraph 80 of NPPF requires that decisions should create the conditions in which businesses can invest, expand and adapt. This means securing:
- An adequate supply of employment land,
  - An adequate range of employment sites, and

<sup>71</sup> Littler PoE CD: 7.24

<sup>72</sup> Paragraph 9.7, CD 5.54

- Adequate infrastructure including road infrastructure.
- 7.4 The approach to be taken should allow each area to build on its strengths, counter any weaknesses and address future challenges. Because of its unique locational characteristics, the strength of St Helens is as a base for logistics. That is a strength that is readily able to be built on.
- 7.5 Paragraph 82 of NPPF requires that decisions should recognise the specific locational requirements of different sectors of the economy. This expressly embraces making provision for storage and distribution operations at a variety of scales in suitably accessible locations. The locational requirements of the logistics sector that would be served by the PLR include excellent access to the motorway network (in this case the M6 and M62 provide north-south and east-west access), large sites capable of accommodating significant development, the proximity to a labour supply and good links to public transport/non-car modes.
- 7.6 The locational requirements must also be contextually appropriate in landscape and visual impact terms. There is plainly a further benefit if development occurs on a site containing PDL and is disturbed as is the case here. The wider Parkside strategic site is capable of delivering a storage and distribution operation that is in an accessible location, meets the bespoke requirements for a nationally/regionally important logistics operation and builds on the strengths of the local area. National policy requires that significant weight should be placed on the need to support such economic growth. The PPG specifically identifies the logistics industry as playing “*a critical role*” in enabling an efficient, sustainable and effective supply of goods for consumers and businesses.
- 7.7 The PLR is essential infrastructure that must be in place to facilitate a functioning SRFI. The NPSNN<sup>73</sup> identifies a clear imperative to bring forward SRFIs:
- “... The Government therefore believes it is important to facilitate the development of the intermodal rail freight industry. The transfer of freight from road to rail has an important part to play in a low carbon economy and in helping to address climate change.*
- To facilitate this modal transfer, a network of SRFIs is needed across the regions, to serve regional, sub-regional and cross-regional markets. In all cases it is essential that these have good connectivity with both the road and rail networks, in particular the strategic rail freight network.”*
- 7.8 The conclusion of Government policy places an emphasis on effective connections for both rail and road. NPSNN paragraph 2.56 states:
- “The Government has concluded that there is a compelling need for an expanded network of SRFIs. It is important that SRFIs are located near the business markets they will serve – major urban centres, or groups of centres – and are linked to key supply chain routes. Given the locational requirements and the need for effective connections for both rail and road, the number of locations suitable for SRFIs will be limited, which will restrict the scope for developers to identify viable alternative sites.”*
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<sup>73</sup> Paragraphs 2.53 and 2.54 CD: 3.10



- 7.9 The application of national policy to the circumstances surrounding the LCR and St Helens in particular serves only to demonstrate the compelling justification for further logistics and SRFI development that would be enabled by the PLR.

#### *The Core Strategy*

- 7.10 The CS recognises that the potential for growth within the Borough was associated with its ability to take advantage of its location between Liverpool and Manchester. It specifically identified Parkside as a site for a SRFI in the context of it lying within the approved Green Belt.
- 7.11 The examining Inspector's Report into the CS<sup>74</sup>, having recognised that it was very likely that a SRFI would be inappropriate development, concluded that the benefits of such a scheme could potentially outweigh the harm to the Green Belt. In doing so he grappled with the same issues of principle engaged in this Inquiry.
- 7.12 He concluded that it was sound for the CS to identify Parkside as a strategic location with the potential for development as a SRFI subject to the demonstration of very special circumstances.
- 7.13 Hence CS Policies CSS 1, CAS 3.1 and in particular CAS 3.2 anticipate alteration to Green Belt boundaries and the removal of Parkside from the Green Belt. That was expected in a Site Allocations Local Plan. However, the emerging evidence identified a considerable increase in the need for employment land than set out in the CS. As a result, the Site Allocations Local Plan was not progressed.
- 7.14 The Applicant's planning witness<sup>75</sup> considers that the PLR and SRFI, would accord with the development plan. PAG's planning witness<sup>76</sup> accepted in cross examination that the PLR would accord with the development plan, specifically Policy CAS 3.2.

#### *The eLP*

- 7.15 The eLP was published in January 2009 and was submitted for examination on 29 October 2020. The Plan proposes to allocate 265ha of land for employment use up to 2035 with an additional 86ha of land safeguarded for employment use beyond the Plan period. The Plan proposes to remove the area comprising the application site and the land around it from the Green Belt and allocate the land on the west of the M6 as employment land appropriate for Class B2 general industrial use) and Class B8 storage or distribution use. The land to the east of the M6 is proposed to be allocated for a SRFI. B2/B8 employment uses would be permitted as part of PP3 provided they did not prejudice the delivery of the SRFI.
- 7.16 The eLP can only carry limited weight. Nevertheless, the evidence base upon which it is founded remains very relevant to the considerations engaged in this inquiry. The evidence base is a formidable array of studies and analysis to which there has been no serious challenge during the course of this Inquiry. A

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<sup>74</sup> Paragraph 41 CD: 2.10

<sup>75</sup> Ian Grimshaw

<sup>76</sup> Ms Copley

clearly evidenced rationale for the approach is provided in the 2016 AECOM Parkside Logistics and Rail Freight Interchange Study<sup>77</sup>:

*"It is fundamental to the delivery of a viable SRFI, that land on the west and east sides of the M6 is included for future development, including the associated road access to the A579.*

*Because of this east-west connectivity we suggest that consideration is given to the modification of Core Strategy CAS 3.2 to achieve a development which aligns with our conclusion that a medium scale or larger facility is appropriate for this area. Both the east and west sides of the M6 at the Parkside Site will be required for this scale of development. We envisage a scenario whereas a first phase the development, is expected to commence on the western side accessed by road off the A49. This would assist in supporting the financial case for the development (required in order to make the development viable). Subsequent phases must have rail access. HGV road access for latter phases will be exclusively provided from the eastern side of the site to junction 22 of the M6 via the A579. This creates a requirement for both west and east sides of the M6 to be released from the Green Belt.*

*It is crucial for the delivery of a viable SRFI, that land on the west and east sides of the M6 is included for future development, including the associated road access to the A579. Without the required release, the market attractiveness, operational efficiency and financial viability of a SRFI will be adversely affected."*

- 7.17 Embedded within the draft policy are the requirements to create an access serving Parkside that connects to J22 of the M6, compliance with policies for the protection of designated heritage assets, achieve direct rail access to the north/south and east/west railway routes, minimise the effects on residential amenity and increase the opportunity for local population to obtain access to employment at the site. These requirements are incapable of being met in the absence of the PLR.
- 7.18 The identification of Parkside in the eLP as a suitable location for a SRFI is further recognition that the location provides the essential characteristics that are fundamental requirements for regionally important logistics and SRFI development. The eLP identifies the need for a minimum of 215ha of employment land between 2018 and 2035 (this includes Parkside).
- 7.19 The Applicant regards the reasons for the historic failure to deliver the SRFI and logistics development proposals as fundamental to an appreciation of its case. That failure is inextricably linked to the cost of essential infrastructure. The conclusion that has driven the current project is the recognition that public sector funding was necessary to secure the successful delivery of the Parkside strategic site. The Applicant and the LCR Combined Authority have secured sufficient funding to deliver the development. As such, there is now the appropriate degree of certainty that the PLR would be developed and that it would provide the key component of infrastructure that would facilitate an economically viable SRFI and further development in PP2.

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<sup>77</sup> CD: 5.54

7.20 There is no alternative site to accommodate the identified need that does not involve the development of land in the Green Belt.

#### *WBC Development Plan*

7.21 the PLR proposal accords with the policies of the WCS. The economic growth and regeneration programme acknowledge that WBC will work with St Helens and the LCR Combined Authority to deliver Parkside and its associated infrastructure.

#### *Overall Conclusion on Policy*

7.22 With the exception of Green Belt policies, the PLR is in general accordance with the development plans of St Helens and Warrington. It is therefore the compliance or otherwise with Green Belt policies which will ultimately be determinative as to overall development plan compliance.

#### **Green Belt**

7.23 The PLR is an engineering operation and an infrastructure project and not necessarily inappropriate development within the Green Belt. Paragraph 146 of NPPF states that engineering operations and infrastructure are not inappropriate provided they preserve the openness of Green Belt and do not conflict with the purposes of including land within it. The PLR would introduce a new road across an otherwise undeveloped area together with associated infrastructure that includes lighting columns and signage. Activity on the road would also constitute an intrusion in the Green Belt. As a consequence, the PLR is recognised as causing some harm to the openness of the Green Belt and it follows that it would be inappropriate development.

7.24 Accordingly, for the PLR to be granted planning permission the demonstration of very special circumstances is required. NPPF paragraph 144 establishes that the decision-maker is required to ensure that substantial weight is given to any harm to the Green Belt and any other harm 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. Therefore, where the other considerations clearly outweigh Green Belt harm, and other harm, planning permission for inappropriate development may be granted.

7.25 The St Helens Green Belt has not been substantially altered since its designation in 1983.

7.26 Of the five purposes of including land within the Green Belt, the purposes of checking unrestricted sprawl, the prevention of towns merging into one another, preserving the special character of a historic town and assisting in urban regeneration do not apply to the PLR. With regards to the land east of the M6, the PLR and its secondary effects would offend the purpose 'safeguarding the countryside from encroachment'<sup>78</sup>. The western section of the site has not functioned as 'countryside' historically and the previous land use as a colliery and the close proximity of the M6 is evident in the landscape.

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<sup>78</sup> Paragraphs 5.34-5.38 Grimshaw PoE

- 7.27 The key consideration is the determination of the extent of the impact on "openness". The PLR is routed over areas of different character such that impacts on openness vary. Within the former colliery site, the PLR is over areas of existing hardstanding or in cutting through the spoil heap. Given the level of concealment over this area there would only be a limited impact on the openness of the Green Belt. On the land to the east of the M6 motorway, the PLR would be constructed over flat and relatively open agricultural land where there would be a greater impact.
- 7.28 WBC recognises that the PLR would cause harm to the openness of the Green Belt and would conflict with the purpose of avoiding encroachment into the countryside.
- 7.29 In summary, both LPAs considered the impact of the PLR and the potential impact of further development created by the construction of the PLR. Harm would be caused to openness. When the further development facilitated by the PLR is considered, "*more profound harm*"<sup>79</sup> would be caused to openness and to the Green Belt purpose of safeguarding the countryside from encroachment
- 7.30 Subsequent applications for development that would be facilitated by the PLR need to be considered on their own merits in light of the policies of the Development Plan and other material considerations at the time of such determination.

### ***Economic Considerations***

- 7.31 The PLR is recognised to be essential infrastructure for a SRFI and associated development at Parkside that would facilitate SHMBC's aspirations. National policy for economic development in terms of plan-making and decision-taking provide strong support for the proposal. The NPPF recognises that significant weight should be placed on supporting economic growth and the provision of infrastructure to support growth. National policy identifies the compelling need to develop SRFIs to support economic growth and to facilitate a shift towards more sustainable transport options. National policy also recognises there are limited opportunities for such development because of its precise locational requirements. The NPPF provides support for the development of the PLR because it would enable a SRFI to be developed at Parkside. The converse would be true - without the PLR, a SRFI is incapable of being delivered.
- 7.32 A driving force behind the development plan documents and redevelopment proposals at Parkside is the recognition of crushing levels of deprivation within the area.
- 7.33 The Applicant's evidence<sup>80</sup> addresses indices of deprivation in St Helens and the surrounding areas. Across earnings, economic activity and qualifications the Borough fares poorly when compared against national indicators. In terms of the index of Multiple Deprivation out of the 317 Local Authorities across England, St Helens is ranked as the 40th most deprived.
- 7.34 Indices of deprivation are not an arid agglomeration of statistics. The objective of St Helens and the LCR to address deprivation and its impacts is an essential

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<sup>79</sup> Paragraph 5.69 Grimshaw PoE

<sup>80</sup> Russell PoE CD: 7.15

strategy to improve the wellbeing of the population. Deprivation manifests itself in real harm to the population.

7.35 The CS clearly references years of population decline between 1988 and 2001. Population decline then manifested itself in housing market failure. The human consequence was that the relatively youthful and healthy population that was mobile left the area leaving the residual communities thus compounding the problems of deprivation. The CS notes that in 2012 St Helens was the 51st most deprived Authority in the country. The situation has worsened – it is now ranked the 26th.

7.36 The latest Indices of Deprivation are sobering and reveal:

- St Helens is the 8th most deprived in terms of health,
- St Helens is the 9th most deprived in terms of employment, and
- St Helens is the 34th most deprived in terms of income.

7.37 The CS Executive Summary notes:

*“Deprivation remains persistent in St Helens, with those neighbourhoods previously identified as the most relatively deprived locally in previous versions of the Indices of Multiple Deprivation still remaining as the most relatively deprived in 2019.”*

7.38 The CS recognises that a key strength of St Helens and the wider Parkside site is inextricably linked with locational issues. These include:

- Proximity to the regional centres of Liverpool and Manchester,
- Proximity to the strategic highway network and in particular the M6 and M62 motorways,
- Proximity to an expanding international port, Liverpool2, and two international airports,
- Proximity to the Liverpool-Manchester (Chat Moss) Railway, and
- Proximity to the West Coast Main line.

7.39 The history of development proposals at Parkside consistently recognised the strategic location for logistics related development. The Applicant’s evidence<sup>81</sup> shows that for larger regional and national distribution centres motorway access is a key locational factor. In the North West, proximity to both the M6 and M62 provides north-south and east-west access. As the Applicant’s expert witness puts it:

*“This puts Parkside in one of the most accessible locations in the whole of the North West region. The success of this accessibility has been evident for many years, as Warrington with four junctions onto either the M6 and M62 and a further two junctions on the M56 to the south, has seen a constant high level of space take-up over the past 20 years.”*

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<sup>81</sup> Sandwell PoE CD: 7.26

7.40 The proposal for the SRFI is to locate it on land to the east of the M6. The land is predominantly within the control of iSec save for a small area. iSec is proposing to develop a SRFI with a manufacturing and logistics hub. The freight interchange would connect to the rail network with a new link to the north of the PP3 site.

7.41 The Intermodality report<sup>82</sup> dated December 2020 prepared on behalf of iSec points out:

*"Parkside therefore has the unique advantage amongst all known alternative promoted sites by being equidistant from Liverpool and Manchester, at the intersection of east-west and north-south strategic transport corridors. The site therefore offers an equally unique opportunity to enhance existing SRFI provision and floorspace, complementing the respective city-centric catchment areas around 3MG to the west and Port Salford to the east, with additional SRFI capacity at the geographic heart of the region."*

7.42 The combination of these factors makes Parkside a "sweet spot" for logistics and a SRFI. The Intermodality study concludes:

*"... the Parkside East site can make a significant contribution to local and national strategic priorities, providing a site at the centre of the North West region alongside the motorway and Strategic Freight Network at W10/W12 gauge, with a track layout on site capable of handling multiple trains up to 775m in length, along with over 300,000m<sup>2</sup> of rail-served floorspace. Of the known development sites available in the region for distribution, none have the unique geographic location and strategic transport network accessibility provided by the Parkside location."*

7.43 Planning policy has supported the delivery of a SRFI as outlined in the RSS<sup>83</sup>. The RSS stated that consideration should be given for inter-modal freight terminals at four broad locations, one of which was at Parkside. Policy CSS1 of the CS identifies Parkside as a strategic location for a rail freight interchange on the west of the M6.

7.44 The case for a SRFI was addressed in the AECOM report which had concluded that there was sufficient demand for a SRFI in the North West and that Parkside was the best location in order to satisfy that demand.

#### *Need*

7.45 In terms of need, the Applicant's evidence addresses the need for both the logistics development proposals in PP2 and the SRFI proposals at PP3. The PLR would enable both developments serving 130,000m<sup>2</sup> of largescale logistics floorspace within PP2 and 260,000m<sup>2</sup> of floorspace in the SRFI to the east of the M6.

7.46 A number of high-level studies have demonstrated need for the development proposals that would be facilitated by the PLR. The LCR's 2018 Strategic Housing & Employment Land Market Assessment<sup>84</sup> set out to forecast the

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<sup>82</sup> CD: 9.2

<sup>83</sup> CD: 2.11

<sup>84</sup> CD 4.159

employment land needs of the region to 2037. As to largescale warehousing, the study made a separate assessment taking into account the need that will be driven by increased port activity at Liverpool2 Container Terminal. The land requirement to 2037 was forecast between 308-396ha across the whole of the study area.

- 7.47 The 2018 LCR Assessment of the supply of large-scale B8 sites<sup>85</sup> assessed the supply of land to accommodate largescale warehousing and considered the supply side of the equation and concluded “... *there is a clear requirement to identify more sites across the City Region to meet the identified need.*”
- 7.48 The land at Parkside was included in the assessment identifying about 80ha on the west and 65 ha to the east. Even if all the land allocated, consented or earmarked for development of large warehouse development was to taken into account, there remains a potential shortfall of 43.4–141.4ha<sup>86</sup>.
- 7.49 The PP1 SoCG<sup>87</sup> sets out the data on take-up and supply of land for logistics. The consensus of professional opinion is that there is an undersupply of warehouse space. Indeed, PAG do not dispute the shortness of supply or the vacancy rate.
- 7.50 The need for the SRFI is addressed in Section 5 of Mr Sandwell’s PoE. The Intermodality report identified that the driving force behind SRFI need had two components:
- Demand for additional warehousing floorspace, and
  - Demand for greater use of rail within the supply chain.
- 7.51 These issues are being driven by an expanding population and consumer base seeking access to a greater range of products, increase in ecommerce services in retail, pressures in next-day or same-day fulfilment, economies of scale, shrinking pool of HGV drivers and pressure to reduce environmental impact.
- 7.52 The case that iSec is developing is apparent from their letter dated 7 December 2020<sup>88</sup> which states:
- “Our Delivery Statement provides details on the proposals for Parkside East, including its economic, socio-economic and environmental benefits. It also provides our masterplan vision for the site, which is to create a strategic rail freight interchange with a major manufacturing and logistics ‘SuperHub’, with a specific sector focus on manufacturing, logistics, energy industry and R&D. It is worth reiterating that Parkside East is not intended to simply be a traditional B8 Distribution Park, but is being planned by iSec to accommodate a wider range of employment uses to create higher value opportunities.”*

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<sup>85</sup> CD 5.83

<sup>86</sup> Paragraph 3.15 CD: 7.26

<sup>87</sup> CD: 4.163

<sup>88</sup> Appendix 5, Littler PoE CD: 7.24

## Funding

- 7.53 The commitment of the LCR Combined Authority to the delivery of the PLR is an integral part of its delivery of key infrastructure. The Transport Plan<sup>89</sup> states than an “*immediate focus in the short term*” is to oversee the completion and promotion of a number of schemes including the PLR to serve the Parkside SRFI.
- 7.54 The progression towards the securing of Strategic Investment Fund (SIF) funding to finance the PLR was rigorous with the SIF Appraisal Report<sup>90</sup> concluding that:
- “the Parkside Link road Project represents a rare opportunity to enable development to open up a strategic development site in an attractive market location with the (indirect) potential to create significant new floorspace, jobs, economic growth, attract investment, generate value and enhance movement on a regeneration site that has long been recognised as a strategic priority at the regional level.*
- As such, the strategic case for investment is strong and an established and experienced team is in place to deliver the project. However, risks remain to both delivery and programme, particularly in relation to planning permission, land acquisition and the finalisation of costs following detailed design and economic assessment. We would expect each of these key risks to have been determined at FBC stage, supported by a WebTag compliant assessment of the proposed option for investment to evidence anticipated outputs. These tasks have not been completed, nor are they anticipated until March 2019.”*
- 7.55 A rigorous WebTag analysis has been submitted and thoroughly tested by the consultants retained by the LCR Combined Authority (Systra). The outturn of that rigorous exercise is that the PLR is WebTag compliant and is to receive a significant award of public monies to secure its delivery. The letter from the Combined Authority dated 17 November 2020<sup>91</sup> confirms their commitment to the PLR and also makes clear that subject to a grant of planning permission the Combined Authority will revise the SIF allocation to take account of a re-programme construction start date of September 2021.
- 7.56 The Combined Authority have approved the award of a maximum grant of £23,790,786 to the PLR project funded from the SIF. The figure represents 16% of the total funding available to the region. The extent and proportion of the financial commitment is a recognition by the Combined Authority of the significance of the project and that the objectives of the SIF had been fully met.
- 7.57 PAG accept that the Combined Authority’s support for the PLR and its commitment to fund it are material considerations in favour of the grant of permission.

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<sup>89</sup> Paragraph 4.1.5 CD 5.155.2

<sup>90</sup> CD: 5.97

<sup>91</sup> CD: 5.159



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## Highways

- 7.58 The proposed PLR, its alignment and associated junctions have been designed to accommodate traffic levels associated with the likely programme of implementation across PP1, PP2 and PP3 are agreed with SHMBC and WBC. For the western part of the route, the alignment from the A49 and the plot access locations have been fixed in agreement with the proposed developers.
- 7.59 Six alternative routes were considered as part of the WebTag appraisal. There were no feasible options that would have avoided impact on the Green Belt. The selected option has the benefit of utilising the existing site access on the A49, retention of the existing M6 overbridge carrying Parkside Road and provision of safe junction spacing on the A579 Winwick Lane. To minimise non-residential traffic through Hermitage Green it prioritises traffic between the PLR west and Parkside Road. It also incorporates a sustainable drainage solution.
- 7.60 PAG's planning witness<sup>92</sup> did not object to the principle of a new road to serve the SRFI and further development at Parkside. When pressed on their opposition to the PLR, it became apparent that their objection was not to the alignment per se but more to the impact of the road. There has also been no criticism of the junction designs which have been agreed with the relevant Highway Authorities including Highways England<sup>93</sup>. No concerns have been raised concerning the design of the scheme more generally or that the PLR would create any risk to highway safety.

## Modelling

- 7.61 The Applicant's highway witness<sup>94</sup> provided evidence to address the effects of the PLR on the local and strategic road network. The PLRTM re-run was required and provided in October 2020. The suite of documents included: the LMVR<sup>95</sup>, Traffic Forecasting Report<sup>96</sup>, Parkside Link Road Economic Report<sup>97</sup>, the Operational Assessment Report<sup>98</sup> and the Updated TA<sup>99</sup>.
- 7.62 The assessment of the PLR has been carried out in accordance with the relevant transport appraisal guidance WebTag<sup>100</sup> and utilised the SATURN transport model "Congested Assignment" software suite.
- 7.63 The level of scrutiny of the PLR proposals across the original ES, the ES Addendum and the 2020 FEI was significant and involved assessments by:
- Mott MacDonald on behalf of SHMBC,
  - WBC's transport team,
  - Highways England, and

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<sup>92</sup> Ms Copley

<sup>93</sup> Consultation Response CD 14.45

<sup>94</sup> Nigel Roberts

<sup>95</sup> CD 5.52

<sup>96</sup> CD 5.49

<sup>97</sup> CD 5.50

<sup>98</sup> CD 5.51

<sup>99</sup> CD 5.58

<sup>100</sup> CD 5.101

- Systra on behalf of the LCR Combined Authority.

7.64 The criticisms by PAG in TAN1 and TAN2<sup>101</sup> are unjustified and lack professional credibility. Ultimately, under cross-examination, PAG disassociated themselves from this evidence

7.65 Before dealing with the residual points of the PAG case, it is worth setting out the following key features in terms of the development of the PLRTM:

- There is no challenge to the model's area of influence,
- All major links are modelled, all highway junctions are included - the model calculates junction capacities and delays based on the physical attributes of the junction and its type together with traffic flow,
- Traffic data collected for the PLRTM consists of traffic link counts and turning counts at junctions and origin destination traffic demand analysis (2016 and 2017),
- The base model was calibrated and validated to WebTag standards by comparing it against the observed data and is fit for purpose,
- The calibration tables show that all three time periods demonstrate a good match between the observed and modelled count data<sup>102</sup>,
- A further independent validation test was performed on a separate set of count data, that again demonstrated a very good match<sup>103</sup>, and
- WebTag requires a demonstration of sensible and logical route choices for any particular trip and the use of the origin-destination showed that the model provided a realistic and logical series of travel patterns throughout the network.

7.66 Traffic demand is the same for the Do Minimum/Do Something scenarios. It also included traffic from all known committed development in the local area including all the three phases of Parkside. PP1 was included in the 2024 scenario and PP2 and the SRFI in the 2034 scenario. The traffic demand included the growth using TEMPro for cars and the National Transport Forecasts for light goods vehicles and HGVs.

7.67 At a broad level, the comparison between the Do Minimum/Do Something scenarios cannot come as a surprise. The model outputs show that, with the PLR in place, it provides an additional route attracting high levels of traffic that access the development sites and re-routing away from more congested links<sup>104</sup>.

7.68 The operation of 13 junctions was also considered and all were shown to operate within capacity for all traffic flow forecasts. Analysis of the 2034 flows

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<sup>101</sup> CD: 7.95

<sup>102</sup> Tables 3.4 – 3.6 Roberts PoE CD: 7.22

<sup>103</sup> Tables 3.7 – 3.9 Roberts PoE CD: 7.22

<sup>104</sup> Paragraphs 4.18- 25 Roberts PoE

shows that with the mitigation measures proposed at three junctions in place, all junctions demonstrate no material harm<sup>105</sup>.

7.69 PAG made no positive case on transport modelling or the assessment of the PLR highway impact. Their case is, quite simply, to criticise the methodology with a view to trying to establish that little weight or reliance can be placed upon the modelling exercise. The PAG criticisms are however of no substance:

- Comparisons of HGV data for Winwick Lane<sup>106</sup> are not valid. The Wigan data are results from an automatic traffic count which includes a number of vehicles that, in the analysis for the PLR, would constitute light goods vehicles. If treated on its face value the Wigan data has a proportion of HGV traffic that is inconsistent with any realistic assessment, and,
- In response to the alleged incompatibility between the 2018, 2019 and 2020 data sets, the Applicant's and Council's highway witnesses explained that the models are internally consistent.

7.70 The consensus of informed expert highway opinion is that the model performs well in producing a realistic and robust assessment of the likely impact of the PLR on the local highway network. PAG did not come close to demonstrating that the NPPF threshold of unacceptable impact on highway safety or severe residual impact had been met.

## **Environmental Effect**

### *Landscape and Visual Impact*

7.71 The Applicant's LVIA was undertaken by experienced landscape professionals. The full methodology is detailed in the 2018 ES and Technical Appendix 7.1 and 7.2. The assessment follows the recognised industry best practice guidance for LVIA including the DMRB, GLVIA<sup>107</sup> and advice from the Landscape Institute. Unlike the assessment of PAG, the LVIA has definitions for landscape value, susceptibility to change, landscape/visual sensitivity, magnitude and significance of effect analyses.

7.72 The LVIA was reviewed by SHMBC and WBC's own landscape professionals. The Council's Statement of Case<sup>108</sup> confirms that the LVIA was produced in line with the guidance set out in the DMRB and GLVIA 3 and they recognise them as "*appropriate methodologies*". Specifically, SHMBC's Countryside and Woodlands officer considered the LVIA to be "*accurate and acceptable*".

7.73 The LVIA properly undertook an assessment of the baseline and included community value and character areas. Care was taken in referencing national and local character areas, as defined by published character studies. The topography was analysed to assist in the identification of potential visibility for receptors in the vicinity of the PLR. The Zone of Theoretical Visibility was compared in two parts; one identifying the maximum extent of visibility and a

<sup>105</sup> Roberts PoE 9.7.

<sup>106</sup> CD: 11.8 and 11.9

<sup>107</sup> Guidelines for Landscape and Visual Impact Assessment

<sup>108</sup> CD: 5.67A

more realistic indication of potential visibility that took into account buildings and existing landscaping.

7.74 Consistent with good practice, the effects were considered for landscape and visual receptors during construction, Year 1 and Year 15. The night-time impact of the PLR was also addressed<sup>109</sup>. The schedule of detailed visual effects is contained in Appendix 7.3 to the 2018 ES LVIA. The residual significance of effects on LCAs during the construction and operation was assessed at no greater than moderate to slight adverse.

7.75 The ES noted the following significant residual visual effects:

- During construction, for users of the Public Rights of Way (PRoWs), residents at properties on the west side of the A49 Winwick Road at Newton le Willows, Parkside Farm, Barrowcliffe Cottage and the Stables at Winwick Lane, and
- Year 15 - Significant residual effects on views during the operation of the PLR were identified for users of the PRoW Barrow Lane and residents at properties along Winwick Lane.

7.76 Through careful planning, siting and design of the proposed scheme, the potential adverse effects can be avoided or reduced through a series of embedded mitigation measures including:

- i. A 5m wide landscape buffer incorporating linear woodland along the southern edges of the PLR blocking views from residential properties within Hermitage Green,
- ii. A 10m wide landscape buffer incorporating woodland set beyond an open linear swale to connect with existing tree cover along the A573 Parkside Road linking it to local green infrastructure,
- iii. Woodland Planting with wildflower areas proposed on land between the new roundabout and Barrow Lane to the north, and
- iv. On the north-west side on Winwick Lane there would be native hedgerow planting and scattered trees helping to soften the appearance of the realigned section of the A579.

7.77 The cumulative impact assessment the PLR with the other elements of the wider Parkside development was undertaken in Chapter 14 of the 2018 ES. In all cases, the greatest source of effect on landscape character would arise from the cumulative developments rather than the PLR scheme itself.

7.78 The PLR would result in landscape harm. However, the conclusion reached in the LVIA is informed, balanced and fair. It recognises that the PLR would result in both beneficial and adverse landscape and visual effects. The landscape strategy<sup>110</sup> and embedded mitigation would reduce these as far as practicable. The significant residual impacts are limited to visual receptors in close proximity to the PLR, for users of the PRoW and residents at properties along Winwick Lane.

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<sup>109</sup> See ES Chapter 7 paragraphs 7.3.116-7.3.124, 7.5.117-7.5.126, 7.7.5, 7.8.5, 7.8.26-7.8.32

<sup>110</sup> CD: 5.7

7.79 In opposing the PLR, the position of PAG is simply not credible. On one hand, they acknowledge that this does not constitute a valued landscape whilst simultaneously arguing that Character Area 4 was the “*highest level of sensitivity*” and would remain subject to the highest level of impact on significance of effect at Year 15.

### Noise

- 7.80 The assessment of construction noise and vibration impact was undertaken in accordance with BS 5228<sup>111</sup>. The operational impact from the road traffic use has been based on DMRB - Noise and Vibration (2020)<sup>112</sup> and the Calculation of Road Traffic Noise 1988<sup>113</sup>. The DMRB sets the benchmark methodology by which all UK road schemes are assessed. The assessment begins by identifying background noise. The background noise monitoring was undertaken in 2017 and reported in the 2018 ES, Chapter 10, Table 10.5. Based on the results of that monitoring, suitable threshold levels at each receptor were determined.
- 7.81 The operational noise impact assessment is a result of traffic on the PLR. That information was provided in the FEI submission and included a revised noise assessment that addressed changes in the predicted traffic flows and routing. The assessment used the most up to date DMRB guidance that was published in 2020<sup>114</sup>.
- 7.82 During the construction phase, the predicted noise levels would exceed the thresholds determined in accordance with BS 5228<sup>115</sup>. At receptor ST1, a 3 decibel (dB) exceedance and at receptors ST4 and ST5 an exceedance of 6dB<sup>116</sup>. In order to mitigate this impact, localised screening is proposed that would reduce the impact to below “*significant adverse*”. Between 5dB and 10dB reduction in noise levels would be achieved through the use of temporary screens. At ST5 those measures are not practical and the exceedance here during the demolition and construction phase is 2dB above the significance threshold. This would last only for a matter of weeks as the properties are demolished. Best Practicable Means would be adopted by the contractor that may involve the selection of quieter methods of construction and demolition where this is practical (for example reducing reliance on percussive tools) as well as providing advance notice to local residents.
- 7.83 Perceptible vibration inside homes at receptors ST1 and ST5 is expected during the use of vibratory rollers working on the nearest elements of the scheme. However, the duration would be short-lived and the levels of vibration would not be sufficient to cause any structural damage to buildings.
- 7.84 The operational phase of the PLR is addressed at Table 5.1 of the FEI that sets out the magnitude of impact from changes in noise and the significance of this impact. In the opening year, an increase in noise above 3dB is expected to have a moderate effect, a difference of less than 1dB is not perceptible and

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<sup>111</sup> CD: 4.77

<sup>112</sup> CD: 5.153

<sup>113</sup> CD: 5.97

<sup>114</sup> CD: 5.153

<sup>115</sup> CD: 4.77

<sup>116</sup> The noise receptor locations are shown in Figure 1, Barson PoE, CD: 7.9

therefore has a negligible effect. Where the noise levels are between 1dB and 3dB the magnitude of impact is classed as minor. Ten years after opening, a moderate noise effect is determined where there is a change in noise levels of more than 5dB. A negligible effect is for changes of less than 3dB and minor for changes of between 3dB and 5dB.

- 7.85 Four properties are expected to experience minor noise level increase in the short-term and corresponding negligible increases in noise levels in the long-term prior to any mitigation or enhancement measures. Two of these properties are on the south of the A579 Winwick Lane and between the M6 and PLR. In response to this situation, the road-side noise barrier would be introduced alongside the PLR at the locations of the affected dwellings<sup>117</sup>. The effect of the barrier would be to reduce noise levels that are currently experienced at these properties producing a minor beneficial effect in the short term as noise levels are reduced.
- 7.86 An increase above the perceptible change in noise level is predicted for two residential receptors along the A573 Parkside Road prior to mitigation. The extent of the change in noise is between 1dB and 1.5dB. As a consequence, a thin road surface treatment is proposed as mitigation to reduce noise levels to below the perceptible change level. It is expected that a reduction of between 1 dB and 2 dB would be achieved by this method.
- 7.87 The FEI identifies a significant number of receptors where noise levels would reduce as a result of the scheme reducing traffic on the surrounding roads. This is particularly the case for the A49.
- 7.88 The noise assessments were subject to consideration by SHMBC and WBC. The overall conclusion is that the introduction of the PLR has a positive effect on traffic volumes that results in a reduction in noise levels on affected routes within the area of influence of the scheme.

#### *Air Quality*

- 7.89 The Applicant's assessment of the impact on air quality was presented in Chapter 5 of the 2018 ES<sup>118</sup>, Section A5 of the Addendum ES<sup>119</sup> and Section 4 of the FEI<sup>120</sup>.
- 7.90 The evidence given to the PP1 Inquiry demonstrated that:
- PAG supported the proposal in the CS for a SRFI at Parkside to the west of the M6,
  - The SRFI envisaged in the CS covers an operational area of 85ha, and
  - The CS at paragraph 9.22 specifically recognises that the development of the SRFI would:

*"generate traffic movements on the surrounding road network including the A573 and A579 extending into Wigan and Warrington. The impact of this*

<sup>117</sup> See Figure 2, Barson PoE

<sup>118</sup> CD: 5.1

<sup>119</sup> CD: 5.9

<sup>120</sup> CD: 5.47

*traffic in relation to air quality, noise and vibration will need to be fully assessed and minimised.”*

- 7.91 It is therefore difficult to reconcile the position of PAG as an objector to the PLR (and PP1) whilst supporting the principle of a SRFI.
- 7.92 The EU Directive 2008/50/EC on Ambient Air Quality and Cleaner Air for Europe sets out the ambient air quality standards for NO<sub>2</sub> and particulate matter PM<sub>10</sub>. The Air Quality Standards Regulations 2010 implement the requirements of the EU Directive into UK law. The EU Directive makes the point that they are health-based standards - they are not derived as a consequence of a balancing exercise between the needs of industry for transport and health effects on the population.
- 7.93 It will be noted that PAG's Air Quality consultant does not promote alternative air quality standards against which to judge any development proposal including the PLR.
- 7.94 PAG's Technical Note<sup>121</sup> is dated 20 November 2020. A preliminary consideration of it demonstrates:
- a) The report is dated at the end of November 2020 but the author appeared to be unaware of the FEI submitted in October 2020. PAG was emailed the information on 16 October 2020 and the provision of that information had been announced at the first Case Management Conference meeting on 1 October 2020. PAG was put on notice that the Applicant was proposing to update the environmental information in light of the revision necessary as to the likely opening date of the PLR and the Winwick Lane weight restriction, and
  - b) PAG's expert witness appeared unaware of the Local Plan proposals that countenance a SRFI for an operational area of 85ha and the support of it by PAG.
- 7.95 The impact of construction vehicle emissions was scoped out of the assessment as they were below the DMRB threshold for an assessment.
- 7.96 The most important element for the AQA is the operational stage. The impact of the PLR was subject to a detailed assessment using industry standard ADMS Roads modelling programme that predicts how vehicle emissions disperse in the environment. The ADMS model is widely used by consultants and LPAs to assess air quality impacts. PAG do not challenge the use of the ADMS model - on the contrary, the criticism made in this context relates to an alleged failure to model High Street at Newton le Willows as a street canyon within the ADMS-Roads model.
- 7.97 Furthermore, PAG do not criticise the approach adopted in the assessment of the PLR whereby there is comparison between concentrations with and without the PLR in place. A key input into the model is the prediction of vehicle emissions for nitrous oxide NO<sub>2</sub> and PM<sub>10</sub> based on vehicle speeds and types of vehicles.

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<sup>121</sup> CD: 11.7

7.98 The total predicted concentrations of pollutants at any receptor is dependent on four factors:

- Baseline concentrations,
- Number and type of vehicles on the road,
- Speed of such vehicles, and
- The year the prediction is being made.

7.99 In terms of baseline concentrations, pollutant concentrations are anticipated to reduce in future as measures to reduce the use of fossil fuel become effective. Emissions from vehicles will reduce significantly following the introduction of Euro 6 vehicle emissions standards with much tighter restrictions on emissions from diesel vehicles.

7.100 The FEI predicted that the operational effects of the PLR were judged to be 'not significant' on a IAQM criteria. There are no predicted exceedances of annual mean NO<sub>2</sub> objectives at any of the receptor locations in 2024 or 2034.

7.101 The submission of information in support of the PLR using the methodology in the ES 2018; the ES Addendum was subject to examination on behalf of SHMBC and WBC. It is clear that the AQA was challenged and tested. The queries and challenges were responded to appropriately by the Applicant. Following the assessment and response, both LPAs recommended that the planning application be approved. To illustrate of the level of detail that the assessment of the PLR was subject to one can consider the comments and the response in Appendix 1 of Mr Harker's PoE.

7.102 The one area that PAG pursue is in relation to the modelling of the street canyon that had been a suggestion by WSP. The response was:

*"Ramboll does not consider High Street, Newton le Willows to be a street canyon defined as deep, narrow, valley-like space in the ADMS software. The total road width (including lanes and pavement) is more than twice the buildings' height and that is unlikely to create a recirculation region. This is confirmed by the verification process where measured concentrations have a good agreement with model concentrations without utilising the street canyon module of the model. Moreover, as requested by WSP, a single verification factor has been determined for a widespread modelled area. Three of nine monitoring points used in the verification process are located within the High Street and using a canyon module would not be representative of the wider modelled area."*

7.103 The conclusion of Appendix 1 demonstrates that the impacts of the proposed development on air quality are considered to be 'not significant'.

7.104 The PAG case does not put forward any positive evidence that the levels of pollution would be significant either because they would exceed standards or increase pollution to an unacceptable level in the AQMAs.

7.105 The proposal is entirely consistent with NPPF policy and air quality objectives and there is no material impact on the existing AQMAs.



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## Ecology

- 7.106 The impacts on ecology, woodland and trees was assessed in the Ecology and Arboriculture chapter of the 2018 ES<sup>122</sup>. The Ecological Impact Assessment was carried out in accordance with the 2016 Chartered Institute of Ecology and Environmental Management Guidelines<sup>123</sup>.
- 7.107 The 2018 ES was subject to the 2019 Addendum following the amendments to the scheme in respect of drainage, minor highway realignments and the relocation of the noise barrier. The assessment was consistent with DMRB and was reviewed by both Councils and their ecological advisers. Specifically, the assessment went beyond the bare requirements in considering all habitats including those of less than local interest.
- 7.108 A criticism raised against the ecological assessment related to the age of surveys. The surveys were fully in date at the time of the Committee resolutions by SHMBC and WBC in 2019. Guidance allows reports that are 2-3 years old to remain valid if conditions have not changed. That is the case in this particular instance. The SoCG on ecology confirms that the professional advisers agree on the continued validity of the survey information.
- 7.109 The surveys to determine the baseline of ecological interest<sup>124</sup> cover the full extent of potential ecological interest of the wider site. They included a desk based assessment, extended Phase 1 habitat survey, tree survey, GCN assessment survey and bottle trap and egg surveys, detailed habitat suitability assessment, bat route survey, bat activity survey, badger survey, water vole and otter survey, breeding bird survey and invertebrate surveys.
- 7.110 A Hydrological assessment of the impacts on the Highfield Moss SSSI was undertaken in December 2018<sup>125</sup>.
- 7.111 There are two internationally designated sites within 10km of the PLR:
- Manchester Mosses Special Area for Conservation, and
  - Rixton Claypits Special Area of Conservation.
- 7.112 Highfield Moss SSSI is a nationally designated site. There are 14 further LWSs present within 2 km of the PLR scheme. Of the designated sites, only Gallows Croft LWS has boundaries which overlap with the PLR.
- 7.113 In terms of the temporary construction and ongoing operational effects, these have been considered as part of the ecological assessment. The majority would be avoided through a combination of scheme design and additional mitigation including the creation of ecological mitigation areas to the north of the proposed scheme. The detailed analysis of ecological impacts is identified in Chapter 8 of the 2018 ES and Chapters A4 and A8 of the 2019 Addendum ES. The effect during the Construction Phase and Operational Phase of the PLR in both St Helens and Warrington is set out in written evidence [Doc ref].

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<sup>122</sup> CD: 5.1

<sup>123</sup> CD: 4.111

<sup>124</sup> CD: 7.10

<sup>125</sup> CD: 5.10

- 7.114 The route selected for the PLR uses existing access and hardstandings wherever possible. The road design incorporates sustainable drainage and generous landscape provision within the corridor. In terms of landscape design, this has been informed by habitat selection in order to create grasslands, wetlands and hedges and hedgerow trees.
- 7.115 There has been no criticism of the ES methodology nor the mitigation plan. As a consequence, the ecological evidence demonstrates:
- In terms of the international designations of the two internationally designated sites, there are no linkages and no impact is anticipated,
  - In terms of Highfield Moss SSSI, there is no hydrogeological connection and no linkage. As a result, there would be no impact in ecological terms,
  - There would be no impact on LWSs. In terms of Gallows Croft LWS that lies to the south of the PLR, there would be attenuation and sustainable drainage provided.
- 7.116 The assessment of effects on areas of ecological interest is limited:
- There would be a limited loss of woodland in St Helens in the short to medium term which would be beneficial in the long term as replacement planting becomes established,
  - There would be a net loss of 0.3ha of broadleaf woodland. This would be replaced with 3.8ha of new native species woodland. There would be a net gain of 8.5ha in species rich grassland.
  - Six new ponds would be created.
  - The scheme has incorporated in its landscape design open swales with marshy grassland habitats.
  - There would be a net gain of 2.17km of hedgerows.
- 7.117 In preparing for the Inquiry, the Applicant has considered the Environmental Bill and the prospect of the introduction of the BNG matrix to planning applications. Using the latest Defra metric, a BNG of 38% for habitats and 67% for hedges is predicted.

### *Climate Change*

- 7.118 The 2020 FEI addressed climate change<sup>126</sup> and took account of the updated guidance in the DMRB. The PLR would not result in substantive emissions of greenhouse gases.
- 7.119 The effect of the PLR facilitating the SRFI and therefore the promotion of rail freight is wholly beneficial. National policy in the NPSNN acknowledges this matter in the context of climate change<sup>127</sup>:

*"The transfer of freight from road to rail has an important part to play in a low carbon economy and in helping to address climate change."*

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<sup>126</sup> CD 5.47 pages 53-66

<sup>127</sup> Paragraph 2.53 CD 3.10

7.120 The contribution to carbon reduction is a positive secondary effect to be taken forward to the planning balance.

*Best and Most Versatile Agricultural Land*

7.121 The PLR results in the direct loss of 20.35ha of BMVAL. Development of the SRFI would result in the loss of an additional 94ha BMVAL.

7.122 The Applicant accepts that this represents a significant adverse effect to be placed in the planning balance. However, the locational requirements for a SRFI are exacting and national policy recognises that the availability of sites for a SRFI will be constrained. If a SRFI is to be developed at Parkside, those exacting locational requirements mean that the option of seeking alternative locations with lower agricultural land value is not a realistic option.

**Heritage**

7.123 The overall significance of effects on cultural heritage and the methodology deployed is set out in the 2018 ES at Chapter 6: Cultural Heritage<sup>128</sup>. A staged assessment involved the identification of the study area of relevance to the impact of the PLR, data collection and reference to the data sources, a walkover survey, a vantage point survey, desk based research and consultation with archaeologists at MEAS (advisor to St Helens); Archaeology Planning Advisory Service (APAS (advisor to Warrington)) and SHMBC's Conservation Officer.

7.124 A geophysical survey was undertaken in 2017 but was inconclusive owing to adverse ground conditions. Information derived from a 2007 geophysical survey of part of the proposed development area was used to inform archaeological trial trenching evaluation and the potential for prehistoric archaeology. Archaeological trial trench evaluation was undertaken by Oxford Archaeology and 14 trenches excavated in accordance with a Written Scheme of Investigation which was approved by both MEAS and APAS. The finding was one of low archaeological significance.

7.125 The identified heritage assets include:

- Registered Battlefield of Winwick,
- Bowl Barrow West and St Oswald's Well, both Scheduled Ancient Monuments, and
- Listed Buildings comprising Woodhead Farmhouse and Barn, Newton Park Farmhouse and Barn.

7.126 The non-designated heritage assets considered were Rough Farm Barn and Rough Cottage and the spoil heaps associated with Parkside Colliery.

7.127 PAG assert there would be a substantial impact on the setting of the Grade I listed St Oswald's Church, Winwick. However, the Church was carefully considered, and the conclusion was that there would not be an impact of significance. There were concerns that the PP1 junction improvement at the A49/Hollins Lane junction would affect the boundary wall of the church. However, the Applicant and WBC confirmed that would not be the case.

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<sup>128</sup> Tables 6.1-6.3 CD: 5.1

- 7.128 The PLR would not be within the setting of the Church as a consequence of distance, topography and intervening built development. At the Inquiry, WBC's Conservation Officer confirmed that during construction of the PLR the overall level of harm would be 'less than substantial' and the impact on the asset would be negligible. WBC also agree that the impact of the scheme on the church during the PLR's operation would be moderate beneficial as a result of the changes in traffic flows on A573 Parkside Road and A49 Winwick Road and these changes would be beneficial in securing the church's future protection.
- 7.129 PAG also attempted to make the case that the Battle of Maserfield in the 7th Century was fought in the vicinity of St Oswald's Well. However, that is pure speculation and there is no direct evidence to locate the battle at this site. There are a number of other candidates for the battlefield. The Applicant Heritage witness<sup>129</sup> considered Oswestry to be a more likely and credible candidate for the location of the battle. Importantly, the trench evaluation found nothing of significance that would associate it with a battlefield.
- 7.130 The Heritage Assessment does recognise that there would be some impact and harm occasioned by the construction and operation of the PLR. In terms of the Battlefield of Winwick, there would be some minor harm to the very north of the battlefield site that in NPPF terms amounts to 'less than substantial' harm. However, as most of the western section of the PLR would be constructed on disturbed former colliery ground and the former haul road, the harm to the setting of the Battlefield would be minor.
- 7.131 There would be no direct or indirect harm or impact to Bow Barrow.
- 7.132 In terms of St Oswald's Well, that lies some 330m south of the proposed scheme. The PLR is not within the setting of this asset and there are no direct effects predicted by the scheme. The impact of the scheme was assessed to be negligible.
- 7.133 At Woodhead Farmhouse and Barn there would be minor adverse harm to the setting to the north, but that is already affected by the M6 motorway and the modern buildings on the farm complex. The principal elevations of the buildings face south and are unaffected by the scheme. There would be 'less than substantial' harm at the lower end of the scale.
- 7.134 No significant effects are predicted in relation to the setting of Newton Park Farm and Barn.
- 7.135 In terms of the non-listed heritage assets, there would be a total loss of Rough Farm and Barn. However, these buildings would be subject to a Level 3 Historic Building Survey. Other heritage mitigation includes an archaeological watching brief on the Battlefield site and embedded mitigation to the south of Woodhead Farmhouse and Barn.
- 7.136 The spoil heap at the former Parkside Colliery has negligible heritage significance.
- 7.137 In terms of the test in NPPF196, the less than substantial effects on cultural heritage need to be balanced against the public benefits of the PLR.

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<sup>129</sup> Mr Clarke

## **Benefits**

- 7.138 At its simplest, the PLR is the essential infrastructure that has to be in place to facilitate the development of PP2 and the SRFI. Completed, the PLR would link the whole of the Parkside site to J22 of the M6.
- 7.139 The PLR, in this context, can draw upon support at national level and within the Statutory Development Plan to:
- support economic growth,
  - meet the needs for storage and distribution development, and
  - support the development of a SRFI.
- 7.140 PP1 represents the upper limit of development that could be accommodated at Parkside without the PLR. Consequently, if there is to be a comprehensive development at Parkside and the locational opportunity realised, the PLR is the key to its delivery.
- 7.141 The policy imperative for key infrastructure of a road connecting to the motorway network is recognised in CS Policy CAS 3.2. This identifies Parkside as a strategic location where SHMBC supports the principle of the delivery of a SRFI. The provision of the PLR, consistent with the aspirations in Policy CAS 3.2, avoids the need for HGV and other commercial traffic to travel through the Newton High Street and the Willow Park Conservation Areas.
- 7.142 The commercial requirement for the PLR is recognised in a plethora of documents. It has already been noted that the PLR is identified as a project within the LCR Combined Authorities Transport Plan and that commitment is recognised in the funding arrangements. Delay in approving the PLR may place the funding that has been secured at risk and the opportunity would be lost.
- 7.143 A further key component in the planning balance is the recognition throughout regional and local policy of the unique locational characteristics of the wider Parkside site in the North-West. This element would meet the national policy objectives for economic development promoting sustainable transport options. National Policy recognises the limited opportunities available for delivery of SRFI development because of their exacting locational requirements. Nobody seriously argues that Parkside does not exhibit those exacting locational requirements.
- 7.144 The development that the PLR would facilitate would contribute to addressing the substantial and entrenched socio-economic and deprivation issues that the area exhibits. The PLR would facilitate job opportunities which are accessible from some of the most deprived areas in the North-West and these benefits must weigh heavily in favour of the proposal.

## **Overall Conclusion**

- 7.145 The starting point for the balancing exercise requires the following issues to be addressed:
- Whether there are very special circumstances to justify development in the Green Belt, and

- Whether the public benefits of the development outweigh the harm the PLR would cause to heritage assets.

7.146 There are multiple public benefits that would outweigh the 'less than substantial' harm. The benefits are:

- There would be direct and indirect economic benefits arising from the PLR within St Helens and Warrington and the wider LCR,
- The PLR would reduce traffic elsewhere on the highway network,
- The PLR would enable the development of PP2 and the SRFI,
- The development of the SRFI facilitated by the PLR would contribute to securing a modal shift away from road to rail helping to alleviate road congestion and reduce carbon,
- The PLR would provide direct access to J22 of the M6 for the whole of the Parkside development including PP1 1 with consequential benefits arising from the reduction in traffic elsewhere on the highway network,
- The delivery of a SRFI at Parkside, a location consistent with the LCR's aspirations,
- An important contribution to addressing the very real human well-being issues surrounding worsening indices of deprivation and worklessness, and
- Importantly, there is no alternative site that is non-Green Belt or involving lower BMVAL that has been suggested or is available for the development of a SRFI and other significant employment development.

7.147 , the PLR would have a moderate impact on the openness of the Green Belt principally on land to the east of the M6. It is, however, recognised that the development that the PLR would facilitate would have the potential to have more significant impacts on openness and the purposes of the Green Belt. Paragraph 144 of the NPPF requires substantial weight to be given to any harm.

7.148 It is the considered view of the Applicant that the need for the road in terms of the historic and current policy support for development at Parkside, the recognition of its unique locational characteristic and the economic and social benefits derived from the development, clearly outweigh the harm likely to arise. On this basis, there exist very special circumstances that provide a compelling case to justify the development of the PLR within the Green Belt

7.149 Given the conclusion that very special circumstances exist to outweigh the harm to the Green Belt by reason of inappropriateness, and that the relevant Green Belt policies in each development plan require compliance with national planning policy, it is concluded that the PLR proposal is consistent with each development plan.

7.150 The Applicant considers for the reasons set out that planning permission should be granted for the PLR. The proposal derives considerable support from national, regional and local planning policy. It is a fundamental requisite for the successful development of the wider Parkside site that the PLR is delivered and delivered in time to unlock the potential and secure the wider socio-economic benefits.

## 8. The Case for St Helens Council (as Planning Authority)

The case for SHMBC is provided in detail in their Statement of Case [CD5.68A] Proofs of Evidence, [CD7.45, CD7.50], a series of topic papers [CD7.58-CD7.65], Opening/Closing Submissions [ID14.2, ID14.60], together with Statements of Common Ground [CD7.1-CD7.8]. The salient points are set out below.

### Overview

8.1 Any decision on the PLR must be considered in the light of the following agreed propositions:

- Assuming the approval of PP1, the A49 would not be able to accommodate further development traffic from PP2 and the SRFI,
- The PLR is therefore required to facilitate the redevelopment of PP2 and the SRFI,
- The agreed engineering evidence has led to the conclusion that an access east of the M6 is required to facilitate PP2 and the SRFI,
- The principle of the PLR is supported by PAG “subject to the alignment”,
- There is no criticism of the six options assessed as part of the Full Business Case<sup>130</sup>,
- There is no alternative option which does not use Green Belt land,
- Direct access off the M6 is no longer a viable or deliverable option,
- The PLR has the least environmental impact and the least impact on the Green Belt compared to the six alternative routes were considered as part of the WebTag appraisal alternative options,
- Redevelopment of PP2 is a regeneration priority,
- The delivery of the SRFI is “critical” and there is a “compelling need” for it,
- PAG support the delivery of the SRFI which they accept is required to meet SHMBC’s and Government’s commitments to modal shift and climate change,
- CS Policy CAS 3.2 specifically considers that land to the east of the M6 may be required for operational and viability reasons for the SRFI. It recognises that land to the east of the M6 may be required to facilitate access to the M6,
- PAG accept that the PLR is consistent with Policy CAS 3.2,
- Policy CAS 3.2 specifically considers that development on the Parkside strategic site is capable of demonstrating Very Special Circumstances,
- The impact of the PLR proposal on the Green Belt has been minimised, and

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<sup>130</sup> CD 5.53

- Accordingly, if the wider Parkside site is to be developed the impact of the PLR is the inevitable consequence of such development.
- 8.2 The case for the PLR is compelling and it has full funding from the LCR Combined Authority (after a FBC appraisal). In determining this application, the SoS is asked to endorse the consensus of professional evidence and note how PAG's submissions simply pay no regard to the clear concessions of its professional witnesses.
- 8.3 SHMBC has not presented oral evidence in respect of each issue. Rather, its role has been to independently audit and assess the evidence submitted during the application process, resulting in a firm recommendation and resolution to approve the PLR. SHMBC has provided formal evidence in respect of: (i) the need for the proposal; (ii) the impact of the proposal on the local and strategic highway network; and (iii) on compliance with planning policy, which necessarily requires a consideration of all relevant land use planning impacts. Separate Technical Statements have addressed the issues of air quality, ecology and biodiversity, noise, agricultural land quality, climate change and flood risk<sup>131</sup>.
- 8.4 SHMBC as LPA has been clearly separate from SHMBC as Applicant. It has assessed this application as it would any other. Local Residents are understandably cynical. However, there is no alternative process by Councils, who often make applications for infrastructure projects to facilitate regeneration, can determine such planning applications.
- 8.5 In this application, the Officers are independent professionals bound by the code of ethics of their professional body (such as the RTPI). 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 SHMBC'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 case of SHMBC because it has robustly and carefully undertaken precisely the same statutory and policy exercise which must be undertaken by the SoS.

### **Policy**

- 8.6 The UDP was adopted in July 1998 and remains part of the statutory development plan. Policy TRA 3 was saved in Sept 2007 (see Table 1) and supports the principle of rail-served economic development at Parkside because of the economic, environmental and traffic benefits which would accrue from greater use of the rail network.
- 8.7 The RSS sought to shape development in the Region until 2021. It formed part of the statutory development plan in 2012 (at the adoption of the CS) before being revoked in 2013. Policy RDF 4 provided for the Local Development Framework to make detailed changes to the Green Belt to provide for an intermodal facility at Newton Le Willows. Policy W2 provided that Regionally

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<sup>131</sup> CDs: 7.58-7.65



Significant Economic Development would be identified in Local Development Documents and must be in highly accessible locations well-related to areas in need of regeneration. Policy RT 8 required plans to facilitate the transfer of freight from road to rail by the identification of SRFI's at inter alia Newton Le Willows, with access to the West Coast Main and Chat Moss rail lines. It was recognised that the SRFI would have to be delivered by the private sector and therefore financially viable.

8.8 In that policy context, Policy CAS 3.2 was supported at the Examination in Public by a bespoke Background Paper<sup>132</sup>, which demonstrated the SRFI's compliance with national, regional and local planning and transport policy. It provided an analysis of (i) the UK rail freight market (ii) the North-West distribution market; (iii) the regeneration/socio-economic need for the proposal; (iv) the significant benefits of the SRFI, especially in the light of the Economic Land and Skills Study Review 2009.

8.9 In 2010, the site was in the hands of Astral/Prologis who sought to develop the site as a SRFI. As the CS states:

*"In 2006, a planning application was submitted by Astral (now known as ProLogis), for the development of 272 hectares of land to the west and east of the M6 at Parkside for a Strategic Rail Freight Interchange. The proposal included up to 715,000 square metres of rail served warehouse and distribution buildings; train assembly area; container depot within a perimeter landscape setting; and up to 10,000 jobs were predicted. Following lengthy negotiations over the scheme and consideration of amendments, the application was formally withdrawn in the Summer of 2010 due to current economic circumstances. ProLogis, however, remain committed to the site and in a joint press release with the Council in July 2010 they stated that "Although the plans do not work at this time, as a business we recognise that the site remains an ideal location for a rail freight interchange given its proximity to two major railway lines, the M6 and M62."*

8.10 The Astral application provided significant development on either side of M6 and a new junction with the M6 (including a new bridge, 4 new roundabouts and alterations to J22).

8.11 SHMBC therefore considered a minimum scenario (west of the M6) and a maximum scenario (west and east of the M6). The evidence available to SHMBC in 2010 demonstrated that a viable SRFI could be developed on the west of the M6 alone (with direct access onto the M6) but that land east of the M6 may be required for operational and/or viability reasons<sup>133</sup>. Both scenarios were expressly considered to cause harm to the openness and visual amenity of the Green Belt (ibid).

8.12 In the light of this evidence and the objections of local residents, the Examining Inspector concluded that Policy CAS 3.2 was sound and that a SRFI was demonstrably capable of complying with Green Belt policy.

<sup>132</sup> CD 5.93

<sup>133</sup> Pages 2-4 CD 5.93

- 8.13 CSS 1 seeks to deliver the regeneration of the Borough to 2027. The general extent of the Green Belt will be maintained (CSS 1(vii)) but an area of land based on the former Parkside Colliery is identified as a strategic location for a SRFI. The land will be favourably considered for removal from the Green Belt (CSS 1(viii)). The policy seeks to meet the requirements of the RSS.
- 8.14 The Parkside strategic site is identified at CS Fig 9.1 and comprises land west and east of the M6. CAS 3.1(2) recognises the economic benefits it will provide to the area.
- 8.15 Policy CAS 3.2 applies to "*the site of the former Parkside Colliery and immediately adjacent land*", which is identified as "*a strategic location which has the potential to facilitate the transfer of freight between road and rail*". The policy is not constrained to the 54ha of the former colliery.
- 8.16 Rather, the SRFI site spans the west and east of the M6 (see Fig 9.2). The policy supports in principle the delivery of a SRFI in this location, which the policy expressly recognises is capable of demonstrating very special circumstances (subject to detailed design).
- 8.17 Policy CAS 3.2 also expressly recognises that: "*It is understood, however, that for operational, viability and commercial reasons a larger area of land extending to the east of the M6 motorway may also be required to accommodate an enlarged SRFI*", subject to 2 additional criteria:
- (14) That the area of land to the western side of the M6 is developed first; and
  - (15) That the SRFI is proven to be not deliverable without the additional eastern land area.
- 8.18 Since the adoption of the CS, SHMBC has undertaken significant further technical work to understand how a SRFI might be developed at Parkside to conform with Policy CAS 3.2. On acquiring the site, Parkside Regeneration instructed Arup to advise on a layout in accordance with CAS 3.2. Arup commenced a detailed iterative design process, including market testing with SRFI operators, who required the ability to service 775m trains. Arup's assessment was the subject of an independent audit by AECOM (an expert engineering consultancy) for SHMBC<sup>134</sup>.
- 8.19 AECOMs analysis comprises inter alia:
- AECOM Parkside Logistics and Rail Freight Interchange Study, 2016<sup>135</sup>;
  - Parkside Logistics and Rail Freight Interchange Study Addendum – Parkside West Rail Design and Noise Acoustics Study, 2017<sup>136</sup>;
  - Parkside Strategic Rail Freight Interchange Report Capability and Capacity Analysis, 2018<sup>137</sup>, and

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<sup>134</sup> CD: 5.54

<sup>135</sup> CD: 5.54

<sup>136</sup> CD: 5.88

<sup>137</sup> CD: 5.90

- Parkside Strategic Rail Freight Interchange Background Paper, 2020<sup>138</sup>.

8.20 , The AECOM Report concluded:

- The provisions of Policy CAS 3.2 should be modified in the eLP,
- 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 off 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,
- Subsequent phases will require direct access off the M6 via the A579 (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.

8.21 AECOM's conclusion about the requirement for access from the east to the M6 is not contested.

8.22 The agreed conclusion of the Arup/AECOM analysis is that the most efficient layout for a SRFI would be a hybrid layout with a SRFI east of the M6, with an arrival siding for trains from the east and north west of the M6. PP1, the PLR, the eLP and the iSec Masterplan<sup>139</sup> are all consistent with this hybrid layout and consistent with each other.

8.23 Further, the uncontested evidence of Council's highway witness<sup>140</sup> is that the direct access onto the M6 had been supported by HE because of issue relating to traffic management between J21a and J22. However, these issues are now to be resolved by a new Smart Motorway scheme (Q4 2021) and increased capacity at J22 (comparable to the PLR scheme). HE's guidance is, therefore, strongly against such a new junction and Mr Mellor characterised it as totally unviable (given the significant works which would be involved).

8.24 The evidence demonstrates that:

- The origin of the SRFI on the east of the M6 is derived from the independent analysis of Arup and AECOM because of technical constraints at Parkside West,
- The origin of the PLR access proposal was the AECOM Report, and
- The origin of a first phase of development taking place on the west side of the M6 using the A49 was also the AECOM report.

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<sup>138</sup> CD: 5.91

<sup>139</sup> See Appendix 3 of Appendix 2 (CBRE's 2020 Delivery Statement for Parkside East) CD: 5.91

<sup>140</sup> Edward Mellor

8.25 The evidence preceded any decisions of SHMBC. It is the technical evidence which has led the development of the proposals at this location. Applying the evidence to Policy CAS 3.2, it was agreed with PAG's witness that:

- i. Land to the west of the M6 would be developed first by PP1 (in compliance with Policy CAS 3.2 (14)),
- ii. The SRFI has been proven to be not deliverable without the additional land to the east (in compliance with Policy CAS 3.2 (15)),
- iii. The PLR provides access from the M6 and not the A49 (in compliance with Policy CAS 3.2 (2)), and
- iv. The proposal is in compliance with Policy CAS 3.2.

8.26 These concessions are entirely consistent with previous concessions that PAG supported the principle of the PLR but not the alignment of it. Even that statement is difficult to understand when:

- PAG accept there are capacity issues with the A49 which PP1 had to mitigate,
- Further Parkside phases would require the PLR to alleviate congestion on the local highway network,
- PAG has no criticism of the six options examined by Ramboll as part of the FBC analysis,
- PAG has no criticism of the alignment of the selected option i.e. the application PLR scheme,
- PAG has not provided details of any different alignment,
- PAG accepts that the access solution must take Green Belt land,
- PAG has provided no alternative, viable alignment which has a lesser impact on the environment or the Green Belt.

8.27 The SoS must, therefore, conclude that the PLR is required to deliver PP2 and the SRFI and that it has minimised the impact on the environment and the Green Belt. It follows that the only rational conclusion to reach on the agreed evidence is that the PLR complies with Policy CAS 3.2.

### **Green Belt**

8.28 Whilst the PLR is an engineering operation and local transport infrastructure (NPPF 146), SHMBC considers that the proposal is inappropriate development because it would harm the openness of the Green Belt. Substantial weight should attach to the harm to the Green Belt (NPPF 143 and 144).

8.29 The Committee Report describes the PLR as a road with an average carriageway width of 7m with 3.5m wide footways/cycleways alongside. New junctions would be formed and there would be street lighting along its length.

8.30 The route of the PLR would be over areas that have a different character such that impacts on the openness of the Green Belt would vary along its length. Within the Parkside colliery site, the PLR would route over areas of existing hardstanding or in a cutting through a spoil heap. The PLR in this location is not

readily visible from public areas and the assessment considers that the PLR would only have a limited impact on the openness of the Green Belt<sup>141</sup>.

- 8.31 By contrast, to the east of the M6, the majority of the PLR (including two large roundabout junctions) would be constructed over flat and open agricultural land, where SHMBC consider that the PLR would have a significant impact on the openness of this part of the Green Belt.
- 8.32 SHMBC also consider the cumulative impact of the proposal with PP2 and the SRFI to harm the openness of the Green Belt. The impact would be different on PP2 compared to the land east of the M6. PP2 is visually contained and previously developed. It has logical defensible boundaries and requires redevelopment. Collectively, such future phases would have a significant adverse impact on the openness of the Green Belt.
- 8.33 Of the five Green Belt purposes (a), (b), (d) and (e) are not applicable. The PLR would not safeguard the countryside from encroachment and there is harm to this purpose. The further development which the PLR would facilitate would (additionally) have a significant adverse impact on purposes (a), (b) and (c).

### ***Economic Considerations***

- 8.34 The redevelopment of PP2 is required to meet the objectively assessed need for employment land to 2035. In particular, it is required to meet the need for large scale logistics development.
- 8.35 SHMBC relies on precisely the same evidence as presented in respect of PP1. This is because PP1 would only meet part of the objectively assessed need for employment land. PP2 is also required to meet the residual requirement.
- 8.36 SHMBC's previous submissions (see PP1 Closing Submission at 35 to 76<sup>142</sup>) are adopted and repeated. Such submissions demonstrate:
- Strong national policy support ("significant weight") for the creation of conditions in which businesses can invest,
  - A National Policy requirement to plan for and meet the objectively assessed need for employment land on appropriate sites,
  - Strong Policy and Guidance support for logistics development,
  - The unique locational benefits of the site for large scale logistics,
  - The need for logistics floorspace,
  - The consensus of professional evidence on the need for further logistics floorspace, and
  - The absence of alternatives to meet the need on urban sites and/or on sites outside the Green Belt.
- 8.37 There is, therefore, not just a regeneration imperative to redevelop PP2, there is an imperative to redevelop it to meet the needs for logistics floorspace on a site

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<sup>141</sup> Paragraph 10.22 Nicholls PoE CD: 7.47

<sup>142</sup> ID: 13.54

which is uniquely suited to address such a need. Both the LCR and Council agree that the development of PP2 derives strong support from national and local policies seeking to build a strong, competitive economy.

#### *Economic Benefits*

- 8.38 The PLR would be an investment of £31.5 million in the local economy and would create the equivalent of 400 person years' in construction. The PLR would facilitate further investment and jobs through the delivery of further phases of development at Parkside beyond the current application, which in turn would result in the creation of jobs, amongst other economic benefits.
- 8.39 The Applicant asserts that such future phases of development at Parkside would create approximately 3,300 jobs for St Helens, nearly 800 for Warrington, an estimated 6,950 indirect jobs down the supply chain and a further 3,500 indirect construction jobs. SHMBC does not dispute these figures but, even if they are optimistic (as asserted by PAG), there would nevertheless be a substantial increase in employment opportunities facilitated by the development and a substantial boost to the local economy, and the wider area, consistent with national and local policy to support sustainable economic growth

#### *Need – The PLR*

- 8.40 It is a Strategic Objective of the CS (SO 7.1) that St Helens' infrastructure needs are met in full, in order to secure the regeneration of the Borough (SO 1.1), to deliver sustainable transport options (SO 3.1), to minimise the effects of climate change (SO 2.3) and to meet local employment needs (SO 5.1). Policy CIN 1 specifically requires SHMBC to work jointly with infrastructure providers to continually identify and meet needs, in order to facilitate development. Major new development schemes will be planning in advance and agreement will be reached as to how the new infrastructure will be provided (RJ at 6.18). The freestanding delivery of infrastructure to facilitate development is expressly supported by the CS.
- 8.41 Secondly, the delivery of this piece of infrastructure is specifically supported by a site-specific proposal (see CAS 3.2 (2), (14) and (15)).
- 8.42 Thirdly, the CS is consistent with the NPPF, which inter alia:
- Requires LPA's to identify and co-ordinate the provision of infrastructure,
  - Requires early and effective engagement between plan-makers, businesses and infrastructure providers,
  - Requires LPA's to set out an overall strategy for the scale of development and make sufficient provision for employment and infrastructure for transport,
  - Requires LPA's to create the conditions in which businesses can invest. In this case, no-one business can invest in PP2 or the SRFI unless and until the highway capacity issue is addressed by an access solution to the M6,
  - The approach taken must counter any weakness and address the challenges of the future, such as climate change and inadequate road infrastructure,

- Planning policies must identify strategic sites to meet anticipated needs and address potential barriers to investment, such as inadequate infrastructure,
- Strategies and investments for supporting sustainable transport should be aligned, and
- Policies should provide for any large-scale transport facilities (such as a SRFI) to be located in their area. This expressly requires: "*the provision of the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy*".

8.43 The PPG expressly recognises that strategic facilities serving national or regional markets are likely to require significant amounts of land and good access to strategic transport networks. Where such a need exists, strategic policy makers are encouraged to collaborate with other authorities and infrastructure providers to facilitate the delivery of such 'critical' developments in appropriate locations.

8.44 It could not be clearer, therefore, that national and local policy strongly supports the development of the PLR as a necessary piece of infrastructure to facilitate development in its own right. Significant weight must attach to such policy support.

#### *Need – PP2*

8.45 If the SoS decides to grant planning permission for PP1, the PP2 site would remain a vacant, derelict, unsightly PDL site surrounded on all sides by built development. PAG conceded that there is a significant imperative to redevelop the site consistent with the regeneration provisions in the CS and the requirement in the NPPF to maximise the re-use of PDL, especially where it is location in an accessible and sustainable location (NPPF 117). Even if the SoS refuses planning permission for PP1, it is agreed that PP2 remains a redevelopment priority, whether for large scale logistics or some other (unidentified) potential re-use.

8.46 There are no impediments to the development of PP2 at all. None have even been suggested by objectors. The site is wholly owned and controlled by Parkside Regeneration and SHMBC is strongly supportive of redevelopment.

8.47 It follows that the development of the PLR is very strongly supported by the benefits which would derive from the redevelopment of PP2. If the PLR is constructed, there is no dispute PP2 could, would and should be developed.

8.48 The grant of consent for the PLR is justified by facilitating the redevelopment of PP2 alone (regardless of the conclusion which is reached on the SRFI).

8.49 Indeed, if planning permission is required, the PP2 site would remain a vacant and derelict source of contamination and on-going anti-social behaviour to be managed on a reactive basis by the public sector. That has to be the antithesis of the development plan and positive planning. Further, it is worth noting that in the last decade (since the adoption of the development plan) no other beneficial and viable re-use of this valuable site has been identified and none has been suggested.

### *Need - SRFI*

8.50 It is agreed that the PLR is required to develop the SRFI. The development of the SRFI is also supported by all parties. SHMBC's planning witness characterised the national, regional and local support for the SRFI as "*phenomenal*".

8.51 The deliverability of the SRFI is, however, questioned by PAG. SHMBC consider significant weight should attach to the likely delivery of the SRFI and the economic and climate change benefits which it would deliver because:

- The SRFI is strongly supported by national, regional and local policy,
- SRFI's are strongly supported by Government, the DfT, the LPA, the LCR Combined Authority and the Local Enterprise Partnership,
- The site has been demonstrated to be suitable in market terms<sup>143</sup>,
- The site has been demonstrated to be suitable in engineering terms – see the consensus of professional evidence between Arup, AECOM, iSec, Intermodality, Cushman and Wakefield and SHMBC,
- The only evidence on viability derives from iSec who have expressly stated that in the light of their Masterplan, market testing, interest from a forward operating company, analysis from Intermodality and their experience at the Thames, the SRFI is viable. There is no detail as the information is commercially sensitive.

8.52 Accordingly, SHMBC submit that significant weight can and should attach to the benefits of facilitating the SRFI and from the associated sustainability and economic benefits which it would bring.

8.53 Indeed, it must be stressed that the development of the SRFI provides a once-in-a-generation opportunity to develop the SRFI. It must be grasped and grasped now. There can be no expectation that at all the funding would remain available from the LCR Combined Authority, should consent be refused.

8.54 Further, if consent is refused, it is likely to sound to the death knell on the SRFI which no-one wants. Such a decision would, given the climate emergency and the policy support for the SRFI, together with the decision of the LCR Combined Authority to fund the PLR to facilitate SRFI, be irrational.

8.55 The grant of consent for the PLR is justified by facilitating the development of the SRFI alone (regardless of the conclusion which is reached on PP2). Together with the benefits of delivering PP2, the case is unassailable given agreement that the environmental and Green Belt impact of the PLR has been minimised.

### **Highways**

8.56 it is notable that PAG's highway witness<sup>144</sup> was forced to expressly resile from a number of the assertions made in the submitted TNs. If the agreed technical

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<sup>143</sup> see Appendix 2 to the SRFI Background Paper CD: 5.91

<sup>144</sup> Gareth Edwards



evidence had been appropriately audited, the genuine concerns of local residents could have been allayed.

- 8.57 Firstly, TN1 concerns trip generation. It is relevant to PP1 and the PLR. It was addressed in the PP1 evidence, where it was comprehensively rebutted by the written and oral evidence of the Applicant's and Council's highway witnesses.
- 8.58 In particular TN1 fails to understand and apply the relevant guidance. It fails to acknowledge points which are directly contrary to the case being made. TN1 therefore fails in the discharge of the relevant professional obligations. This submission applies with equal force to PAG's criticisms of the forecast model. No weight can attach to such evidence.
- 8.59 Secondly, TN2 raises the issue of committed development in Wigan. It asserts that the advice of the Highway Authority was "*disgraceful*". That allegation was comprehensively addressed in the PP1 evidence by the Applicant's and SHMBC's highway witnesses. In contrast to the submitted TN2, PAG conceded that: (i) the Local Highway Authority were expressly aware of the advice of the PPG; (ii) the PPG is not prescriptive on how baseline flows are assessed; (iii) the Highway Authority have discretion on how the assessment should be carried out; (iv) the Highway Authority's approach to the assessment was consistent with the discretionary nature of the PPG; (v) the Highway Authority's advice was not arguably disgraceful; and (vi) PAG wished to expressly resile from this part of TN2.
- 8.60 The Highway Authority's approach to using committed development where available in St Helens and Warrington and a conservative Temporo Growth factor across the network (including Wigan) drew an appropriate balance between a robust assessment of baseline flows and unnecessary double counting. The approach is unanswerably robust.
- 8.61 Thirdly, PAG claim to have identified '*errors in the model*'. Such a claim has pervaded every aspect of their evidence and informs their concerns about Air Quality at Lane Head. On examination, PAG's concerns failed to stand up to scrutiny:
- PAG do not provide any evidence that their evidence is based upon competent transport modelling or validation,
  - Where there is a technical dispute between TN2 and Ramboll/Systra/Mott MacDonald/Warrington, significantly greater weight must attach to the consensus of independent professional evidence,
  - It is agreed that the model should be calibrated and validated using WebTAG guidance<sup>145</sup>,
  - PAG conceded that their consultant had not undertaken a WebTAG calibration or validation exercise nor followed any of the well-established validation protocols/checklists (such as TfL Guidance on the Model Appraisal Process). TN2 cannot, therefore, express any view on '*errors in the model*',
  - Ramboll have validated the model against WebTAG guidance,

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<sup>145</sup> CD 5.101-5.103

- As part of the FBC submission, the model was fully validated by Systra after an exhaustive audit. The PAG witness had not seen that audit and had not asked to see it and can have no criticism of the Systra audit. Significant weight must attach to agreed conclusions of Ramboll and Systra that the model validates against WebTAG guidance,
- Once the model had been independently audited and validated by Systra (on behalf of the Combined Authority), it became pointless for the Highway Authority to commission another independent audit. The same applies to Warrington,
- PAG expressly conceded that the 2019 and 2020 model validates against DfT validation criteria<sup>146</sup>,
- PAG's evidence does not, therefore, demonstrate errors in the model, it demonstrates that the model has been calibrated and validated against WebTAG guidance, such that full weight can attach to it,
- PAG agreed that the 2020 model is validated and more closely aligned with the observed. There is no reason to consider it invalid, simply because there are differences in link flows between the 2019 and 2020 iterations. If that was the case, no iterative model could ever validate,
- The 2020 model changed because of changes to the generalised cost parameters, using the latest DfT Time series and changes to weight restrictions. There is no criticism of the changes to the parameters, the outputs or any alleged conflict with guidance,
- There is (on examination) no identification of any error in the model at all, when considered against the agreed guidance,
- TN2 quotes very selectively from 3.3.11 of TAG M3.1. To validate link flows, there are 2 criteria<sup>147</sup>. Without explanation, Mr Lowe fails to mention that: (i) the GEH statistic is a relevant validation criteria; (ii) the 2 measures are broadly consistent; (iii) if the link flows meet either criterion they should be considered to be satisfactory; (iv) the link flows are valid against both criteria; (v) the link flows are valid against the GEH statistic and should be considered to be satisfactory. Indeed, GE conceded that the link flows meet both criteria,
- The failure of the technical witness to understand and apply the guidance has fundamentally misled PAG, who should have concluded that the link flows are 'satisfactory',
- Instead, TN2 asserts that the model should have been validated against turning counts. However, this is a strategic model which has been based on link flows. It is not a micro-simulation model which is based on turning movements. Indeed, separate validated models exist for the relevant junctions using Linsig etc. It follows that there is no requirement to validate the model against turning counts. Indeed, it is not understood how this could be done.

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<sup>146</sup> See paragraphs 3.17 and 3.26

<sup>147</sup> Paragraph 3.3.10 CD: 5.103

- In the absence of competent analysis, JL resorts to sarcasm, asserting that the 2020 model has “miraculously” reduced significant differences. GE did not understand what that was intended to imply. It is prosaic but true that the outputs have changed as a result of different input parameters which have been validated. PAG expressly resiled from this part of TN2, and
- Significant weight should attach to the agreed evidence of Ramboll/Systra/MM/Warrington.

- 8.62 It follows that TN2 simply cannot assert that there is an error in the model. Rather, at its absolute highest, PAG have identified 3 link flows which are lower than observed flows (Table 6). That is not an ‘error in the model’. It is exactly what you would expect a model to show. The WebTAG guidance is directed at whether the model validates (with inevitable differences across the individual links). It is not directed at ensuring that each and every link replicates precisely. Indeed, modellers are expressly cautioned against this. Further, TN2 ignores that each of the 3 highlighted links validates against the GEH<sup>148</sup> statistic and is therefore satisfactory.
- 8.63 Accordingly, PAG have not identified any errors in the model, rather they simply do not accept the 2034 outputs on the basis of their own subjective judgments on route selection. The purpose of the model is to provide a strategic view of the local road network in 2034 and PAG do not identify any issue of delay, queuing at junctions, road geometry etc, which is not expressly considered in the model.
- 8.64 Fundamentally, the PLRTM model shows a reduction in traffic in the Lowton/Lane Head Junctions in 2034. That is to be welcomed by all local residents. It is an intuitive conclusion, as the PLR has increased east-west capacity across the network. There would still be significant traffic through Lane Head. There are also a number of trips which would use the PLR, Warrington Road and the Golborne roundabout. Given existing and projected levels of queueing and delay, the reason for the reduction in flows through Lowton/Lane Head can be explained by traffic seeking a quicker route to the A580.
- 8.65 PAG raised an issue about the assumption over HGV’s in the model. The HGV flows are based on robust counts. Whilst there is inconsistency with the Wigan data<sup>149</sup>, that can be explained by the over-predicting RX2’s in the Wigan data. This is probably due to the temporary nature of the assessment and the associated difficulty with assessing whether a vehicle is over or under 3.5 tonnes. The Wigan data is not just inconsistent with the Ramboll count, it is inconsistent with the government’s own (publicly available) assessment. Accordingly, there is no reason for reduced weight to attach to the Ramboll HGV assessment.
- 8.66 Finally, there is a claimed error with Main Lane and Sandy Brow Lane. However, this is due to a misunderstanding about the differences between counts at sites 15 and 16 on Winwick Lane. There is no reason to expect the

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<sup>148</sup> The GEH Statistic is a formula used in traffic engineering, traffic forecasting, and traffic modelling to compare two sets of traffic volumes.

<sup>149</sup> CD: 11.9

flows to be identical because there would be two-way flows on the network between the two points at the end of the survey. When such flows are grown over 24 hours, it explains a large part of the claimed 515 vehicles using Main Lane. Some vehicles would use Main Lane in 2034 (as they do now) but there is no significance to the point. The model is not suggesting there would be large flows down Main Lane in the 2034 scenario. In any event, the effect of the PLR is to reduce flows in this area. The impact of the proposal on this effect is therefore positive.

- 8.67 In all the circumstances, therefore, the model and its outputs are unanswerably robust and consistent with the agreed guidance, as confirmed by the LCR Combined Authority audit. There is no evidential basis on which to reach a contrary conclusion to the Highways SoCG<sup>150</sup>. Although the proposal complies with relevant policy, there is harm to weigh in the Green Belt balance as a result of the additional traffic movements.

### ***Environmental Considerations***

- 8.68 Separate Technical Statements have addressed the issues of air quality, ecology and biodiversity, noise, agricultural land, climate change and flood risk<sup>151</sup>. The contents of these documents are summarised below.

#### *Landscape and Visual Impact*

- 8.69 The scheme would cause some landscape and visual harm as well as harm to the outlook of residential properties along Winwick Lane during the construction and operational phases of the development. This is contrary to CS Policy CP1 and should be given moderate weight against the proposed development.
- 8.70 In terms of indirect and secondary impacts, it is also likely that harm would be caused by the PP2 and SRFI developments contrary to CS Policies CP1 and CQL4. However, in the absence of any landscape designation and agreement that the landscape character is not a 'valued' for the purposes of the NPPF, this harm should be given limited weight only but weighed as an adverse impact in the planning balance.

#### *Noise*

- 8.71 The noise effects of the PLR would not have a significant effect on the amenity of the residents at the nearest residential properties. In this respect the development would be in accordance with policy CP1. There would be some minor beneficial effects during the operational phase. However, it is acknowledged that some harm would be caused by additional noise during the construction phase of the development and this should weigh against the proposed development.
- 8.72 It is likely that any significant noise effects resulting from PP2 and the SRFI could be mitigated to an acceptable level. However, in the absence of any evidence which shows this to be the case, the cumulative noise impacts must weigh against the PLR.

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<sup>150</sup> CD: 7.7

<sup>151</sup> CDs: 7.58-7.65

### *Air Quality*

- 8.73 There can be no doubt that the issue of air quality has been the most controversial. However, the evidence submitted to the Inquiry did not impugn the Ramboll's expert analysis, which has been independently audited and assessed by WSP for St Helens and Warrington Councils.
- 8.74 The majority of receptors are predicted to experience beneficial change, on the basis of a technically sound AQA. The air quality impact is largely a function of the traffic impact. It follows that, as traffic is predicted to fall in Lane Head in 2034, there is a beneficial impact on air quality. There is compliance with NPPF paragraph 118.
- 8.75 The secondary/indirect effects of PP2 and a SRFI on air quality that may come as a result of granting planning permission here are not specifically known.

### *Ecology*

- 8.76 At its closest point, the proposed development is located around 600m away from Highfield Moss Site of Special Scientific Interest (SSSI). Gallows Croft and Newton Brook LWSs are within 400m of the site. Natural England and MEAS have advised that, subject to a CEMP being implemented, the proposed development is unlikely to harm the features for which the sites were designated.
- 8.77 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 bird and bat boxes, an appropriate lighting strategy, a mitigation scheme for water voles and common toad being implemented, and pre-commencement checks for badgers being undertaken.
- 8.78 The proposed development would result in the loss of 9.3ha of existing habitat, including 5.5ha of arable land, 0.5ha of plantation broadleaved woodland, 0.3ha of semi-natural broadleaved woodland, 0.02ha of marshy grassland and 0.5ha of semi-improved grassland.
- 8.79 There would be an overall enhancement of 22.8ha, which includes 16.8ha of arable land, 2.4ha of semi-improved grassland and 0.5ha of semi-improved woodland. They also state that 0.6ha of habitat would be retained including 2.7 hectares of semi-improved grassland, 0.9ha of semi-natural broadleaved woodland and 0.1ha of scrub. The habitats being enhanced and retained provide a net gain when compared to those habitats being lost.
- 8.80 The Biodiversity Supplementary Planning Document 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.
- 8.81 Although the habitat that would be lost by the development is not compensated on a 3:1 basis, MEAS has advised that they believe that the proposed landscape and habitat creation proposals would ensure that all habitat losses are adequately compensated for. Notwithstanding this, the Countryside and

Woodlands Officer has raised concerns that there would be an overall loss of around 0.3ha of woodland habitat and this must weigh against the proposed development

- 8.82 The proposed road would not have an unacceptable impact on protected species or their habitat subject to conditions securing the implementation of mitigation measures. The proposed road would cause a loss of habitat and with the exception of woodland habitat, these losses would be mitigated. The loss of 0.3 hectares of woodland should carry some limited weight against the proposed development. However, as a whole it is considered that the proposed development would generally accord with the requirements of Policies CQL2, CQL3 and the NPPF.
- 8.83 The phase 2 and SRFI have the potential to cause harm to Highfield Moss SSSI, a loss of habitat and harm to protected species. These harms would be contrary to Policies CQL2, CQL3 and the NPPF and must weigh against the proposed development.

#### *Climate change*

- 8.84 SHMBC (in common with the Government and adjacent LPA's) has declared a Climate Emergency. PAG argue that the PLR should be refused because it would generate harmful greenhouse gas emissions.
- 8.85 However, there is an irreconcilable tension in their case. They support strongly the SRFI (because of the climate emergency) but oppose the road which would facilitate it. Regardless of that tension, there is no objection to the SRFI on climate grounds, which is supported.
- 8.86 Rather, the objection is to the redevelopment of PP2 for road-based logistics. The obvious rejoinder is that this is not an application for road-based logistics. Rather, this is the use which has been assumed for the purposes of a secondary, indirect or cumulative assessment for the purposes of the EIA Regs. A separate planning permission would be required for PP2.
- 8.87 Without prejudice to that submission, the objection to road-based logistics on PP2 is identical to PP1. SHMBC's submissions are therefore identical to those set out in paras 107-122 of its PP1 Closing Submissions<sup>152</sup>. Put briefly, neither the recent DfT report - Decarbonising Transport<sup>153</sup> nor the NPPF or PPG suggest that road-based logistics should be refused. Moreover, the Committee on Climate Change CCC has not suggested a moratorium on road-based logistics development. There is therefore no "in principle" objection to this development on climate change grounds.

#### *Agricultural Land*

- 8.88 The PLR would result in the loss of 19.6ha of BMVAL. This would have a slight adverse significance. This loss of agricultural land would conflict with Policy CP1 and paragraph 170 of the NPPF and must weigh against the proposed development.

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<sup>152</sup> ID: 13.54

<sup>153</sup> CD: 5.96

8.89 The Natural England North West Region Agricultural Land Classification map shows that the anticipated site of the SRFI is best and most versatile land. Although these classifications are not accurate enough to allow the assessment of individual fields or sites, it is reasonable to assume that the entirety of the SRFI site would fall under this classification. The loss of this land would be a significant impact which would be contrary to policy CP1 and paragraph 170 of the NPPF and must weigh against the proposed development.

### ***Other Considerations***

8.90 SHMBC identifies the following 'other considerations' which very clearly outweigh such harm to the Green Belt and any other harm:

- The need to deliver necessary infrastructure to deliver the conditions in which businesses can invest to meet identified needs and stimulate economic growth, whilst meeting the challenge of climate change,
- The need to regenerate a vacant and derelict site which is the subject of ongoing anti-social behaviour (PP2). This is a site which needs a long-term sustainable and beneficial re-use and would allow the remediation of any legacy contamination on the PP2 site,
- PP2 is a valuable previously developed and heavily disturbed site, the development potential of which should be maximised (NPPF 117) to meet identified needs and assist in the regeneration of the local community,
- 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,
- 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,
- There is a national, sub-regional (LCR) and local need for a SRFI,
- The SRFI would address a need in the market but also facilitate a modal shift in the transport of freight, consistent with the climate emergency,
- There is a significant need to address indices of multiple deprivation in some of the most deprived wards in the country,
- There is a need to exploit the unique locational characteristics of the Parkside site. The SRFI is a once in a generation opportunity,
- Local Authority and Public Sector stakeholders have been trying to beneficially redevelop the Parkside site for the last 30 years. The PLR is required to deliver phases beyond PP1, especially PP2 and the SRFI,
- There is no alternative to development in the Green Belt to meet identified needs. Further, there is no alternative to developing the PLR in the Green Belt,
- The PLR has minimised the impact on the environment and on the Green Belt,

- The site is highly accessible to markets but also to a workforce by means of transport other than the private car i.e. walking, cycling and the public transport hub at NLW 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, and
- There would be material direct, indirect and catalytic economic benefits of the proposal. In particular, the provision of jobs (in PP2 and the SRFI) which match the skills base in the areas of deprivation.

### **Conclusion**

- 8.91 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.
- 8.92 This chance must be grasped and grasped now. SHMBC does not consider that there can be any complacency or confidence that private commercial interest would endure, or that funding for the PLR would endure, should this proposal be refused, contrary to the decision of SHMBC as promoter, LPA and Highway Authority and contrary to the eLP.
- 8.93 The 'other considerations' clearly outweigh the identified harm such that very special circumstances are present. The proposal would thus accord with local and national Green Belt policy.
- 8.94 Accordingly, SHMBC conclude that the proposal complies with the statutory development as a whole. NPPF 11(c) is therefore engaged and planning permission should be granted without delay, subject to conditions and the s106.

### **9. The Case for Warrington Council**

*The case for WBC is provided in detail in their Statement of Case [CD5.69] Proofs of Evidence, [CD7.74, CD7.75], Opening/Closing Submissions [ID14.3, ID14.61], together with Statements of Common Ground [CD7.1-CD7.8]. The salient points are set out below.*

#### *Overview*

- 9.1 It is the considered opinion of WBC that planning permission should be granted for this development. WBC considers that the evidence to the Inquiry has fully supported its position in this respect. This is an application that is in accordance with the development plan and the NPPF, and should, in the Authority's respectful submission, be approved without delay in accordance with NPPF paragraph 11.
- 9.2 In an attempt to avoid repetition, WBC's evidence to the Inquiry has focussed on the planning impacts in Warrington, although the evidence as to the wider impacts has of course been considered in the balance.



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## **Green Belt**

- 9.3 It is acknowledged that the site lies within the Green Belt, and that the government attaches great importance to the Green Belt.
- 9.4 Having regard to the Green Belt Assessment<sup>154</sup>, WBC finds:
- i. The proposal would not conflict with the purpose of checking the *unrestricted sprawl* of large built up areas. In Warrington, the "large built up area" is comprised of Warrington's Urban Area which is physically distinct from the parcels affected by the proposed development. The independent Green Belt Assessment supports the conclusion that the relevant land parcels do not make a meaningful contribution to this purpose. Further, the proposal is for a link road, and would not lead to sprawl or the spreading out of built form over a large area in an untidy or irregular way<sup>155</sup>.
  - ii. The proposal would not conflict with the purpose of preventing neighbouring *towns* from merging (and it is noted that PAG are wrong to characterise this purpose as separating "distinct places"<sup>156</sup>), because it would not lead to a merging of development of the towns of Warrington and Newton le Willows, or reduce the actual or perceived gap between those towns. Winwick is not a "town" to which this purpose applies. Again, the Green Belt Assessment records that the land traversed by the proposed PLR in Warrington makes a weak contribution to this purpose<sup>157</sup>.
  - iii. The proposal would not conflict with the purpose of preserving the setting and special character of historic towns, as no historic towns would be affected.
  - iv. The proposal would not conflict with the purpose of encouraging the recycling of derelict and other urban land. There is no land that lies outside the Green Belt, or that is PDL, that could accommodate the proposed development (or development at Parkside), and therefore the proposal does not prejudice this purpose. PAG's argument that the PLR might encourage further unidentified speculative development in the future that might conflict with this purpose was speculative and unsubstantiated and does not support a finding that this scheme conflicts with this purpose.
- 9.5 WBC considers that there would be harm to the Green Belt by reason of harm to openness, by reason of encroachment, and that the development is inappropriate (and therefore harmful by definition).
- 9.6 In particular, it is accepted that the hardstanding, lighting columns, acoustic barrier and limited fencing proposed would impact on the spatial and visual openness of the Green Belt and have an impact on safeguarding the countryside from encroachment. However, the development would largely be at ground level, the majority of the application site within Warrington would remain as open land, and other elements that are associated with the development in

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<sup>154</sup> CD: 3.14

<sup>155</sup> GBA page 26

<sup>156</sup> Paragraph 3.21, Copley PoE

<sup>157</sup> See commentary in respect of parcel GB20

Warrington (lighting, acoustic barrier fencing) are relatively limited in extent. Given that the development is at ground level, the visual impact of the development on openness would also be mitigated as the proposed landscaping scheme matures. Thus, the harm to openness and by reason of encroachment in Warrington would be limited, and the overall impact of the scheme on the openness of the Green Belt would be moderate<sup>158</sup>.

- 9.7 Notwithstanding the fact that the harm to the openness and by reason of encroachment is towards the bottom end of the scale, the development is inappropriate, and national policy requires that substantial weight is given to any harm to the Green Belt. The harm identified above has therefore been given substantial weight in WBC's assessment, and has been carefully considered in the balance.
- 9.8 However, the assessment that the proposal would harm the Green Belt does not, of course, make the proposal unacceptable as a matter of principle. WCS Policy CS5, which PAG accept is up to date and can be attributed full weight, is permissive of development proposals where they accord with national policy, and national policy is permissive of development proposals where the harm to the Green Belt and any other harm is clearly outweighed by other considerations (such that very special circumstances exist to justify the development).
- 9.9 There are no other policies contained in Warrington's development plan that restrict the proposed development as a matter of principle. To the contrary, in undertaking the balance required by Policy CS5 (and NPPF paragraph 144), it is important to give due weight to the other priorities of Warrington's development plan and national policy.
- 9.10 At the heart of WBC's Strategic Vision is a recognition that Warrington should act as a key economic driver for the surrounding area, capitalising on its pivotal location, and providing an advantage to residents and businesses, giving them unrivalled access to Manchester, Liverpool and national transport infrastructure<sup>159</sup>.
- 9.11 In that context, there is also a strong focus in the WCS on improving employment opportunities through supporting the development of significant sites in and around Warrington. As set out in paragraph 2.18, Warrington is a town of stark contrast. Whilst parts of the Borough have prospered, significant inequality persists, and has persisted since 2007<sup>160</sup>, with Indices of Multiple Deprivation showing that areas within the wards of Orford, Poplars and Hulme and Bewsey and Whitecross, which are within 3.5km of the Parkside site, are in the top 10% most deprived nationally<sup>161</sup>. As recognised in the WCS<sup>162</sup>, the root cause of worklessness and deprivation in areas of need has been the lack of connectivity between those areas and employment opportunities available to those residents.

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<sup>158</sup> Paragraphs 5.12-5.21 Gough PoE CD: 7.75

<sup>159</sup> Page 20 CS, CD: 2.7

<sup>160</sup> CS paragraph 2.18

<sup>161</sup> CD: 5.169

<sup>162</sup> CS paragraph 2.14

- 9.12 In short, the promotion of economic growth and the improvement of employment opportunity are core priorities of the development plan and lie at the heart of the WCS. There is a clear recognition that this would be achieved through capitalising on locational advantages and linkages with the wider region and improving connectivity.
- 9.13 PAG accepted that NPPF paragraph 80 supports the PLR as a piece of infrastructure that helps enable (or, in the words of paragraph 80, “create”) the conditions in which businesses can invest, expand and adapt. Consistent with the NPPF, WCS Policy CS1 also specifically supports the provision of additional transport infrastructure where this is necessary to support development. Policy CS2 supports major warehousing and distribution development in suitable locations with direct access to the Primary Road Network, and where possible, with access to rail and/or Ship Canal, and the delivery of supporting infrastructure for such development.
- 9.14 Unlocking the Parkside site through granting permission for this enabling infrastructure therefore aligns with the aims, objectives, priorities and policies of the WCS. As set out in Warrington’s economic and regeneration programme, *Warrington Means Business*<sup>163</sup>, ensuring that development at Parkside, which sits within Warrington’s economic hinterland, is progressed and would provide a major economic resource for the wider region, and is expressly recognised as a priority for WBC.
- 9.15 Further, the potential delivery of some 6,590 on site jobs at the wider Parkside site, with 790 of these anticipated to be directed to the residents of Warrington<sup>164</sup> would assist in addressing the disconnect expressly identified in the WCS between those areas that suffer some of the most acute deprivation in the country and employment opportunity, and thus would also provide the opportunity to address one of the root causes of the problems experienced by those communities<sup>165</sup>.
- 9.16 WBC accepts the Applicant’s evidence that there is no alternative site that could deliver the SRFI, provide the strategic, intermodal logistics facility envisaged at Parkside, or address the critical employment land needs identified. It is further accepted that the PLR is necessary to unlock the wider Parkside site and to enable the SRFI to come forward. There is no alternative route for the PLR that would not require Green Belt land. Accordingly, whilst there would be harm to the Green Belt, and that harm must be accorded substantial weight in the planning balance, the reality of the situation is that the development of the wider Parkside site, with all of the benefits that this would deliver in accordance with the strategic priorities of Warrington’s development plan, cannot come forward without the release of Green Belt land.
- 9.17 For the reasons set out below, WBC say that very special circumstances justify the development proposed in this case, and the development is therefore acceptable as a matter of principle, having regard to the provisions of national policy and the provisions of the WCS with which it accords.

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<sup>163</sup> CD: 5.58

<sup>164</sup> Paragraph 5.40 Gough PoE

<sup>165</sup> Paragraph 2.14

*Economic Considerations*

- 9.18 The WCS specifically recognises that its success in developing a strong and resilient economy and becoming a key driver and contributor to the economy of the North West has been enabled by Warrington's "excellent connectivity" and locational advantages. WBC fully supports its neighbour's aspirations to build upon these same locational advantages in St Helens at Parkside. WBC agrees that the proposal provides a real opportunity to facilitate development that contributes to the creation of a strong and resilient economy in accordance with the provisions of the NPPF, providing a "major economic resource for the wider region".
- 9.19 NPPF paragraph 80 sets out that planning decisions should help "create the conditions" in which businesses can invest, expand and adapt. It expressly requires that significant weight should be placed on the need to support economic growth and productivity. The approach taken should allow each area to build on its strengths, counter any weaknesses, and address the challenges of the future.
- 9.20 NPPF paragraph 82 recognises that planning decisions should recognise and address the specific locational requirements of different sectors, which specifically includes making provision for storage and distribution operations at a variety of scales in suitably accessible locations. The PPG specifically recognises 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, and has distinct locational requirements. Strategic facilities serving national or regional markets are likely to require good access to strategic transport networks.
- 9.21 The proposed development would facilitate and enable the opening up of the wider Parkside site, which cannot come forward without it. It therefore enables (or, in the terms of NPPF paragraph 80, "creates the conditions") necessary to allow economic growth and productivity in this area, capitalising on the distinct locational advantages of the site and the requirements of the sector. PAG accepted that the NPPF expressly requires that significant weight should be accorded on the need to support such economic growth.
- 9.22 NPPF paragraph 8 sets out that the economic objective of the NPPF will be achieved by the planning system supporting development that assists in building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right place at the right time, to support growth, innovation and improved productivity, and by identifying and coordinating the provision of infrastructure. This scheme directly responds to that policy imperative.
- 9.23 St Helens has produced evidence in respect of its employment land needs, and the strong demand for large scale employment sites to come forward such as that at Parkside (with a residual requirement of some 159.34ha identified in the assessment). That evidence is not repeated here, but WBC agrees that it should be given significant weight in the planning balance. The development of PP2 and PP3 would provide a consolidated hub of employment uses, capitalising on its distinct locational advantages, and make a critical contribution in meeting identified needs. There are no other consents that could help to meet St Helens' residual requirement. The need to open up this important, high profile,

strategic site to meet the demands of business, and link with the regions' freight transport network is "compelling" and should be afforded "significant weight" in the planning balance in accordance with the provisions of national policy (above).

- 9.24 Further, as recognised in the NPSNN, there is a compelling need, at the national level, to develop SRFIs, which are recognised as an engine of economic growth, and in order to a shift to more sustainable transport solutions. The development of a SRFI at Parkside can simultaneously support economic growth, and facilitate the transfer of freight from road to rail, supporting the Government's vision for a shift to a more sustainable transport solution in a location that is accepted by all parties to offer "rare" or "unique" locational advantages in respect of the same.
- 9.25 It is noted that PAG have expressly indicated their support for a SRFI at Parkside and further expressly accept the significant benefits that a SRFI would deliver in terms of meeting needs, delivering jobs, and addressing climate change. PAG also accepted that the existing local highway network does not have the capacity to accommodate a SRFI at Parkside, and that a link road would be necessary to open up the Parkside site.
- 9.26 It is, with respect, difficult to understand how PAG can simultaneously support development of a SRFI at Parkside, and object to the PLR scheme on the basis of environmental concerns as to the impacts of the road development that it accepts is necessary to bring it forward, and in circumstances where no better (or less harmful) route is suggested.
- 9.27 PAG overriding concern appeared to be that the SRFI might not come forward even if the PLR is delivered. However:
- a) A SRFI at Parkside cannot come forward without the proposed development as a result of the constraints of the local road network, since, as PAG accepted, there was a need for direct access to the strategic highway network and J22 of the M6 in order to open the Parkside site to accommodate a SRFI.
  - b) It was expressly accepted that the Parkside site is "rare" and "unique" in respect of its locational advantages, and suitability for a SRFI. These are precisely the same locational advantages that have enabled Warrington to develop a strong and resilient economy and become a significant centre of employment in the North-West<sup>166</sup>.
  - c) Unlocking the wider Parkside site would provide a major economic resource for the wider region<sup>167</sup>. Significant public funding has been secured through the SIF as a result of the PLR's strategic importance to the North-West, and its potential to bring forward significant investment and employment space for the region. The grant of SIF funding for the PLR is a firm indicator of the importance of the development of the Parkside site to the region, an expression of confidence in the ability of that site to deliver the development and benefits anticipated, and a recognition of the importance

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<sup>166</sup> CS paragraph 2.11

<sup>167</sup> See 'Warrington Means Business' CD: 5.58

of the PLR to opening up the site for that development in order that those benefits can be realised. That funding is available now, and the opportunity must not be lost to bring forward the PLR, which would allow those regional benefits to be realised.

- d) iSec, in their letter of 7 December 2020<sup>168</sup> indicate their commitment to delivering a SRFI, have worked up a masterplan proposal for delivery of the same, have confirmed (through viability modelling) that the proposed SRFI at Parkside East is viable and deliverable with the PLR delivered in its current form.
- e) St Helens Council produced evidence as to the extensive work that has been undertaken through its local plan process, which supports and demonstrates the technical feasibility and deliverability of a SRFI in the location proposed. PAG did not dispute that evidence.

9.28 The only credible evidence before the inquiry is, therefore, that the SRFI is viable and deliverable, but requires the PLR as a key piece of enabling infrastructure to come forward. The application proposals are fully consistent with national policy, in particular NPPF paragraph 80, which requires that planning decisions help create the conditions in which businesses can invest, expand and adapt. The application proposals do precisely that and should be accorded significant weight in accordance with the provisions of national policy.

9.29 The PLR would deliver very significant direct and indirect economic benefits, with construction investment estimated at some £31.5 million (direct) and £329m (indirect), an additional £417m GVA (net) per annum during the operational phase and, as set out below, significant job creation through both on-site jobs, and those supported by supply chain and employee spend<sup>169</sup>. Whilst PAG has sought to query these figures, it has given no credible alternative assessment to the Inquiry as to the degree of economic benefits that would be occasioned by the scheme which must, in any event and on any analysis, be highly significant.

9.30 In conclusion the proposed development is consistent with the Government's policies for building a strong, competitive economy. The PLR is necessary to unlock the wider Parkside site and to enable the SRFI to come forward. It would therefore support economic growth and help create the conditions in which businesses can invest, expand and adapt, having regard to the particular locational requirements of the sector and the particular locational benefits of Parkside, providing a major economic resource for the wider region. These matters should plainly be accorded significant weight in the planning balance in accordance with the requirements of the NPPF.

## **Highways**

9.31 WBC's highway witness<sup>170</sup> has carefully and independently scrutinised the transport implications of the scheme on WBC's highway network and is content that the development is acceptable.

<sup>168</sup> Appendix 5 Littler PoE CD: 7.24

<sup>169</sup> Paragraph 5.130 Gough PoE

<sup>170</sup> Mike Taylor

- 9.32 It is accepted that the transport and economic assessment of the PLR, which was updated in 2020 is appropriate, robust and fit for purpose. As recorded in the SoCG<sup>171</sup>, the 2020 model update was undertaken to take account of recent updates to the DfT modelling and economic appraisal parameters, changes to the highway network (including local junction improvements and the weight restriction southbound on the A579), and revisions to the opening and design years for the construction and operation of the scheme.
- 9.33 Mr Edwards, on behalf of PAG, voiced some concerns in respect of the difference between the outputs of the earlier modelling exercise and the 2020 model. However, as Mr Taylor explained, where the parameters contained in national guidance change, it is best practice to follow the most up-to-date guidance, and outputs obtained through the application of that guidance are the most robust and should be used. Mr Edwards confirmed that PAG did not suggest a different model should have been used, and further, that it was accepted that the model followed the DfT guidance.
- 9.34 As explained by St Helen's highway witness the model would never replicate the observed flows on each and every highway link. The purpose of the validation exercise is to provide a model that, overall, replicates the study area. WBC agrees with that evidence. Indeed, PAG accepted that the 2020 data more closely aligned to observed data, but in any event validated against the WebTAG and DfT validation criteria. WBC is satisfied that the model meets the WebTAG parameters and is robust and fit for purpose.
- 9.35 PAG highlighted that a practical example of his concern in relation to modelling related to the fact that the model assigned traffic to Main Lane, which is unsuitable for traffic. However, that route does provide access, a level of traffic would be expected on it, and it would therefore be incorrect to assume that there would be zero traffic flow on the route. However, in any event, with respect to PAG, this issue has absolutely no bearing on the acceptability of the proposed development.
- 9.36 WBC have scrutinised the evidence available and is satisfied that the PLRTM accurately represents the conditions within the study area, and that the outputs are appropriate to understand the impacts of the proposed development. WBC are also satisfied that the outputs are appropriate for use in detailed individual junction capacity assessments within the study area. With respect to PAG, there is no credible evidence to the contrary before the inquiry.
- 9.37 As recorded in the SoCG, WBC also agrees that the impact of the PLR has been appropriately represented and assessed by the Applicant.
- 9.38 PAG raises a number of technical queries in respect of the assessments of impacts. These are dealt with below. However, as a general point it is noted at the outset that at no stage has PAG provided any alternative assessment as to the impacts of the scheme. Whilst it is understood that PAG is a local interest group, it is also the case that they instructed a professional transport consultant to review the information available. Yet it remains the case that no specific, alternative case as to the transport impacts of the scheme is put before the Inquiry. The only evidence as to impacts is, therefore, that included in the

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<sup>171</sup> CD: 7.8

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comprehensive suite of documents produced by the Applicant. WBC are content that this evidence is robust, and with respect to PAG, none of the points raised come close to demonstrating the contrary.

- 9.39 With regard to trip rates, Mr Taylor confirmed that his approach is consistent with that adopted by St Helens Highways and set out in their closing submission for PP1<sup>172</sup>.
- 9.40 As recorded in the Highways SoCG, WBC also agrees that proposed local (committed) developments are appropriately located in the transport models, and that the transport assessment has appropriately accounted for future growth on the network.
- 9.41 Proposed weight restrictions in Warrington do not affect the validity or robustness of the assessments made. The proposed weight restriction on the A573 (Hermitage Green) is still out to consultation, and there is therefore no certainty that it would be brought forward. In any event, a reduction in traffic on that route is assumed by the assessment on the basis that the PLR would provide an alternative route to traffic, and weight restrictions would not affect the ability of the PLR to do so, or cause additional adverse effects on the wider network. A further weight restriction is proposed to the east as a result of restrictions introduced by Wigan at Lane End to reduce traffic travelling through Culcheth, Glazebury and Croft. Consultation has completed on these proposals, and they are due to be implemented. However, these weight restrictions would not have an impact on the routes likely to be affected by the PLR, because there is no logical reason why traffic from the PLR would be routed in that direction. Accordingly, even if implemented, the proposed weight restrictions would have no impact on the assessments undertaken or the acceptability of the scheme.
- 9.42 The points raised by PAG do not, therefore, undermine the detailed evidence before the Inquiry. In respect of the impact on WBC's highway network, the impact is shown in Section 8 of the Forecasting Report, and is summarised in tables 4.2.1, 4.2.2 and 4.4 of Mr Taylor's PoE<sup>173</sup>.
- 9.43 PAG's substantive concern in relation to the highway network in Warrington relates to the impact on the A573 as it passes through Hermitage Green, linking Winwick with the A573 Parkside Road. However, the mitigation proposed at this junction would encourage traffic to remain on the PLR (having regard to the road alignment and signalling arrangement, with priority given to traffic on the PLR). Further, the evidence before the Inquiry demonstrates that there would be a net benefit to this section of highway, with traffic being diverted away from this route. PAG conceded that this would be welcomed by residents in light of the existing problems experienced at this location.
- 9.44 Potentially significant effects on the highway would occur, pre-mitigation, on the A579 north of the M6. The significant increase in traffic along this section of the A579 is unsurprising given that the PLR would create a new junction onto the A579 and provides a more direct route between the M6, the Parkside site, and Newton le Willows, and the junction capacity modelling detailed within the Operational Assessment Report demonstrates that this junction would exceed

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<sup>172</sup> Paragraph 102 CD: 13.54

<sup>173</sup> CD: 7.74



capacity without further mitigation. However, mitigation is proposed, comprising the signalisation of the junction, and an additional circulatory lane through the roundabout. With mitigation, the junction would operate within capacity in the 2034 design year with the full build out of all phases of development at Parkside. PAG take no issue with the effectiveness of that proposed mitigation.

- 9.45 WBC is therefore satisfied that all significant effects can be mitigated to an acceptable degree on its network, and that the residual cumulative impacts on the network would not be severe. To the contrary, the assessment demonstrates that overall, there will be a net-benefit to the highway network in Warrington, which has been taken into account in the planning balance.
- 9.46 WBC is also satisfied that the design of the scheme is appropriate to cater for future forecast traffic movements, including in relation to associated junction designs required as a result of the forecast traffic movements, and that the same has been designed in accordance with the guidance in DMRB, with any departures being fully justified and therefore in accordance with that guidance. The proposed scheme appropriately provides for pedestrian and cycle provision throughout its length, providing for new off carriageway pedestrian/cycle linkage between the A49 Newton Road, the A573 Parkside Road, and the A579 Winwick Lane, and tying in with existing infrastructure.
- 9.47 In short, WBC are satisfied that the effect on the local network is acceptable, and, in particular, that there would not be an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. The proposal is therefore in accordance with WCS Policies CS4, MP1, MP3 and MP7, and NPPF paragraphs 108 and 109. Permission should not be refused in respect of the impact of the scheme on the local highway network in Warrington.

## **Environmental Considerations**

### *Landscape and Visual Effects*

- 9.48 WBC are satisfied that there would be no unacceptable landscape and visual impacts as a result of the application proposal, and that the proposal accords with WCS Policies CC2 and QE7 and NPPF paragraphs 170 and 127, which require proposals to respect local landscape character.
- 9.49 The application proposals have been carefully scrutinised by WBC, who engaged AECOM to carry out a technical review of the Applicant's assessment<sup>174</sup>. AECOM and the professional Officers of WBC are satisfied that the Applicant's assessment is robust and appropriate.
- 9.50 The part of the application site within Warrington falls within LCA LLCA3 '*undulating and generally enclosed arable farmland*' which has a low – moderate sensitivity<sup>175</sup>. It is thus accepted that there is some local value attributed to the local landscape, and this is reflected in the assessment of sensitivity. However, it is also relevant to note that the landscape context is informed by existing transport corridors associated with the M6, Parkside Road and Winwick Lane.

<sup>174</sup> See Appendix 8 Gough PoE CD: 7.75

<sup>175</sup> Paragraph 13 Landscape SoCG CD: 7.4

Further, all parties including PAG agree that this is not a designated site, and nor does it form part of a 'Valued Landscape' within the meaning of NPPF paragraphs 170 or 171. In landscape terms, the application site is unremarkable, and the considered view of the WBC is that this is a landscape that is capable of accommodating the change proposed without undue landscape or visual effects.

- 9.51 WBC does not understand, with respect to PAG, how it has reached the conclusion that the sensitivity of the site is higher than that which is agreed between WBC, SHMBC and the Applicant. There is no explanation as to what methodology has been employed by PAG to reach that conclusion, and no objective criteria are provided against which such judgments can be calibrated.
- 9.52 PAG has not provided any explanation as to why the Applicant's assessment, carried out by an expert landscape professional in accordance with the guidance in GLVIA3, and audited by both LPAs and AECOM, is materially deficient. Further, the assertion that parts of the affected landscape are of the "highest sensitivity" is simply not credible in circumstances where it is simultaneously accepted there are no landscape designations relevant to the receiving landscape, and further in circumstances where it is accepted that the site does not form part of a Valued Landscape within the meaning of the NPPF. PAG's evidence does not reflect the hierarchy of value ascribed to designated and undesignated landscapes within the NPPF, or provide any objective, evidenced explanation that undermines the agreed assessments of sensitivity and landscape and visual effects contained in the SoCG.
- 9.53 It is of course accepted that there would be some landscape and visual impacts occasioned as a result of this scheme, and that those must be weighed in the planning balance. However, landscape and visual effects are inevitable where change is proposed to a greenfield site and in this case the residual landscape and visual effects would be limited in extent<sup>176</sup>, and can be successfully mitigated. In particular, at year 15:
- The effect on the local landscape in Warrington would be *slight adverse* (LLCA 3) and *slight beneficial* (across the proposed ecological area)<sup>177</sup>.
  - There would be no significant effects (that is, nothing more than slight adverse effects) on any public receptors or representative viewpoints within Warrington<sup>178</sup>.
  - Whilst some significant effects are noted in respect of a limited number of private views<sup>179</sup>, the scheme would not cause any unacceptable harm to residential amenity. PAG clarified that the adverse residential amenity that she relied upon in her planning balance were noise and air quality.
- 9.54 Overall, the residual visual effects in Warrington would be limited and would be acceptable and are not sufficient to warrant the refusal of planning permission

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<sup>176</sup> Paragraphs 17-23 Landscape SoCG

<sup>177</sup> Paragraph 5.90 Gough PoE and paragraph 13 SoCG landscape.

<sup>178</sup> See paragraph 5.92 Gough PoE and paragraph 15 SoCG.

<sup>179</sup> SoCG paragraph 15

for the scheme. The proposal complies with policies of the WCS in particular, CC2 and QE7 as well as the NPPF.

### *Noise and disturbance*

9.55 WBC's Environmental Protection Officer has carefully considered the scheme in respect of its potential to cause harm to residential amenity as a result of additional noise and disturbance. This has included review of the further noise information submitted in the FEI. Officers agree that the method of assessment and selection of significance criteria and assessment area are appropriate, and the baseline conditions are agreed.

9.56 In accordance with that assessment, subject to appropriate mitigation, it is agreed that:

- Subject to conditions restricting the hours of working and a construction management plan, the construction phase could be delivered without significant effects on residential amenity, although there would be some temporary adverse effects during construction<sup>180</sup>.
- Mitigation proposed, in the form of a 230m noise barrier along the PLR in Warrington to reduce noise impacts to properties south of the A579 Winwick Lane, is appropriate.
- There would be no significant adverse residual effects during the operational phase at the nearest residential properties<sup>181</sup>.
- During the operational phase, post mitigation, there would be minor beneficial effects (of up to 3dB) due to reduced traffic flow and speed (on both the A49 south of the junction with the PLR West, and on the A573 Parkside Road, south of the junction with PLR west). There would also be minor beneficial effects at properties on the A579 Winwick Lane, between the M6 J22 and junction with PLR East.

9.57 These residual beneficial effects are all weighed in the planning balance. However, it is agreed that the noise and disturbance impact of the scheme in Warrington would not be significant, and the scheme would accord with WCS Policy QE6, the Environmental Protection SPD, and paragraph 180 of the NPPF, and the scheme is acceptable on this basis.

### *Air Quality*

9.58 WBC understands that air quality is a matter of concern to local residents. Two small parts of the application site lie within Warrington AQMA No.1, which is a continuous strip along the M6, M62 and M56 motorways, due to potential exceedances of the annual nitrogen dioxide objective.

9.59 The scheme has carefully been assessed by WBC's environmental protection team. This has included an assessment of all relevant information provided including the FEI<sup>182</sup>. WBC's Environmental Protection Officer is satisfied that the methodology of the assessment is acceptable. In particular:

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<sup>180</sup> See Paragraphs 13-15 SoCG CD: 7.9

<sup>181</sup> See paragraph 32 SoCG

<sup>182</sup> CD5.47

- It is accepted that the impacts of the scheme have been assessed against appropriate national and international guidelines.
- it is accepted that the verification process has properly been carried out to assess model performance, that the model performance is acceptable, and that data has been corrected in accordance with national guidance.
- PAG's evidence to the Inquiry has also been carefully considered<sup>183</sup>, but it remains the case that WBC's professional officers consider the proposed impacts on air quality in Warrington would be acceptable.

9.60 In particular, the effects of changes in the NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> would be negligible<sup>184</sup>. WBC is therefore satisfied that there would be no significant adverse impacts in the current AQMAs in Warrington, and that outside existing AQMAs, the air quality impacts would not be to an extent that would cause any existing areas to exceed the national air quality objectives<sup>185</sup>.

9.61 Negligible beneficial air quality effects in 2024 and 2034 for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> would occur at a number of residential receptors at Parkside Road, Newton Road, Golborne Road and Rectory Close. With a CEMP in place, the construction impacts in respect of construction dust would also be negligible and not significant.

9.62 WBC is therefore satisfied that the technical evidence produced by the Applicant to the Inquiry in respect of air quality is robust and appropriate. The assessment has been audited by specialists, and WBC's assessment has been based on professional advice following a thorough appraisal of the issue. The proposal is in accordance with WCS Policies CS4 and QE6, the Environmental Protection SPD, and paragraph 170 of the NPPF<sup>186</sup>.

### *Ecology*

9.63 WBC has taken advice from and accepts the Greater Manchester Ecology Unit's (GMEU) expert advice in relation to ecological issues. GMEU has carefully audited the ecological information, surveys, reports and evidence submitted by the Applicant. GMEU's Principal Ecologist, Mr Richardson, also attended the Inquiry and listened carefully to the evidence given.

9.64 There is no objection from GMEU to the scheme, and nor is there any objection from Natural England. There is therefore a consensus of expert opinion in respect of the ecological matters in the present case that the proposal would not lead to any long-term significant residual adverse ecological effects<sup>187</sup>. Accordingly, the proposal complies with WCS Policies CS1 and QE5.

9.65 In answer to the specific points raised by PAG, WBC considers that:

- All relevant sites and features of nature conservation significance have been considered in the assessments which are appropriate and robust. The

<sup>183</sup> See WBC's Air Quality Memo ID: 14.54

<sup>184</sup> Paragraph 17 Air Quality SoCG CD: 7.12

<sup>185</sup> Paragraphs 18-19 Air quality SoCG

<sup>186</sup> See Alison Gough Proof paragraphs 5.52 – 5.62.

<sup>187</sup> Paragraph 32 of Ecology SoCG CD: 7.2

proposal would not lead to any long term significant ecological effects on sites or features of nature conservation significance.

- Protected species and species of principal importance found on and adjacent to the application site have been fully considered. The proposal would not lead to any long term significant ecological effects to protected species and species of principal importance.
- PAG was particularly concerned about potential impacts on birds. However, whilst the wider area may be of local interest to red listed birds, the application site is of little interest. In that respect it was noted that the proposed route crosses agricultural land through Warrington, and this land is cultivated intensively, there is no semi natural vegetation, and field boundaries are limited. There is, therefore, very little opportunity for nesting along the route. WBC is satisfied that the Applicant's assessment and breeding bird surveys are robust, that mitigation proposed is appropriate<sup>188</sup>, and that there would not any unacceptable long term significant adverse effects on breeding birds as a result of the proposals.
- As to PAG's concerns in relation to Barn Owls, mitigation in the form of new tree planting along the road is proposed. As this matures, this would encourage the birds to fly higher over the road and further, as enhanced habitats mature, additional prey would be provided. Therefore, whilst there would be a significant local effect in the short to medium term, there would be a beneficial significant effect in the long term.

9.66 A s106 obligation is proposed in respect of mitigation for GCNs. This is necessary because a small population of newts were identified in the Applicant's earlier surveys. Although subsequent surveys did not identify GCNs, small populations can be difficult to detect, and that the obligation is necessary in light of the high priority given to the protection and conservation of the species. The Applicant confirmed that the obligation is justified on the basis of loss of suitable habitat. Funds would be directed to Rixton Clay Pits, where there is an established GCN population. The s106 obligation is therefore justified and would provide appropriate mitigation.

9.67 In short, whilst PAG are understandably concerned to ensure that due account is taken of ecology and biodiversity interest, there is simply no evidence to undermine the scope, methodology or conclusions of the assessments, undertaken by appropriately qualified ecologists, on behalf of the Applicant. There is also no evidence to demonstrate that the proposals would be unacceptable on the basis of the ecological or biodiversity impacts of the scheme.

9.68 Further, the evidence demonstrates that there would be some medium and long term beneficial effects as a result of implementation of the application scheme and proposed mitigation<sup>189</sup>. These weigh positively in the planning balance.

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<sup>188</sup> Paragraph 10 and 24 Ecology SoCG

<sup>189</sup> Paragraph 31 Ecology SoCG

9.69 In conclusion, WBC is satisfied that the effects of the proposal on ecology and biodiversity would be acceptable, and there is compliance with WCS Policies CS1 and QE5 as well as paragraph 170 and 175 of the NPPF.

#### *Climate change*

9.70 WBC declared a climate change emergency in 2019. WCS Policy CS1 outlines support for sustainable development, and provides that, for development to be sustainable, a proposal must have regard to a number of considerations, including the need to address the causes of, and be resilient to, the effects of climate change.

9.71 However, this does not amount to a moratorium, as a matter of principle, in respect of the form of development proposed here.

9.72 To the contrary, as set out above, NPPF paragraph 82 specifically recognises that planning decisions should recognise and address the locational requirements of different sectors including making provision for storage and distribution operations at a variety of scale. This is reflected in advice in the PPG. The NPSNN<sup>190</sup>, specifically includes the facilitation of development of the intermodal rail freight industry at locations such as Parkside.

9.73 PAG expressly accepted that if the SRFI were to come forward, this would amount to a "*very significant benefit*" in respect of climate change. The purpose of the PLR is to facilitate future phases at Parkside, by opening up this strategic site for future phases of development, including a SRFI, which cannot come forward without it. This proposal would therefore contribute to enhancing the connectivity of the site with both the road and rail network, and ultimately promote the transfer of freight from road to rail, in accordance with the government's objectives in relation to moving to a low carbon economy, helping to address climate change. It is considered that the proposal is consistent with national policy and the government's objectives.

9.74 In respect of the impacts of the specific scheme, the ES, ES addendum, and FEI assessed the impact of proposal on climate change. WBC accepts that the design of the scheme is resilient to climate change and provides for suitable mitigation. Accordingly, it is accepted that there would not be any significant effects on climate change, and the proposal is consistent with WCS Policy CS1.

#### *BMVAL*

9.75 It is accepted that the proposed development would result in the permanent loss of 9.62ha of BMVAL in Warrington, affecting one farm enterprise. However, the loss of BMVAL would not have an unacceptable impact on the availability of BMVAL in the Borough, and there was no objection from Natural England to the application<sup>191</sup>. The loss of BMVAL is a matter to weigh in the planning balance, but there is no conflict with the provisions of the NPPF in this respect.

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<sup>190</sup> CD3.10

<sup>191</sup> Paragraphs 5.94 – 96 Gough PoE

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## **Heritage**

9.76 In respect of the impact of the scheme on the designated and undesignated assets within its administrative boundary, WBC has carefully audited the information submitted by the Applicant and has taken advice from its Conservation Officer. Her views are set out in full in Warrington's evidence<sup>192</sup>. WBC has also considered consultation responses from other consultees (including Historic England and APAS). WBC's conclusions in respect of designated and non-designated assets are set out below:

### *St Oswald's Well (Grade II listed and Scheduled Monument)*

9.77 There would be a *neutral effect* and *no impact* on significance during the construction phase. During the operational phase, the reduction in traffic flows in the vicinity of the asset would be *moderate beneficial*. The proposal would therefore preserve the significance of the asset, with further benefits identified that weigh positively in favour of the scheme in the planning balance. It is noted that in the round table session, PAG accepted that there would be no direct effects on this asset.

### *Woodhead Farm and Barn (Grade II)*

9.78 Although there would be no physical changes to these assets, 'less than substantial' harm would arise from changes to their setting. This is because the buildings are read in the immediate context of a farmstead within its wider rural setting, which positively contributes to the significance of the assets. However, those views already include the M6, a number of modern outbuildings, and to the west, the former Parkside colliery site. Whilst the proposal would have an impact on views north of the farmstead, following completion of the scheme and the implementation of the landscape strategy, any harm occasioned would be 'less than substantial' and minor. This was accepted by PAG in the round table session.

### *St Oswald's Church (Grade I)*

9.79 Historic England were consulted and have not raised an objection on the basis of harm to the church.

9.80 WBC's Conservation Officer has carefully considered the impact of the proposal on the significance of the Church and agrees with that position. The scheme would have no physical effects on the Church. Further, having regard to the separation distance, topography, established vegetation and location of built form, it is not considered that the PLR proposal lies within the setting of the Church. There would be no harm to views to or from the Church during the operational or construction stage of the scheme. Whilst the construction phase of the PLR has the potential to lead to increased traffic in the vicinity of the church, these impacts would be negligible and temporary, and during the operational phase the reduction in traffic flows in the vicinity of the church would lead to *moderate beneficial* effects to the setting of the Church that should weigh positively in the planning balance.

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<sup>192</sup> ID: 14.55/6

9.81 It is noted that whilst PAG were keen to highlight the existence of this asset to the Inquiry, no positive evidence was given to indicate that the significance of the asset would be harmed as a result of these proposals (or how or why this might occur).

*Registered Battlefield of Winwick*

9.82 There would be an impact on the battlefield, but the harm identified would fall within the 'less than substantial' bracket and right at the bottom end of the scale<sup>193</sup>. The assessment of the battlefield site contained in the Heritage Impact Statement, including its conclusions and recommendations, is considered to be appropriate and robust.

9.83 In respect of non-designated assets, it is accepted that there would be 'less than substantial' harm to Monk House (included on WBC's Local List). However, this is a building that has been subject to significant alteration and the *significance of the asset is low*. Further, whilst the wider setting of this heritage asset is rural and agriculture in character, views to the north would be partially screened, and further landscape mitigation works would help mitigate any adverse impact on views. Any harm to this non designated asset would therefore be 'less than substantial' and negligible.

9.84 PAG has raised concerns as to impact on a potential site of the Battle of Maserfield. This matter is dealt with comprehensively in WBC's Conservation Officer's Comments<sup>194</sup>. As noted by the Conservation Officer, the precise location of the battlefield is unverified, and this is not currently identified as an asset on WBC's local list. Further, although referred to in the Scheduling description for St Oswald's Well, Historic England has not referred to any such asset in their consultation response.

9.85 The Applicant's heritage witness<sup>195</sup> explained that an archaeological evaluation along the route of the proposed PLR and areas to the north of St Oswald's well has been undertaken, and no evidence of a medieval battlefield has been found. APAS raised no objection to the scheme on the basis that all archaeological mitigation as it affects land in Warrington has already been undertaken, and no further mitigation is required. In view of the lack of evidence as to the location of the Battlefield, WBC considers that assertions as to the possible existence of this asset are based on supposition, and any impacts on it, cannot be given any weight in the planning balance.

9.86 In summary, 'less than substantial' harm has been identified in relation to the Battle of Winwick (albeit negligible in Warrington) and Woodhead Farm and Barn (Grade II Listed) (albeit minor) and at St Oswald's church (albeit non direct, negligible and temporary). Negligible harm has also been identified in respect of an undesignated heritage asset at Monk House.

9.87 WBC acknowledges that considerable importance and weight should be given to the harm to the designated heritage assets in the planning balance, and that there is a statutory duty in favour of preservation contained in Section 66 Listed

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<sup>193</sup> The impact in Warrington would be *negligible*

<sup>194</sup> See ID: 14.55/6

<sup>195</sup> Mr Clarke



Buildings and Conservation Areas Act. However, it remains relevant that the harm identified in respect of each asset is at the lowest end of the scale, and WBC's case is that the very clear public benefits of the scheme outweigh the harm. Harm to the non-designated Monk House is weighed in the balance in accordance with NPPF paragraph 197, but having regard to the significance of the asset (low), the scale of the harm of loss (negligible), and the substantial public benefits of the scheme, the harm identified does not justify refusal of the application. Accordingly, it is considered that the PLR proposal accords with the NPPF and WCS Policies CS1 and QE8 and refusal of the application is not justified on the basis of harm to heritage assets in Warrington.

### **Benefits**

- 9.88 There is no alternative site that could deliver the SRFI, provide the strategic, intermodal logistics facility envisaged at Parkside, or address the critical employment land needs identified. The PLR is necessary to unlock the wider Parkside site and to enable the SRFI to come forwards. The contribution that the development can have to promoting economic growth and meeting evidenced economic needs is given significant weight for the reasons set out above.
- 9.89 Environmental benefits have also been identified in respect of improved air quality, medium and long-term ecological benefits, landscape impacts, reduction in traffic movements, and to the setting of St Oswald's Well (Grade II listed and Scheduled Monument) and Winwick Church. These are given further moderate weight in the planning balance.
- 9.90 The PLR would also deliver very significant socio-economic benefits. The provisions of jobs and economic opportunity are highly significant and cannot be underestimated in this area. The evidence provided by St Helens Council in relation to PP1 was compelling, with some of the worst areas of multiple deprivation in the country being situated within walking distance of the Parkside site. The deprivation experienced by many St Helens residents that live in the proximity of the appeal site is plainly acute and beyond dispute.
- 9.91 However, it is also unfortunately the case that deprivation in this area spreads more widely than the St Helens' administrative boundary. As set out above, there are significant areas of deprivation in Bewsey and Whitecross, Orford and Poplars and Hulme, all within Warrington.
- 9.92 Opening up the wider Parkside site for development could deliver some 6,590 on-site jobs, with 790 of these jobs anticipated to be directed to the residents of Warrington. That quantum of employment is clearly a very significant benefit of the scheme, particularly where the CS specifically identifies that, in Warrington, a key challenge in addressing these acute levels of deprivation has been connectivity between employment need and opportunity<sup>196</sup>.
- 9.93 PAG's "opportunity lost" point is not recognised or accepted by WBC. To the contrary, *Warrington Means Business*<sup>197</sup>, which is up to date, sits alongside the development plan, and sets out Warrington's economic and regeneration

<sup>196</sup> Paragraph 2.14

<sup>197</sup> CD: 5.58

priorities, specifically seeks to identify and address the needs of the economy and to identify priority growth sectors. In that context (a) there is a specific focus on the logistics and construction industries, and (b) growing business areas and sectors within Warrington's immediate hinterland, including at Parkside, are specifically identified as priority locations for growth in recognition of the fact that these would provide "a major economic resource" for the wider region<sup>198</sup>.

9.94 WBC's economic and regeneration strategy recognises the work undertaken by the Warrington Skills Forum, together with the LEP's Employers' Skills and Education Board, to guide the development of skills and training, and to match the requirements of the economy and priority growth sectors to labour supply. Again, this specifically focuses on the logistics sector:

*"to ensure ... a flow of skilled and experienced staff to support this fast-growing sector in Warrington"*

9.95 The Skills Forum is also focussing its development activities on construction. The direct impacts of the PLR scheme amount to a total construction investment of some £31.5m, with direct construction jobs equivalent to 400 years of employment. Indirect construction investment is estimated at £329m, including 3000 direct years of employment<sup>199</sup>.

9.96 There is, therefore, no "mismatch" between job opportunities and the potential labour supply as alleged by PAG or at all. The proposals would provide a significant number of jobs to match the identified needs and priority growth sectors of the economy, in an area where there is an accessible labour supply and an acute need for jobs, and in circumstances where active steps have (and would continue to be) taken to ensure that skills match opportunity. This is therefore a scheme that is supported by WCS Policy PV3 which seeks to support development which assists in strengthening the borough's work force. Conditions require the submission and approval of a Local Employment Scheme, which would further secure local employment and training opportunities in St Helens and Warrington for those residents that need it most.

9.97 The Applicant, St Helens and WBC have agreed that the evidence in respect of job creation is robust. PAG's challenge to that evidence is not credible, not least because PAG do not produce an alternative figure for job creation, or a robust alternative methodology by which it should be assessed. The matters that were of concern to PAG such as automation and efficiency ratios have been taken into account in calculating job densities. There is simply no evidence before the inquiry to suggest that his evidence is anything other than robust.

9.98 The reality of the situation is that job creation is a significant benefit of the scheme, both in respect of the scale of opportunity (which is very significant), and the type of provision, which is matched to the identified economic needs and growth sectors of the local economy.

9.99 In summary, what is abundantly clear on any basis is that the prospect of this development facilitating 1000s of jobs on the doorstep of some of the most

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<sup>198</sup> Pages 33 and 11

<sup>199</sup> Paragraph 5.130 Gough PoE

acutely deprived areas of the country cannot be understated. This is not a theoretical point, and the significance of the employment opportunities that could be facilitated by this scheme should not be lost in the weight of technical evidence before the Inquiry. The evidence of Councillor Seve Gomez-Aspron<sup>200</sup> was sobering. The difference, as he articulated in evidence, between being in or out of work is the difference between being able to pay the bills, and being able to afford heating, food, and those are real challenges faced by the residents of these deprived wards on a daily basis. That PAG seeks to underplay these benefits is not to its credit. The potential for significant job creation is plainly of significant weight in the planning balance. Opening up the Parkside site for development would provide much needed job opportunities where there is an acute, longstanding and critical need to deliver the same, assisting in addressing some of the challenges faced by residents in some of the most deprived areas of the country.

### **Overall Conclusion**

- 9.100 The public benefits of the scheme identified above are substantial and would clearly outweigh the harm to the Green Belt and any other harm, such that very special circumstances exist to justify the proposal.
- 9.101 WBC accepts the Applicant's evidence that there is no alternative site that could deliver the SRFI, provide the strategic, intermodal logistics facility envisaged at Parkside, or address the critical employment land needs identified. Understood in that context, the case for the PLR is clear. The PLR is necessary to unlock the economic potential of the whole of the Parkside site and to enable the development of a SRFI in circumstances where there is a compelling need for the same.
- 9.102 There is no alternative route for the PLR that would not require Green Belt land. Accordingly, whilst there would be harm to the Green Belt, and that harm must be accorded substantial weight, the reality of the situation is that the development of the wider Parkside site, with all of the benefits that this would deliver, cannot come forward without the release of Green Belt land.
- 9.103 Opening up this site for development provides the opportunity to support and facilitate significant economic growth, meet identified employment land needs, address climate change by facilitating the transfer of freight from road to rail, and, very importantly, create the opportunity to deliver much needed jobs and significant socio-economic benefits in a location proximate to areas of severe deprivation.
- 9.104 These very substantial benefits, together with the other benefits of the scheme to which moderate weight is attached, are sufficient to clearly outweigh the harm to the Green Belt and the other minor harm occasioned by the proposal. This is a scheme for sustainable development. It complies with the development plan and national policy. It would facilitate the opportunity to meet economic needs, deliver significant economic growth, and provide socio-economic benefits in an area where there is an acute, evidenced and critical need to deliver the same.

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<sup>200</sup> ID: 13.17

9.105 WBC supports this application for planning permission. It respectfully asks the SoS to grant planning permission accordingly.

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

### *Wigan Council*

10.1 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 also expressed concern that the split of HGV and other vehicles applied to the A579 Winwick Lane site access for the PLR has not been applied in the traffic modelling consistently with that for the PP1 application. WC notes that it requires further information on the quantum of development in PP2 and PP3.

10.2 The WC objection notes that as a minimum it requires 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 implemented.

### *Melvyn Brian*

10.3 Mr Brian a resident of Pride Close, Newton le Willows was keen to stress that the PLR application is not a SRFI. He raised concerns regarding the impact of the development, specifically the A49/PLR junction on the residents of Pride Close. The A49 access would be approximately 15m from Mr Brian's property and therefore there is the obvious potential for it to generate additional noise, light pollution and vibration. He was concerned that noise limits would not be enforced. He suggested that mitigation should be considered for the residents of Pride Close. Mr Brian raised a number of detailed design matters relating to the A49/PLR junction<sup>201</sup>.

*The Applicant's Noise Consultants (Ramboll) responded directly to the points raised by Mr Brian [ID14.52] whilst SHMBC responded to the highway queries [ID14.53].*

### *Elaine Hatch*

10.4 A resident of Willow Avenue, Ms Hatch<sup>202</sup> was concerned that Newton le Willows had been misrepresented by the Applicant and is in fact a semi-rural, historic town with a vibrant high street. Whilst new jobs are to be welcomed, less than 20 jobs have been taken up by local residents at the Florida Farm development.

10.5 The PLR is intended to facilitate PP2 and PP3 rather than to relieve traffic on local roads. That being the case Ms Hatch is concerned that the road would simply add more traffic to the A49 which would inevitably worsen air quality in an area that already has a poor record. This is not acceptable given SHMBC's legal responsibilities.

10.6 Ms Hatch was concerned about the suitability of the local road infrastructure to accommodate additional traffic particularly HGVs. The Haydock Point application offers several advantages over Parkside.

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<sup>201</sup> Speaking Note ID: 14.23/51

<sup>202</sup> Speaking Note ID: 14.16

*James Grundy MP*

- 10.7 Mr Gundy is the MP for Leigh and is familiar with the community of Lane Head in Lowton. He highlighted the problem of congestion and HGVs on Winwick Lane and the area more generally and explained that there has been a long-standing desire to see the completion of the southern section of the Atherleigh Way Bypass to address this issue. With no realistic prospect of that scheme coming forward in the near future, traffic problems are set to get worse.
- 10.8 Local residents now face the prospect of the situation becoming even worse, with a SRFI being built on their doorstep which would have direct access to Winwick Lane.
- 10.9 The residents of Lane Head, together with Mr Gundy and Andy Burnham, all worked together to get a weight limit implemented on Winwick Lane to try to address this issue. However, the weight limit is only in force southbound from Lane Head, and sadly there has not been agreement with Warrington Council to implement a weight limit northbound on Winwick Lane.
- 10.10 The Lane Head area suffers with air quality issues and a AQMA has been designated at the junction of the East Lancs Road. NO<sub>2</sub> and particulate levels are up to twice the European Legal Limit, to the point where WC and the Greater Manchester Combined Authority are under Ministerial Direction to address the problem.
- 10.11 Mr Grundy was also concerned at the loss of green belt land arguing that the development of the Parkside strategic site would be far larger than the development footprint of the old Parkside Colliery. It would remove a significant proportion of green belt, which is much valued by the public and crucial to the battle against air pollution. There are also potential adverse impacts on Highfield Moss SSSI.
- 10.12 Finally, Mr Grundy pointed out that every time a development proposal has come forward at Parkside, the environmental damage has been deemed to significantly outweigh any benefits it might bring<sup>203</sup>.

*Judith Beveridge*

- 10.13 Ms Beveridge who was raised in a farming family, stated that the loss of agricultural land would be detrimental to the area. Land used for food production should be viewed as sacrosanct.
- 10.14 The PLR would pave the way for PP2 and PP3 leading to the loss of approximately 200ha of good fertile land. The former colliery could be returned to agriculture as it was before providing a buffer for the emissions of CO<sub>2</sub> which already pollute the atmosphere around Newton le Willows, Winwick and Lowton. The extra traffic associated with Parkside would compound and increase the existing air quality problems and poor health.

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<sup>203</sup> Speaking Note ID: 14.17

10.15 Ms Beveridge raised concerns that the warehouses would prove to be redundant when in competition with warehouses already completed at Omega Warrington and FF at Haydock<sup>204</sup>.

*Kathryn Green*

10.16 Ms Green, a Lowton resident, spoke to express her concerns about the Parkside development and in particular the PLR. Her main concern was the impact of the development on traffic, noise and air quality in the area. Ms Green highlighted that her commute to work along Winwick Lane with no traffic is three minutes whereas the return journey regularly takes 20-30 minutes and sometimes as long as 45 minutes.

10.17 Ms Green was also concerned about the loss of Green Belt land particularly in respect of PP2 and PP3 which would encroach into the buffer zone around Highfield Moss SSSI. The loss of Green Belt would conflict with the St Helens local plan.

10.18 Finally, Ms Green shared the concerns of others regarding the loss of prime agricultural land particularly in the post-Brexit era when it will become more important to produce our own food crops. She argued that the impact is being compounded by other large warehouse developments in the local area such as FF and Omega at Warrington<sup>205</sup>.

*Paul Hooton*

10.19 Mr Hooton raised a number of environmental and economic concerns. As these relate exclusively to the PP1 scheme, they are reported in more detail in that report<sup>206</sup>.

*Cllr David Smith*

10.20 Cllr Smith<sup>207</sup> is the ward member for Newton le Willows. He raised concerns about additional traffic in the local area and suggested a right-turn ban for HGV's onto the A49.

*Cllr Kathleen Houlton*

10.21 Cllr Houlton, the Member for Lowton East, reiterated concerns about existing traffic in the Lane Head area and the impact this is having on local residents. Cllr Houlton objected to the use of Winwick Lane by development traffic from Parkside and the PLR and stated that the application should be refused<sup>208</sup>.

*Cllr Richard McCauley*

10.22 Cllr McCauley who is the Cabinet Member for Regeneration and Planning on St Helens Council said that there is a real need for the development with the Borough being the 26th most deprived area, according to the 2109 deprivation Indices.

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<sup>204</sup> Speaking Note ID: 14.18

<sup>205</sup> Speaking Note ID: 14.19

<sup>206</sup> Speaking Note ID: 14.40

<sup>207</sup> Speaking Note ID: 13.4

<sup>208</sup> Speaking Note ID: 14.14

- 10.23 Cllr McCauley repeated the point that regeneration lies at the heart of SHMBC's ambition to create a *'modern, distinctive, economically prosperous and vibrant Borough'*. That objective is more so as the Covid-19 crisis has significantly and detrimentally impacted the local economy.
- 10.24 The PLR scheme would facilitate further development including a nationally significant SRFI which would deliver benefits for St Helens and the wider region including direct/indirect employment, a stimulus for further inward investment as well as helping the transition to a low-carbon economy.
- 10.25 Cllr McCauley pointed to the Government's recently published National Infrastructure Strategy in support of the PLR which acknowledges that *'infrastructure underpins the economy'* and is *'vital for jobs, businesses and economic growth'*. The PLR and wider Parkside development would be transformational for the area and entirely consistent with the national strategy. Further, it would finally bring the site back into active use.
- 10.26 The SRFI would put Newton le Willows back at the heart of innovation using its location and existing transport links north, south, east and west in lowering the country's greenhouse gas emissions by removing HGVs off the motorway network onto rail.
- 10.27 Cllr McCauley pointed out that Members of the planning committee, which he is a member, balanced all of the competing interests that you would expect of a large-scale infrastructure project in one of the longest committee meetings he could remember and came to a view of granting planning permission subject to conditions and referral to the SoS<sup>209</sup>.

*Professor Graham Wardle*

- 10.28 Mr Wardle represented the Lowton and Golborne Traffic Advisory Committee (LaGTAC) whose aim is to promote safe, free-flowing and environmentally friendly roads within Lowton and Golborne.
- 10.29 LaGTAC recognises the need for new development when it is needed provided the road network can cope with the added pressure. Mr Wardle referred to comments made by WC officers in 2013 that any further development in the area would severely impact on local road infrastructure which is already observed as being over-capacity. Adding further traffic to the area would result in even more pollution which would lead to severe health effects<sup>210</sup>.

*Susan Spibey*

- 10.30 Ms Spibey is the Vice-Chair of the Golborne and Lowton West Neighbourhood Forum which was established to develop a neighbourhood plan. She pointed out that although most of the PLR site is in St Helens the local road network crosses the boundaries of Warrington and Wigan. Ms Spibey explained that the impact on the communities of Golborne and Lowton would be extensive, with unacceptable levels of pollution and noise. Ms Spibey's other concerns related to the lack of high value jobs and poor rail connectivity in the area<sup>211</sup>.

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<sup>209</sup> Speaking Note ID: 14.15

<sup>210</sup> Speaking Note ID: 14.20

<sup>211</sup> Speaking Note ID: 14.21

*Peter Black for Culcheth and Glazebury Parish Council and Croft Parish Council*

10.31 Mr Black's principal concern was not the PLR itself rather the wider development it is intended to facilitate. Any traffic benefits for Winwick would be short-lived as the PLR would attract more traffic to the area particularly HGVs increasing car dependency.

10.32 The PLR is inappropriate development in the Green Belt. Mr Black referenced the Eddie Stobart decision<sup>212</sup> which he said established that logistics employment alone did not constitute very special circumstances and also that Covid-19 did not justify giving a higher priority to logistics than other developments<sup>213</sup>.

*Cllr Seve Gomez-Aspron*

10.33 Cllr Gomez-Aspron represents the Newton Ward and was Chair of the Planning Committee that approved the PP1 application. He pointed out the origins of the PLR came from comments made by local residents at consultation events. Cllr Gomez-Aspron was keen to point out that deprivation was very much a problem in the local area and what was needed was jobs.

10.34 He showed a plan showing the sustainable travel routes in the local area and argued that the PLR would link the wider Parkside development to the areas of high deprivation. Responding to comments made by PAG suggesting that St Helens was becoming over reliant on warehouse employment, Cllr Gomez-Aspron pointed out the logistics is only the sixth biggest employer in the Borough<sup>214</sup>.

*Dr Kevin McLafferty*

10.35 Dr McLafferty's principal concern with the PLR scheme was whether it represented value for money and made a series of detailed observations in relation to the Economic Report<sup>215</sup>. He was particularly critical of the claimed economic benefits which would result from small reductions in travel times and also questioned SHMBC co-funding of the PLR. In his view, the public needed to have more information about PP2 and PP3 before public funds are spent on the PLR<sup>216</sup>.

## **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. As noted in the SHMBC Committee Report<sup>217</sup>, 242 letters of objection were received to the planning application notification. The WBC Committee Report<sup>218</sup> states that a total of 132 objections were received. These objections are summarised in detail in Section 4 of SHMBC's and Section 6 of WBC's Committee Report.

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<sup>212</sup> Land at Barleycastle Lane, Appleton Thorn, Warrington CD: 3.16

<sup>213</sup> Speaking Note ID: 14.24

<sup>214</sup> Speaking Note ID: 14.49

<sup>215</sup> CD 5.50

<sup>216</sup> Speaking Note ID: 14.22

<sup>217</sup> CD: 5.45

<sup>218</sup> CD:5.46



11.2 A number of written statements were submitted to the Inquiry<sup>219</sup>. These are contained within the Inquiry Documents. The letters contain the same objections which were raised during the Inquiry or at the planning application stage and relate primarily to highways, air quality, loss of green belt, noise and disturbance and ecology.

## **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 Councils, PAG and other 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 regard to CS Policy CAS 3.2,
- ii. the acceptability of the PLR in light of local and national Green Belt policy,
- iii. whether 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, noise, air quality, ecology, climate change and agricultural land,
- 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.

### **Policy**

12.2 The Planning SoCG sets out the relevant development plan policies for St Helens and Warrington. CS Policy CAS 3.2, along with the respective Green Belt policies<sup>220</sup>, comprise the most important policies for determining the application. [4.32-4.42 5.10]

12.3 Policy GB1 allows for development within the Green Belt provided that very special circumstances can be demonstrated. Policy GB2 cross-refers to Policy GB1 but includes separate tests in relation to openness, siting, scale and

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<sup>219</sup> IDs: 14.26-14.33, 14.35, 14.38, 14.39

<sup>220</sup> CS Policies GB1 and GB2, WCS Policy CS5

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 and should be afforded full statutory weight. [4.27-4.28,5.1b, 6.5]

- 12.4 The PLR would provide direct access to the M6 for later phases of the Parkside development, specifically PP2 and the SRFI. The overarching aim of Policy CAS 3.2 is to regenerate the former Colliery site and deliver a SRFI at Parkside. All parties to the Inquiry support that objective. All parties also accepted that the SRFI cannot come forward without the PLR and the Panel sees no reason to depart from that agreed position. [5.1c, 6.1, 7.95, 8.1, 8.7-8.18]
- 12.5 Although part of the PLR would be sited on land to the east of the M6, Policy CAS 3.2 explicitly entertains that possibility provided that; 1) land at Parkside West is developed first and, 2) the SRFI has been proven not to be deliverable without the land to the east of the M6 i.e. Parkside East<sup>221</sup>. There was no dispute that the PLR scheme would satisfy these conditions. It was agreed by PAG's planning witness that the PLR would also deliver an access arrangement which would allow development traffic to access the M6 without using traffic sensitive routes in the local area as stipulated by criteria 2 of Policy CAS 3.2. [4.34-4.36, 7.19, 7.95]
- 12.6 Whilst it is true that Policy CAS 3.2 envisaged the SRFI being delivered on the former Colliery site, subsequent investigation has shown that option to be unworkable. There has been no credible challenge to the engineering evidence supporting the eLP allocation. On that basis and as set out in the PP1 report, Policy CAS 3.2 must be seen as out-of-date in terms of its locational requirements for the SRFI. [7.19, 7.95, 7.147, 8.1, 8.19-8.25]
- 12.7 Whilst PAG argued in favour of a new motorway junction, similar to that proposed by the Prologis scheme, the cost of delivering a completely new junction would be completely prohibitive. The high cost of infrastructure is one of the principal reasons for the failure of the previous schemes at Parkside. Moreover, Highways England have confirmed that they would not support a new motorway junction. It therefore remains the case that those opposing the PLR have not put forward a viable alternative access arrangement which has the support of the relevant highway authorities.
- 12.8 Based on the foregoing, the Panel finds that the PLR application would not conflict with CAS 3.2 notwithstanding that elements of the policy are out-of-date. Accordingly, it is compliance with Green Belt policy that will ultimately prove decisive.

## **Green Belt**

### *Inappropriate development*

- 12.9 The PLR would be 'transport infrastructure' and an 'engineering operation' and therefore 'not inappropriate' under NPPF paragraph 146 b) and c) provided they preserve the openness of the Green Belt and do not conflict with the purposes

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<sup>221</sup> See criterion 14 and 15

of including land within it. In light of the above, we consider the effects of the development on openness and purposes before concluding on inappropriateness.

### *Openness*

- 12.10 There is no dispute that the PLR would cause harm to the visual and spatial dimensions of openness. The road surface being at ground level and screened along most of its length by landscaping would have little visual presence. However, the design of the PLR includes 10m high vertical lighting columns, signage and a 2.5m high acoustic barrier along the southern flank of Winwick Lane. In addition, the vehicles themselves, although transitory, would also harm the visual dimension of openness as would the new landscaping. [4.4, 4.37, 5.1b, 6.10, 7.28]
- 12.11 The PLR would traverse two areas of contrasting character such that the extent of harm on openness would vary depending on the section. In short, there would be lesser harm to the west of the M6 and greater harm to the east. The western section of the PLR would bisect the former Parkside colliery site which is visually contained and already contains large areas of hardstanding, roads and various other man-made structures including a prominent and unsightly electricity sub-station. The harm to openness of this western section of the PLR would thus be strictly limited. [6.35, 7.33-7.35, 7.153, 8.30-8.32]
- 12.12 However, the land to the east of the colliery site is much more open and rural comprising agricultural fields enclosed by hedgerows. Consequently, the impact of the PLR over this section of the site would be initially significant, reducing over time to moderate as the landscape mitigation matures. There would be some visual harm arising at night-time from the lighting columns and vehicles headlights. Nonetheless, given the existence of several other roads in the area, including the M6, the harm would not be significant. [2.2, 6.36, 6.42, 7.31 9.6]
- 12.13 Whilst PAG support the SRFI, they recognise that it cannot come forward without the PLR. Whilst there are concerns with its alignment, no sequentially preferable alignment or location for the PLR was presented to the Inquiry and there has been no criticism of the Applicant's WebTag appraisal which examined but discounted six alternative sites. It is therefore material and any alternative location for the PLR is likely to result in greater harm to openness.

### *Purposes*

- 12.14 The PLR would not harm the Green Belt purposes of preventing neighbouring towns merging into one another, of preserving the special character of an historic town or the purpose of assisting urban regeneration. [4.3, 5.1b, 7.31, 8.33, 9.4]
- 12.15 PAG argued that the scheme would harm purpose (a) checking the unrestricted sprawl of large built up areas. However, as the PLR would be spatially and visually contained with clear and defensible boundaries, it is not considered the resulting pattern of development could reasonably be described as 'sprawl'. Moreover, the settlements of Newton le Willows, Hermitage Green and Winwick are already connected by various roads. These do not affect their boundaries nor undermine their separate identities. Accordingly, the Panel sees

no logical reason why the PLR would result in the merging of these settlements.  
[5.1b, 6.6, 9.4]

12.16 However, there would be harm to purpose (c) of NPPF paragraph 134 'safeguarding the countryside from encroachment'. As with openness, the harm primarily results from the eastern section of the PLR rather than the section across the former colliery. [5.1b, 6.8, 7.31-7.35, 8.33, 9.5]

### *Green Belt Conclusion*

12.17 The Panel have found that the development would cause moderate harm to openness and Green Belt purpose (c). The PLR would not therefore benefit from the exemption under NPPF paragraph 146 b) and c) and would, by definition, be inappropriate development in the Green Belt. Collectively, the Green Belt harms must carry substantial weight in the overall Green Belt balance in accordance with NPPF paragraph 144. [1.13, 4.5, 4.37, 5.1b, 6.10, 6.40, 6.86, 7.28, 7.82, 7.153, 8.28, 8.32, 10.33]

12.18 Inappropriate development should not be approved except in very special circumstances. 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. [4.4, 4.5, 4.28, 4.39, 5.1b, 6.8, 7.17, 7.150, 8.1, 8.101, 9.8, 9.100]

### ***Economic Considerations***

12.19 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. [4.6, 4.14, 4.53, 6.15, 7.10, 7.26, 7.30, 7.43, 7.145, 8.39, 8.91, 9.12, 9.19, 9.21, 9.30]

12.20 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. All parties who took part in the Inquiry support the need to build a strong, responsive and competitive economy. [6.15, 6.18, 10.24, 8.40-8.44]

12.21 It is not a matter of dispute that PP2 and PP3 cannot come forward without the PLR in light of existing constraints on the local road network. Therefore, the economic evidence supporting the PLR is inextricably linked with the need for the subsequent phases of the wider Parkside development which in turn is supported by a considerable body of up-to-date economic evidence which underpins the eLP. [3.3, 4.32-4.37, 4.39, 5.1c, 7.1, 7.21, 7.152, 8.1, 9.21, 9.27a, 9.73]

12.22 The commercial and policy need for B8 logistic floorspace both in St Helens, the LCA and wider M6 sub-region is well documented in the PP1 report<sup>222</sup>. The compelling need is evidenced by the SHELMA, the St Helens ELNS Addendum and the Employment Background Paper. The findings of these documents are

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<sup>222</sup> Paragraphs 12.37-12.43

reflected in the eLP requirement of 219.2ha of employment land between 2018 and 2035. At the regional level the need is perhaps even more acute with only approximately eight months' supply based on the ten-year average take up rate. The PLR would enable the development of some 130,000m<sup>2</sup> of logistics floorspace within PP2 and 260,000m<sup>2</sup> of rail enabled floorspace within the SRFI. [4.44-4.53, 5.1b-c, 7.49-7.56, 8.1, 8.6-8.8, 8.34-8.55]

12.23 SRFIs, enjoy strong policy support in the NPSNN, NPPF and PPG. The need for the SRFI at Parkside has been consistently recognised by local policymakers dating back to the RSS in 2008. Since that time, the Parkside site has been consistently earmarked as an appropriate location for a SRFI. Whilst PAG would prefer to see it located on land to the west of the M6, for engineering reasons that option has been shown to be unworkable for engineering reasons<sup>223</sup>. The need for the SRFI is comprehensively set out in the Applicant evidence on need and rests principally on the demand for additional warehousing floorspace and greater use of rail within the supply chain. [4.17, 4.33, 5.1a, 5.1d, 7.25, 7.63-7.65, 7.152, 8.1, 8.26, 8.91, 9.167]

12.24 The PLR alignment is consistent with the aspirations of iSec (the potential developers of the SRFI) who have considerable experience in bringing forward SRFIs and are themselves in advance discussions with a forward operating company. The PLR is a key commitment in the CS, eLP and the LCR's Transport Plan. The LCR's commitment to the scheme is underscored by the approval of SIF funding. [4.6-4.8, 4.15-4.16, 7.44-7.48, 7.56-7.61, 7.148, 8.22, 8.51, 9.27c&d]

12.25 Based on the demonstrable need for additional warehousing in St Helens over and above that proposed as part of PP1, including rail enabled facilities, the Panel finds that there is compelling policy support for the PLR at a local, regional and national level.

### **Highways**

12.26 A considerable body of highway evidence has been submitted in support of the application. The impact of the PLR has been assessed using the PLRTM. The model was calibrated and validated to WebTag standards with the results showing a good match between the observed and modelled count data. The PLRTM is therefore considered to be fit for purpose. In general terms, the modelled flows show that the PLR would provide an attractive additional route through the local highway network attracting significant levels of additional traffic accessing the development sites and re-routing from more congested links. [5.1d, 7.58, 7.66-7.75, 8.61]

12.27 It is evident that the TA and associated documents have been subject to an intense level of scrutiny by Mott McDonald on behalf of SHMBC and WBC, Highways England and Systra. The Highway SoCG identifies the key areas of agreement. [5.1d, 6.26, 7.68, 7.70, 8.61, 9.34]

12.28 The PLR has been designed in accordance with the DMRB and no safety concerns have been raised. Traffic modelling demonstrates that the PLR including its junctions with the A49, A573 and A579 would all operate within

<sup>223</sup> See paragraphs 12.5-12.7 of the PP1 Report

accepted capacity thresholds. Lighting and segregated footway/cycleway provision would be provided along the entire length of the route. [3.2, 5.1d, 7.62, 7.65, 7.73, 8.29, 9.46]

- 12.29 As is the case with any new piece of road infrastructure, there would be changes to flows across the existing network because of traffic reassignment. The traffic flow diagrams<sup>224</sup> illustrate the location and extent of the changes. North of the PLR, there would be a decrease in traffic along the A49 near Newton le Willows station and along Southworth Road. Traffic flows would increase along the A573 Parkside Road corridor from the Golborne Island to the PLR. [5.1d, 6.29, 6.30, 8.65]
- 12.30 South of the PLR, there would be significant reductions in traffic flow along the A49 towards Winwick and on Golborne Road between Hermitage Green and Winwick. Reductions in traffic would also occur within Winwick village and, to a lesser extent, through the Lowton/Lane Head area. [5.1d, 6.29, 7.72, 8.65]
- 12.31 The A49 Mill Lane/A572 Southworth Road and M6 J22/A579 Winwick Lane Roundabout would also experience an increase in traffic volumes. However, mitigation works are proposed at these three junctions to offset the increase in traffic. In all cases the junctions would operate below the Ratio of Flow Capacity threshold of 85%-90%. [5.1d, 6.29, 7.73]
- 12.32 Whilst PAG disagree with some of the model outputs/route choices, in particular the use of Golborne Dale Road to access the A580 in avoidance of Lane Head, this is based upon conjecture. In light of existing constraints at Lane Head, the Panel finds it is entirely feasible that traffic would seek alternative routes to the A580. [6.24, 7.70, 7.72, 8.61]
- 12.33 In written evidence, PAG made various criticisms of the PLRTM. However, the majority of the concerns raised did not stand up to scrutiny and PAG resiled from much of this evidence. [6.24-6.27, 7.69-7.75, 8.56-8.64]
- 12.34 The Panel is satisfied that the Applicant's transport evidence is robust and has been adequately assessed by the relevant highway authorities. There is no credible evidence to suggest the PLR would result in any 'severe' impacts in conflict with NPPF paragraph 109. Accordingly, the PLR would be compliant with local and national transport policy. [4.13, 7.75, 9.45-9.47]
- 12.35 Although there would be increases in the amounts of traffic on some routes, the overall effect of the PLR is to reduce traffic on already congested parts of the network such as Winwick and Lane Head. Given the problems experienced by local residents in these areas, such reductions albeit small, are nonetheless material benefits that weigh in favour of the scheme. [6.30, 8.65, 8.70, 10.1, 10.8-10.11, 10.22]

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<sup>224</sup> Appendices to Roberts PoE CD: 7.23

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## **Environmental Considerations**

### *Landscape and Visual effects*

- 12.36 The Applicant's assessment of the likely landscape and visual effects is contained within a LVIA and the Landscape SoCG sets out a wide measure of agreement on landscape and visual impact matters. [5.1e, 7.76, 8.71, 9.48]
- 12.37 The starting point is that the PLR site is not subject to a landscape designation and is not a 'valued landscape' for the purposes of paragraphs 170 and 171 of the NPPF. Because of that, PAG's contention that parts of the site are of the highest possible sensitivity are simply not credible. [6.30, 7.82, 9.52]
- 12.38 The majority of the site is seen in the context of the existing transport corridors associated with the M6, Parkside Road and Winwick Lane. Whilst the open undeveloped land to the east of the M6 has a higher sensitivity, there is nothing which elevates it above the description of ordinary attractive countryside. Moreover, the Applicant's landscape evidence must be preferred in the absence of any competing GLVIA-compliant assessment. Accordingly, the Panel concur with the findings of the Applicant that the overall sensitivity of the landscape affected by the PLR is low to moderate. [2.2, 4.9, 5.1e, 6.34, 7.76, 7.84, 8.71 9.50-9.52]
- 12.39 Clearly, there would be significant landscape impacts, particularly during and immediately following construction. The relevant landscape effects are set out in tables 7.6 and 7.7 of the LVIA. In both cases the effects are shown following construction and then again 15 years post construction, allowing for the establishment of the embedded mitigation planting. The residual significance of effects on the landscape during the construction and operation would be no greater than moderate to slight adverse. [5.1e, 7.79, 7.80, 7.81, 9.53]
- 12.40 There has been no criticism of the choice of visual receptors or representative viewpoints used in the LVIA. The visual effects are set out in tables 7.8 and 7.9 with the most significant visual effects identified at properties on the eastern side of the A579 and from the PRow known as Barrow Lane. At year 15, the visual effect from these receptors would be 'large to moderate' adverse. Beyond 0.5km of the site there would be no visual effect higher than slight adverse at year 15. [1.2, 2.5, 5.1e, 7.80, 9.53]
- 12.41 The ES includes a cumulative impact assessment of the PLR with the other elements of the wider Parkside development. This confirms that the greatest landscape and visual effects would arise from the accumulation of developments, rather than the PLR scheme itself. However, the landscape impact of PP2 and PP3 would need to be assessed as part of any future planning applications for those developments. [1.13, 6.40, 7.82, 8.34, 8.71]
- 12.42 Overall, the PLR would inevitably cause some landscape and visual harm. However, the harm, particularly in the long-term, would not be experienced over a wide area but would be localised in its extent. The harm would be largely mitigated through a series of embedded mitigation measures, including significant landscape buffers along the length of the route. Despite that, there would be some residual harm to local receptors in addition to harm arising from

the subsequent development phases enabled by the PLR. These harms weigh against the scheme in the overall planning balance. [5.1e, 7.81-7.84, 8.71, 9.54]

### *Residential Amenity*

12.43 There would be significant visual effects experienced at a small number of residential properties in the vicinity of the scheme. Whilst any degree of loss of view is not a planning matter, there would be some adverse impact on their outlook. In our judgement, the outlook from these properties would still not be unacceptably poor, there would be a degree of adverse impact to be and weighed against the application in the planning balance. [5.1f, 6.41, 7.22, 8.70, 9.53]

### *Noise*

12.44 Whilst local residents have raised the issue of noise disturbance, in the main these concerns relate to existing noise issues rather than the impact of the PLR. The Applicant has carried out a full assessment of noise and vibration in accordance with industry best practice to predict noise levels at nearby residential properties. There has been no criticism of the methodology employed in various iterations of the noise report which have been independently on behalf of SHMBC. [5.1g, 6.44, 6.46, 7.85, 7.86, 7.93, 8.3, 8.5, 9.55, 10.3, 10.17, 10.22, 10.31, 11.2]

12.45 As would be expected with a scheme of this size, there would be short-term impacts from construction noise and vibration at a limited number of receptors located close to the application site. However, subject to use of Best Practicable Means (use of quieter equipment and community liaison) to be secured via the CEMP, it is anticipated that any exceedances of appropriate noise and vibration thresholds would be short-lived. [5.1g, 7.87-7.92, 8.3, 8.72, 8.73 9.61]

12.46 Table 5.1 of the FEI sets out the magnitude of impact from changes in noise and its significance. Four properties would be expected to experience minor noise level increase in the short-term and corresponding negligible increases in noise levels in the long-term without. Two of these properties are on the south of the A579 Winwick Lane and between the M6 and PLR. To mitigate the impact a noise barrier would be erected alongside the PLR resulting in a small degree of betterment to the occupiers of these dwellings. [1.13, 5.1g, 7.90, 7.113, 9.56]

12.47 A minor increase in noise (between 1 dB and 1.5dB) is predicted for two residential receptors along the A573 Parkside Road. Mitigation would take the form of a thin road surface treatment which would result in a small degree of betterment to the occupiers of these dwellings. At all other locations, the PLR would not have a significant impact on existing noise levels. [5.1g, 7.91, 9.56]

12.48 The FEI identifies a number of receptors where noise levels would reduce primarily as a result of traffic reductions on the existing highway network. This is particularly the case for those properties located along the A49 to the south of the site. [5.1g, 7.92, 8.72, 9.57]

12.49 Any additional noise generated by PP2 or PP3 would be assessed as part of the planning applications for those developments but there is no evidence to suggest it could not be adequately mitigated. [8.72]



12.50 Overall, the potential adverse noise impacts resulting from the PLR would be mitigated to minimum in accordance with paragraph 180 of the NPPF. Some sensitive receptors would experience small improvements to their current noise environment whilst others would experience a small deterioration. Overall, the Panel considers that the noise effects of the scheme are a neutral consideration in the planning balance.

### *Air Quality*

12.51 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*' i.e. those contained in the Ambient Air Quality Directive 2008 which refer to EU limits values, not WHO limit values. [4.10, 5.1h, 6.60-6.62, 7.100, 9.59]

12.52 The FEI contains a revised AQA which reflects the latest traffic, monitoring and emission factor data. The AQA found that all predicted operational effects would be 'not significant' using IAQM criteria. There would be no exceedances of annual mean NO<sub>2</sub> objectives at any of the receptor locations in 2024 or 2034. Moreover, with the exception of one slight beneficial impact on annual mean NO<sub>2</sub> concentrations in 2024, all other impacts are negligible, and the overall effect on air quality would not be significant. There would be no significant impact on the AQMAs in St Helens, Warrington or Wigan. [5.1h, 7.106, 9.60-9.62]

12.53 The predicted changes to air quality are a function of the changing emissions profile of the vehicle fleet, as newer vehicles conforming to the latest emission standards replace older vehicles. Increases in the proportion of hybrid and fully electric vehicles in the vehicle fleet also contribute to reductions in emissions in the future year scenarios. [5.1h, 6.57, 7.103, 7.105, 7.109]

12.54 The air quality impact of the scheme is also heavily influenced by the traffic impact as set out in the TA. Where there are decreases in traffic such as at Winwick and Lane Head, it follows that there would be small improvements in air quality. The PLR would therefore result in both benefits and adverse impacts on local air quality. [6.30, 8.65, 8.61, 8.70, 8.75]

12.55 The issue of air quality is an important issue for local people and a significant amount of Inquiry time was spent examining the concerns of PAG in this regard. Nonetheless, the Applicant's AQAs were independently assessed by SHMBC's consultants WSP. It is clear, having read WSP's responses and various requests for further information, that their assessment was thorough and robust. [6.48-6.62, 7.95, 8.74, 10.6, 10.8-10.13, 10.15, 10.17, 11.2]

12.56 PAG reiterated many of the concerns they raised at the PP1 inquiry relating to perceived verification errors in the model. These concerns were based largely on untested written evidence which was based on a superseded AQA<sup>225</sup>. This evidence must therefore be given less weight than that of the Applicant. [6.50-6.56, 7.108, 9.59]

12.57 PAG have not adduced any evidence to the Inquiry which demonstrates that the impact of the PLR on levels of NO<sub>2</sub> would be either significant, exceed

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<sup>225</sup> At the time of writing, the most up to date AQA was contained in the FEI dated October 2020.

accepted standards or increase pollution to unacceptable levels in the AQMAs. PAG questioned the way High Street was been modelled in the AQA. However, these concerns are addressed in some detail in the PP1 Report. Moreover, the rationale behind the modelling of High Street is comprehensively addressed in the Applicant Air Quality Rebuttal PoE<sup>226</sup>. [5.1g, 6.54-6.59, 7.102, 7.108-7.110, 9.60]

- 12.58 Wigan BC objects on grounds of insufficient information to demonstrate effect PP2 and PP3 would have on air quality in Wigan. However, these schemes are not currently under consideration and therefore it is not possible to assess their impact at this stage. Despite that, the ES does consider the cumulative effects of 15 other developments in the Boroughs of St Helens and Warrington including PP2 and PP3. The ES concludes that there would be no significant cumulative effects on air quality during the operational phase of these developments. [1.13, 4.10, 6.50 8.76, 10.1]
- 12.59 Overall, the Panel is satisfied that the potential effects of the PLR on air quality have been appropriately considered by the Applicant. The information has in turn been subject to considerable scrutiny by SHMBC and WBC. The proposal is entirely consistent with NPPF paragraph 181 and the relevant air quality objectives. [5.1g 7.110, 8.75, 9.62]

### *Ecology*

- 12.60 Chapter 8 of the ES contains an Ecological Impact Assessment which assesses and identifies the ecological effects of the PLR scheme. The Ecology SoCG confirms that the PLR scheme has been subject to robust ecological survey and assessment and that the ecological effects and mitigation have been correctly described in the ES and ES Addendum. [5.1i, 7.111, 8.78]
- 12.61 A full range of surveys has been carried out to establish the ecological interest of the wider site. These include: a desk-based assessment and an extended Phase 1 habitat, tree, GCN, bat, badger, water vole, otter, breeding bird and invertebrate surveys. [5.1i, 7.113-7.114, 8.78, 9.63, 9.65]
- 12.62 PAG have queried the age of some of the wildlife surveys that underpin the Applicant's assessment. However, the surveys were up to date when the Councils determined the applications and remain valid on the basis that there have not been any meaningful ecological changes to the site. There has also been no objection to the age of the surveys from the specialist consultees. [5.1i, 6.64, 7.113, 8.78, 9.63]
- 12.63 The majority of potential significant effects would be avoided through careful scheme design and additional mitigation. Significant short to medium term impacts are limited to the loss of 0.3ha of woodland and severance and removal of hedgerows. However, the scheme includes tree, hedgerow and grassland planting along the length of the route. Once established, the planting would provide overall betterment in the long-term (ten years or more post-construction). [5.1i, 7.121, 8.79-8.88]

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<sup>226</sup> Table 2.1, CD: 8.2

- 12.64 There would be an immediate beneficial effect in respect of the proposed areas of species-rich grassland and ponds, habitats that are not currently present within the application site boundary. [5.1i, 7.121, 8.80]
- 12.65 Subject to mitigation, there would be no adverse effect on any statutory or locally designated sites including Highfield Moss SSSI and no likely significant effect on internationally designated sites. [5.1i, 6.64, 7.115, 7.117, 7.120, 8.77, 10.12, 10.18]
- 12.66 The mitigation measures are set out in paragraphs 12-26 of the Ecology SoCG and include a Landscape and Habitat Creation Management Plan, a GCN and Common Toad Mitigation Strategy, an Ecological Management Plan, a Sensitive Lighting Strategy and a financial contribution to habitat improvements to benefit GCNs off-site at Rixton Clay Pits. These would be secured by planning conditions save for the latter which would be secured via the planning obligation contained in the UU. [1.12, 3.2, 5.1i, 6.65, 7.118, 7.120, 8.78, 8.81, 9.65-9.68]
- 12.67 There has been no objection from Natural England, MEAS, the GMEU, the Environment Agency or the Councils' Woodland and Countryside Officers. [5.1i]
- 12.68 The Applicant has carried out a BNG assessment using the DEFRA metric version 2.0. The calculation shows that the PLR would result in a BNG of habitat units of some 38% and a net gain of hedgerow units of some 67%. There would be a net decline in woodland, but this is offset by the increase in grasslands and wetland habitats of biodiversity value. [5.1i, 6.66, 7.122, 8.82]
- 12.69 Overall, the Panel is satisfied the PLR would not have an unacceptable impact on protected species or their habitat subject to conditions securing the implementation of mitigation measures. Accordingly, there would be no conflict with CS Policies CQL2 and CQL3, WCS Policies CS1 and QE5 and the NPPF. [8.84, 9.69]

### *Climate Change*

- 12.70 Information contained in the FEI addresses the matter of climate change and that the PLR would not result in substantive emissions of greenhouse gases. [7.123, 9.74]
- 12.71 As confirmed by the NPSNN, the SRFI would support the move to a low carbon economy helping to address climate change. For the same reasons PAG accepted that the delivery of a SRFI would be a "*very significant benefit*" in respect of climate change. [4.14, 7.11, 7.12, 7.95, 7.124, 8.1, 9.24, 9.72, 9.73]
- 12.72 It is acknowledged that the PLR would also help to facilitate the delivery of PP2, a road-based logistics scheme. Notwithstanding that PP2 would be the subject of its own future planning application, PAG's objections to road-based logistics schemes, is dealt with in the PP1 Report<sup>227</sup> and it is not necessary for the Panel to repeat the same material here. [6.3, 6.69, 8.87, 8.88]

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<sup>227</sup> See paragraphs 12.104-12.108

### *Best and Most Versatile Agricultural Land*

12.73 Although the loss of BMVAL associated with the PLR and the SRFI would be significant, it would not be at a level that would have an unacceptable impact on the availability of BMVAL in the St Helens or Warrington Districts as a whole and there has been no objection from Natural England.

12.74 The weight to be attached to the loss of agricultural land must be tempered by the fact that there is no alternative site that could meet the locational prerequisites of a SRFI. Nonetheless, the loss of BMVAL is a matter which weighs against the scheme in the overall planning balance. [6.70-6.74, 7.126, 7.127, 7.151, 8.89, 8.90, 9.75]

### **Heritage**

12.75 The Heritage SoCG sets out the level of agreed harm to the various designated and non-designated heritage assets in the area. The harm to the Battlefield and the setting of listed buildings is agreed between the Councils and Applicant to be 'less than substantial' as defined in the context of NPPF paragraph 196. For the reasons set out below, the panel agrees with this 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>228</sup>. [5.1j]

12.76 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>229</sup> and (in respect of both listed building 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 weight 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. [5.1j, 7.135, 7.138, 9.78, 9.82, 9.83]

12.77 There would be some minor encroachment into the setting of the listed buildings at Newton Park Farm by PP2 and intrusion into the northern part of the battlefield by the PLR. Such encroachments would fail to preserve, or conserve, the setting of the listed building 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 both designated heritage assets. In this context, the harm to both assets should reasonably be assessed as limited. [6.75, 6.80, 6.87]

12.78 In light of this assessment, and accounting for the considerable importance and weight to be apportioned to their preservation, and the great weight given

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<sup>228</sup> Bedford Borough Council v (1) The SofS and (2) Nuon UK Ltd [2012] EWHC 43444 (Admin) and Paragraph 18a Reference ID: 18a-18a-018-20190723

<sup>229</sup> Planning (Listed Buildings and Conservation Areas) Act 1990

to their conservation, the panel affords this harm moderate weight. PAG assert that the level of harm to the listed buildings at Newton Park Farm and the registered Battlefield would be 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. It is also notable that the SRFI scheme envisaged by Policy CAS 3.2, which PAG expressly support, would likely have resulted in the demolition of Newton Park Farm and Barn<sup>230</sup>. PP3 would be located to the east of the M6 motorway so it would not directly affect the Registered Battlefield. [6.75, 6.80, 6.87]

- 12.79 There would be 'less than substantial' harm to Monk House an undesignated heritage asset. However, as WBC point out, the building has been subject to significant alteration and accordingly the heritage significance of the asset is low. Moreover, the embedded landscape mitigation would reduce any adverse impact on public views. Again, NPPF paragraph 197 anticipates that any such identified harm to non-designated assets should be considered against any public benefits the proposals might bring and this is addressed below. [5.1j, 9.83, 9.86, 9.87]
- 12.80 There would be a small beneficial effect on the setting of St Oswald's Well and Church during the operational phase through a reduction in traffic on adjacent roads. In circumstances where development would better reveal the significance of an asset paragraph 200 of the NPPF anticipates such proposals being treated favourably. Such an outcome can therefore be treated as a public heritage benefit weighing in favour of the proposals in the heritage and planning balance. [5.1j, 6.82, 7.130, 7.132, 7.134, 7.137, 9.77, 9.79-9.81]
- 12.81 Whilst the proposed demolition of Rough Farm Cottage and Barn is unfortunate, the buildings are not subject to any formal designation and are in a poor state of repair. The harm can thus be adequately mitigated by a building recording survey prior to their demolition. [3.2, 5.1j, 7.131, 7.140]
- 12.82 Whilst the route of the PLR would pass through the spoil tip in a cutting, the spoil heap does not have any recognised heritage status and PAG point out that it has blended into the landscape such that it now appears as a 'naturally occurring hill'. Accordingly, whilst the tip might be an interesting landscape feature, the Panel consider its heritage significance to be strictly limited. [2.4, 6.84, 7.33, 7.131, 7.141]

### *Heritage Conclusion*

- 12.83 Harm has been identified to the significance of designated heritage and non-designated heritage assets. That harm has been calibrated as limited and the weight to be apportioned it is moderate. Even when these harms are aggregated, as they should be, the weight to that harm is considered only a very limited degree above moderate. The consensus of the main parties that this harm be characterised as less than substantial, and with which the panel agrees, is very significantly below the threshold of what might be considered substantial.

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<sup>230</sup> See CS Figure 9.2 CD: 2.1

12.84 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 better revelation of the significance of St Oswald's Well and Church identified above as such a benefit, there are a substantial range of other benefits, economic and social, that can readily be confirmed as public benefits for the purposes of paragraph 196. These are set out below in detail (paragraphs 12.86-12.90). When these public benefits are considered against the identified harm it is readily demonstrated that these very significantly outweigh them in the heritage balance. The same conclusions follow for the non-designated heritage assets also considered.

### **Benefits**

12.85 The PLR is essential enabling infrastructure necessary for the delivery of PP2 and the SRFI, both key elements of the eLP. The SRFI is also supported by the CS and the PLR is consistent with criteria 2 of Policy CAS 3.2.

12.86 It is agreed between all parties that these phases cannot come forward without the PLR. It is notable that the main stumbling block in the delivery of previous schemes can be traced to the prohibitive cost of providing the necessary road infrastructure. Accordingly, if the long-term policy imperative of regenerating and developing the Parkside strategic site is to be realised and St Helens is to meet the compelling demand for B8 logistics floorspace, the PLR must be delivered. [3.3, 5.1a, 4.37, 7.3-7.6, 7.11, 7.24 7.30, 7.147, 8.1, 8.37, 8.42, 8.45, 9.13, 9.22]

12.87 The following further direct economic benefits have been identified:

- A total construction investment of £31.5m and construction jobs equivalent to 400 years of employment with a further 140 years of employment supported by the supply chain and employee spend,
- Significant indirect employment benefits down the supply chain and beyond estimated at 6,952 indirect jobs and 3,543 indirect construction jobs for the whole Parkside Strategic Site,
- Significant employment opportunities to the Boroughs of St Helens and Warrington. From the total on site jobs, PP2 and the SRFI are expecting to provide 3,295 jobs for St Helens and 790 for Warrington,
- Benefits to the LCR economic development strategy through the attraction of investors, businesses and employment, together with new strategic highway linkages which would contribute to the LCR Growth Strategy target outcomes of an additional 20,000 businesses; 100,000 new jobs; and £22bn GVA by 2040,
- Estimated new direct GVA of £7.6 million through delivery of the proposed scheme, and
- Estimated indirect GVA of £850 million. [4.52, 5.1c, 7.58, 8.38, 8.39, 8.91, 9.29, 9.95]

12.88 The jobs created by the construction of the PLR as well as those associated with PP2 and PP3 would be close to significant areas of deprivation. [4.52, 5.1c, 7.36-7.41, 7.150, 8.38, 8.39, 8.91, 9.11, 9.15, 9.29, 9.95, 10.23, 10.34]

- 12.89 Even if the Applicant's assessment of the economic benefits is overly optimistic, as claimed by PAG, the PLR would still deliver significant socio-economic benefits in an area of undoubted need. These benefits would be consistent with the social and economic dimensions of sustainable development in the NPPF. [6.87, 7.149, 7.155, 8.39, 9.30, 9.90, 9.103, 9.104]
- 12.90 There would be environmental benefits in the form of a BNG, a reduction of traffic on sensitive routes including at Lane Head, Hermitage Green and the A49 through Winwick with minor beneficial effects in terms of heritage, noise and air quality. [5.1i, 5.1d, 7.92, 7.122, 8.65, 8.76, 9.43, 9.45]

### **Planning Obligation**

- 12.91 The NPPF 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 CIL Regulation 122 [1.12]
- 12.92 The UU contains a single obligation, a financial contribution of £9,200 toward GCN habitat creation, improvement and management at Rixton Clay Pits. The Obligation is supported by a statement from GMEU's Principal Ecologist<sup>231</sup>. [5.1i, 7.116, 9.66]
- 12.93 Although the 2019 survey did not record GCNs on or near the site, the problems of recording GCNs were explained to the Inquiry. Consequently, and given that GCNs were found to be present in 2017, the Panel is satisfied that there is a reasonable prospect that they remain. On the basis that the PLR would result in a small reduction of GCN habitat, the obligation is on balance, considered to meet the statutory tests. [9.66]

### **Conditions**

- 12.94 Agreed conditions for St Helens and Warrington 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.
- 12.95 Conditions covering time limits, the reserved matters and the approved plans are necessary to provide certainty and in the interests of proper planning. Conditions covering the CEMP and construction hours are necessary to ensure all aspects of the construction adhere to best practice and do not adversely affect the amenity of local residents. Drainage conditions are necessary to ensure satisfactory drainage and future maintenance of the site in the interests of flood prevention.
- 12.96 Hydrogeological risk assessments and contaminated land and remediation conditions are necessary to ensure that the land is suitable for its intended use and does not pose a groundwater contamination risk. Employment plans and conditions promoting the use of local suppliers are necessary to ensure

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<sup>231</sup> ID: 14.41

employment opportunities for local people and businesses are maximised during the construction phase.

- 12.97 Conditions securing the off-site highway works and a scheme of signage are necessary to mitigate the impact of the development on the local road network. A phasing plan is necessary to ensure the development comes forward in a coherent and planned manner. Conditions securing the noise mitigation measures are necessary to ensure the development does not give rise to unacceptable impacts on the living conditions of local residents.
- 12.98 Conditions covering tree removal, protection and landscaping are necessary to ensure that the visual impact of the development is mitigated as far as practically possible. Ecology conditions are necessary to mitigate the harm to biodiversity.
- 12.99 An archaeology condition is necessary to protect any archaeological assets that may be present. Finally, a condition requiring a written scheme of archaeological building recording for Rough Cottage and Rough Farm, is necessary to mitigate the harm resulting from the loss of these non-designated heritage assets.
- 12.100 St Helens conditions 3, 7, 8 and 24 and WBC conditions 3, 5, 6 and 7 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 that need to be resolved before construction begins.
- 12.101 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*

- 12.102 The PLR would facilitate PP2 and the SRFI. Both these developments would be subject to separate future planning applications which would need to be considered on their own merits in light of the policies of the Development Plan and other material considerations at the time of such determination. <sup>[7.31]</sup>
- 12.103 The cumulative effects of the PP2 and PP3 schemes are considered in the ES which concludes that there would not be any significant cumulative effects on traffic, air quality or noise during the operational phase of the development. <sup>[1.13, 6.12, 6.50, 6.85, 7.82, 8.73]</sup>
- 12.104 The SRFI in particular would result in additional landscape, heritage and Green Belt harm and these secondary effects weigh against the PLR in the overall balance in the present applications. Nonetheless, the ES identifies that the subsequent phases would also deliver significant cumulative benefits associated with socio-economic effects in terms of GVA and job creation. The SRFI would also deliver significant sustainability benefits through the transfer of freight from road to rail. <sup>[5.1, 6.39, 7.149, 7.155, 8.32, 8.39, 9.30, 9.90, 9.103, 9.104]</sup>



12.105 Overall, the Panel consider that the cumulative effects are neutral considerations in the planning balance.

### **Planning Balance**

12.106 As with the PP1 scheme, the outcome of the PLR applications will depend upon a 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.

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

12.108 It is however material that there is no preferable alignment or location for the PLR and therefore any alternative scheme is likely to result in a greater level of Green Belt and landscape harm. It also has to be acknowledged that through Policy CAS 3.2 the CS anticipated that there would be Green Belt harm arising from the wider redevelopment of the Parkside strategic site, including the provision of the necessary road infrastructure. The Panel has found that the proposal would accord with the up-to-date parts of Policy CAS 3.2.

12.109 Other identified harms are increased noise disturbance, particularly during the construction phase and a loss of outlook to a small number of residential properties in the immediate vicinity of the site, 'less than substantial', and so limited harm to heritage and the loss of BMVAL. In addition, there would be moderate but localised landscape and visual harm. 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, residential amenity or BMVAL. 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.

12.110 On the other side of the planning balance there are a number of 'other considerations'. The first is the provision of much needed employment land in an area where there is an acknowledged need. Significant employment opportunities would be created through the construction of the PLR as well as PP2 and PP3. In light of the well-documented deprivation issues in the local area and the importance attached to economic growth in the NPPF, these economic and social benefits must attract very substantial weight.

12.111 The SRFI and PP2 are contingent upon the delivery of the PLR. There would be significant regeneration associated with the former in terms of bringing a vacant, former industrial legacy site suffering from a history of anti-social behaviour, back into active use. The sustainability benefits of the SRFI, of facilitating the transfer of freight from road to rail would reduce road congestion and carbon emissions, assisting the move to a low carbon economy. All parties at the Inquiry supported that objective. Collectively the regeneration and sustainability benefits attract very significant weight.

12.112 The medium to long term ecological benefits including a BNG and a reduction in traffic along sensitive routes in the area attract moderate weight. The better revelation of the significance of the significance of St Oswald's Well and Church is also a consideration that garners moderate weight.

12.113 All other matters are neutral in the planning balance.

12.114 The Panel consider that the 'other considerations' listed above are of such weight and magnitude that they clearly outweigh the identified Green Belt and non-Green Belt harms. On a further matter of judgement, it is concluded 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, WCS Policy CS5 or Green Belt policy in Section 13 of the NPPF. As the heritage harm identified is clearly outweighed by the substantial public benefits, the proposal also passes the test of NPPF paragraph 196.

12.115 The consequence of this is that the development complies with the two development plans taken as a whole.

12.116 Should the SoS disagree with our assessment of very special circumstances, then there would be conflict with the development plans. In that event, both applications should be refused.

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

13.1 Having regard to all the relevant evidence, the Panel concludes that planning permissions sought 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 Borough Council (LPA)

Mr Giles Cannock QC he called:

Mr Alyn Nicholls BA (Hons) MRTPI

Mr Edward Mellor CEng, MICE, MICTH

Mr Anthony Meulman

Ms Melanie Hale BSc (Hons), MA (Civic Design), MCD, MRTPI

Planning Witness

Mott MacDonald - LPA's Highways witness

Employment Need witness

Principal Planning Officer

#### St Helens Council (Applicant)

Mr John Barrett he called:

Mr Ian Grimshaw BA(Hons) MA(LM) MSc MRTPI

Mr Vince Sandwell BSc MRICS

Mr Nigel Roberts BSc (Hons), MSc, CEng MICE, MCILT

Mr Graham Russell BSc (Hons), Dip TP, MBA, M. Phil (Econ)

Mr Graham Harker CEng MIMechE MIEEnvSc MIAQM BSc(Eng)

Mr Jonathan Bayliss C.Eng MICE BSc.Eng ACGI

Mr Ian Lanchbury BA Hons BLandArch CMLI

Mr Jason Clarke BSc MA MCIfA

Mr Steve Littler MRICS

Mr Francis Hesketh BSc (Hons) CMLI MCIEEM CEnv MICFor

Mr Craig Barson BEng (Hons) MIOA

Planning

Need

Highways

Economic Impacts

Air Quality

Design

Landscape and Visual Impact

Heritage

Background and Funding

Ecology

Noise

#### Warrington Council

Ms Sarah Reid of Counsel she called:

Ms Alison Gough MTCP (Hons), MBA, MRTPI

Mr Mike Taylor PGDip

Principal Planning Officer

Warrington Highways

#### Parkside Action Group

Mr Dave Tyas

Ms Jackie Copley

Mr Ken Marr

Mr Gareth Edwards

Mrs Tamaryn McLafferty

Mr Peter Astles

Co-Chair PAG

Planning Consultant

Planning & Heritage

Highways

Air Quality

Ecology

Ms Gill Dickinson  
Mr Peter Black

Community Impacts  
Climate Change

Interested Parties

James Grundy MP  
Cllr Seve Gomez-Aspron  
Cllr Richard McCauley

Member of Parliament for Leigh  
Deputy Leader, St Helens Council  
Cabinet Member for Regeneration  
and Planning, St Helens Council

Cllr David Smith

Member for Newton le Willows, St  
Helens Council

Cllr Kathleen Houlton

Member for Lowton, Wigan  
Council

Professor Graham Wardle

Chair of LaGTAC

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

Culcheth & Glazebury and Croft  
Parish Council

Dr Kevin McLafferty

Local Resident

Mr Richard Ward

Local Resident and Historian

Ms Susan Spibey

Local Resident

Paul Hooton

Local Resident

Ms Kathryn Green

Local Resident

Ms Judith Beveridge

Local Resident

Mr Melvyn Brian

Local Resident

Ms Elaine Hatch

Local Resident

## Appendix B

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

#### St Helens

1. The works hereby permitted must be begun within 3 years of the date of this decision notice.
2. The development hereby permitted shall be carried out in accordance with the following plans:
  - Scheme location plan sheet 1 of 2 PD-RAM-00-00-DR-Z-0100 P03
  - Scheme location plan sheet 2 of 2 PD-RAM-00-00-DR-Z-0101 P04
  - General Arrangement Sheet 1 of 2 PD-RAM-01-00-DR-C-0004 P09
  - General Arrangement Sheet 2 of 2 PD-RAM-01-00-DR-C-0005 P09
  - Parkside Link Road Parkside Road Footway/Cycleway PD-RAM-01-00 DRC-0012 P05'
  - Parkside Link Road West A49 Junction Layout PD-RAM-01-00-DR-C-0013 P04
  - Parkside Link Road West A573 Junction Layout PD-RAM-01-00-DR-C-0014 P04
  - Highway Alignment Layout PD-RAM-01-00-DR-C-0050 P03
  - Highway Alignment Long Sections PD-RAM-01-00-DR-C-0051 P03
3. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing with the Local Planning Authority. The CEMP shall include but not be limited to:
  - Details of phasing,
  - A dust management plan which includes details of the proposed dust monitoring programme, both before and during construction, with proposed locations and duration of monitoring,
  - Details of how 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,
  - A methodology for the soft felling of trees T62 and T65,
  - Construction traffic routes,
  - The location and numbers of parking spaces for contractors,
  - Temporary roads/areas of hard standing,
  - A schedule for large vehicles delivering/exporting materials to and from site,
  - A scheme of street sweeping/street cleansing/wheel washing,
  - 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,

- Pollution prevention measures to ensure that pollution and run off from the construction site does not enter St Oswald's Brook,
- Site waste management plan,
- Materials management plan,
- Measures to protect English bluebell and woodland ground flora with Gallows Croft LWS,
- Pre-commencement inspection of affected trees for potential bat roosting features,
- 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 1974,
- Confirmation that the good practice noise mitigation measures detailed within BS5228-1: 2009+A1:2014 shall be employed,
- Confirmation that the mitigation measures detailed within Sections 10.52.1. to 10.5.3 of the ES shall be employed,
- Confirmation that with the exception of the use of vibratory rollers. no driven, impulsive or vibratory ground or piling works, including driving in pile casings, shall be undertaken unless otherwise approved in writing by St Helens Council,
- Consideration for joining a Considerate Contractors Scheme, and
- Contact details of the principal contractor.

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

4. No works shall take place outside of the following hours:

- 07:30 -18:30 hrs Monday – Friday
- 09:00 – 14:00 hrs Saturdays
- At no time at all on Sundays and Public/Bank Holidays

5. A Surface water drainage system shall be installed in accordance with the following details before the first use of the road hereby permitted:

- Parkside Link Road Surface Water Drainage Strategy' PD-RAM-01-00DR-C-0551 Rev P04
- Parkside Link Road Sustainable Urban Drainage Strategy' PD-RAM-0100-DRC- 0554 Rev C01
- Drainage and Ducting Sheet 1 of 12 PD-RAM-01-00-DR-C-0501 Rev C01
- Drainage and Ducting Sheet 2 of 12 PD-RAM-01-00-DR-C-0502 Rev C02
- Drainage and Ducting Sheet 3 of 12 PD-RAM-01-00-DR-C-0503 Rev C02
- Drainage and Ducting Sheet 4 of 12 PD-RAM-01-00-DR-C-0504 Rev C02
- Drainage and Ducting Sheet 5 of 12 PD-RAM-01-00-DR-C-0505 Rev C02
- Drainage and Ducting Sheet 6 of 12 PD-RAM-01-00-DR-C-0506 Rev C02
- Drainage and Ducting Sheet 7 of 12 PD-RAM-01-00-DR-C-0507 Rev C02
- Drainage and Ducting Sheet 8 of 12 PD-RAM-01-00-DR-C-0508 Rev C02
- Drainage and Ducting Sheet 9 of 12 PD-RAM-01-00-DR-C-0509 Rev C01
- Drainage and Ducting Sheet 10 of 12 PD-RAM-01-00-DR-C-0510 Rev C01
- Drainage and Ducting Sheet 11 of 12 PD-RAM-01-00-DR-C-0511 Rev C01
- Drainage and Ducting Sheet 12 of 12 PD-RAM-01-00-DR-C-0512 Rev C01
- Drainage and Ducting Standard Details Sheet 1 PD-RAM-01-00-DR-C-0523 C01

- Drainage and Ducting Standard Details Sheet 2 PD-RAM-01-00-DR-C-0524 C01
- Highway Drainage Network 2 Oswald's Brook Outfall Layout PD-RAM-01-00-DR-C-0530 C01

The drainage network shall be thereafter be maintained in accordance with Section 5 of the 'Parkside Link Road Highway Runoff SUDS Treatment and Risk Assessment' (Ref PD-RAM-01-ZZ-REP-D-003).

6. No development shall take place until a hydrogeological risk assessment demonstrating that the risks posed to groundwater by the proposed development can be satisfactorily managed has been submitted to and agreed in writing with the Local Planning Authority. Any mitigation measures that are identified as necessary within the strategy shall be implemented, maintained and retained thereafter.
7. No development shall take place until an earthworks specification document has been submitted to and agreed in writing with the Local Planning Authority. The specification document shall include sampling methodologies for site won and imported soils and shall detail sampling frequencies and reuse criteria against which the results will be assessed. The reuse criteria shall account for baseline conditions within the agricultural areas to the east of the colliery spoil mound and to the east of the M6 motorway. The specification shall ensure that the reuse of colliery spoil either as engineering fill or for the purposes of ecological enhancement does not result in an increase in contaminant concentrations within the current agricultural land or introduce new contaminants that are not currently present. The development shall be undertaken in accordance with the agreed document.
8. Prior to the first use of the road, a verification report shall be submitted to and agreed in writing with the Local Planning Authority. The verification report shall document the reuse of soils on site and shall include all of the testing required in accordance with the earthworks specification document agreed above.
9. 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 Boroughs of St Helens and Warrington focusing on the most deprived Super Output Areas. The Scheme shall include the following:
  - a) 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,
  - b) 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,

- c) A procedure setting out criteria for employment, and for matching of candidates to the vacancies,
- d) Measures to be taken to offer and provide college and/or work placement opportunities at the Development to students within the locality,
- e) 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,
- f) A commitment that the construction phase of the development will be undertaken in accordance with the Unite Construction Charter,
- g) 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,
- h) A timetable for the implementation of the Local Employment Scheme.

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

10. 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.
11. A mitigation scheme for the Parkside Road/Newton Road/Golborne Dale Road staggered crossroads A572/A572/A573/A573 based upon the mitigation measures outlined in Section 7 of the Transport Assessment 2019 (PDRAM-03-00-REP-TR-0014 Rev B) shall be submitted to and agreed in writing with the Local Planning Authority. The agreed mitigation scheme shall be implemented before the road is first opened to the public.
12. A mitigation scheme for the Southworth Road/Church Road/Mill Lane junction based upon the drawing PD-RAM-01-00-SK-C-0042 Rev I02 shall be submitted to and agreed in writing with the Local Planning Authority. The agreed mitigation scheme shall be implemented before the first use of the road hereby approved.
13. The design of a specification of a 2.5m high acoustic barrier along the alignment detailed within general arrangement drawings: PD-RAM-01-00-DR-C-0107, PDRAM-01-00-DR-C-0108, PD-RAM-01-00-DR-C-0307 and PD-RAM-01-00-DR-C0308 shall be submitted to and agreed in writing with the Local Planning Authority. For the avoidance of doubt, the specification shall confirm that the acoustic barrier construction has been certified to a minimum B3 performance in accordance with BS 1793-2: 1998 (or later versions) and therefore have a tested minimum DLR performance of >24dB.". The agreed acoustic barrier shall be installed before the first use of the road
14. The section of the proposed development demarked in green in Figure 10.4 of the Environmental Statement shall be installed with a low noise road surface. The specification for the surface to be used shall be submitted to and agreed in writing with the Local Planning Authority and shall be resurfaced as such



thereafter. For the avoidance of doubt the road surface specified for installation shall have a Road Surface Influence (High Speed, RSIH or Medium Speed, RSIM) of  $\leq -2.5\text{dB}$  demonstrable by test data, certification or product data sheet.

15.No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works shall take place during the period 1 March to 31 August inclusive unless all trees, scrub, hedgerows and vegetation have been checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected shall be submitted to and agreed in writing with the Local Planning Authority. The works shall then be carried out in accordance with the agreed details.

16.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 (Ref 6354.06.001 Version 2 Vol 2, Part 4, Appendix 8.10 of the Environmental Statement" submitted with this application. All tree work must also be supervised by the arboricultural supervisor for the site

17.Temporary measures to provide physical protection of all trees, hedges and shrubs shown to be retained shall be in accordance with the "Arboricultural Impact Assessment (Ref 6354.06.001 Version 2 Vol 2, Part 4, Appendix 8.10 of the ES Statement and Tree Protection Plans detailed in ES Addendum Technical Appendix A7.3:

- Tree Protection Plan Sheet 1 of 12 PD-RAM-01-00-DR-EN-3041 rev P02
- Tree Protection Plan Sheet 2 of 12 PD-RAM-01-00-DR-EN-3042 rev P02
- Tree Protection Plan Sheet 3 of 12 PD-RAM-01-00-DR-EN-3043 rev P02
- Tree Protection Plan Sheet 4 of 12 PD-RAM-01-00-DR-EN-3044 rev P02
- Tree Protection Plan Sheet 5 of 12 PD-RAM-01-00-DR-EN-3045 rev P02
- Tree Protection Plan Sheet 6 of 12 PD-RAM-01-00-DR-EN-3046 rev P02
- Tree Protection Plan Sheet 7 of 12 PD-RAM-01-00-DR-EN-3047 rev P02
- Tree Protection Plan Sheet 8 of 12 PD-RAM-01-00-DR-EN-3048 rev P02
- Tree Protection Plan Sheet 9 of 12 PD-RAM-01-00-DR-EN-3049 rev P02
- Tree Protection Plan Sheet 10 of 12 PD-RAM-01-00-DR-EN-3050 rev P02
- Tree Protection Plan Sheet 11 of 12 PD-RAM-01-00-DR-EN-3051 rev P02
- Tree Protection Plan Sheet 12 of 12 PD-RAM-01-00-DR-EN-3042 rev P02
- Temporary Tree Protection Fencing Specification PD-RAM-01-00-DR-EN3053 Rev P02

submitted with this application. The provision of total exclusion zones must be achieved by the erection of protective fencing as specified in the submitted plans which should not be to a standard less than that specified in British Standard BS5837 (2012). The areas so defined shall be kept free of machinery, stored materials of all kinds and any form of ground disturbance not specifically catered for in the agreed measures, for the duration of site, demolition and building works.

18.All tree work shall be to BS3998 (2010) with any tree or hedgerow removal and the supervision of no dig surfacing construction being in accordance with the details submitted within the "Arboricultural Impact Assessment (Ref 6354.06.001 Version 2 Vol 2, Part 4, Appendix 8.10 of the Environmental

Statement) submitted with this application. All tree work shall also be supervised by the arboricultural supervisor for the site. Details of the level of supervision, reporting mechanisms to the Council and frequency of site visits and reporting shall be submitted to and agreed in writing by the Local Planning Authority prior to any work commencing on site.

19. Landscaping shall be undertaken in accordance with the following plans in accordance with a phasing plan that has been submitted to and agreed in writing with the Local Planning Authority.
- Landscape and Ecology Detailed Planting Plan sheets 1-12 (drawing numbers PD-RAM-01-00-DR-EN-3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072); and
  - Landscape and Ecology Detailed Planting Plan Schedule and Notes (drawing number PD-RAM-01-00-DR-EN-3073)

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. The landscaping and ecological features show on the landscaping plans shall be managed in accordance with the Landscape and Habitat Creation Management Plan (PD-RAM-01-00-SP-EN-3007 Rev 3) following their implementation. Progress, review and delivery of this management plan must be provided to the Council as Local Planning Authority annually.

20. Before the road is opened to the general public, bird and bat boxes shall be installed in accordance with details that have first been submitted to and agreed in writing with the Local Planning Authority.
21. Before any lighting is installed, a lighting strategy which demonstrates how adverse lighting effects that could cause harm to bats and their habitats shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with the agreed strategy.
22. Any works within 10m of the banks of St Oswalds Brook shall be undertaken in accordance with the Water Vole Mitigation Strategy (7066.015 Version 1.0).
23. The development shall be carried out in accordance with the common toad mitigation measures as set out in the 'Great Crested Newt and Common Toad Mitigation Strategy (7066.013 Version 1.0).
24. No development shall take place until a written scheme of investigation for archaeological work, which includes reporting mechanisms, 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.
25. Prior to any works affecting Rough Cottage and Rough Farm, a written scheme of archaeological building recording, details of which shall first have been submitted to and agreed in writing with the Local Planning Authority, shall be carried out.

Warrington

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission.
2. The development shall be carried out in accordance with the following plans:
  - Scheme location plan sheet 1 of 2 PD-RAM-00-00-DR-Z-0100 P03
  - Scheme location plan sheet 2 of 2 PD-RAM-00-00-DR-Z-0101 P04
  - General Arrangement Sheet 1 of 2 PD-RAM-01-00-DR-C-0004 P09
  - General Arrangement Sheet 2 of 2 PD-RAM-01-00-DR-C-0005 P09
  - Parkside Link Road Parkside Road Footway/Cycleway PD-RAM-01-00-DR-C-0012 P05
  - Parkside Link Road West A49 Junction Layout PD-RAM-01-00-DR-C-0013 P04
  - Parkside Link Road West A573 Junction Layout PD-RAM-01-00-DR-C-0014 P04
  - Highway Alignment Layout 'PD-RAM-01-00-DR-C-0050 P03
  - Highway Alignment Long Sections 'PD-RAM-01-00-DR-C-0051 P03
3. Prior to the commencement of any works on site, the developer shall provide in writing a Construction Environmental Management Plan (CEMP) to the Local Planning Authority for written approval. The CEMP shall review all demolition and construction operations proposed on site including logistics. It shall cover as a minimum the following areas of work on a phase by phase basis, identifying appropriate mitigation measures as necessary:

**A. Highway and Traffic**

- Access to the site.
- Entrance/exit from the site for visitors/contractors/deliveries.
- Temporary roads/areas of hard standing.
- Schedule for large vehicles delivering/exporting materials to and from site and details of manoeuvring arrangements. For the avoidance of doubt all construction vehicles shall load/unload within the confines of the site and not on the highway.
- Details of street sweeping/street cleansing/wheel wash facilities.

**B Site layout and Storage**

- Proposed locations of Site Compound Areas.
- Siting of temporary containers.
- Location of directional signage within the site.
- Parking for contractors, site operatives and visitors.
- Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition/construction.
- Storage of materials and large/heavy vehicles/machinery on site.

**C Environmental Controls**

- Proposed construction hours, proposed delivery hours to site, phasing of works including start/finish dates.
- Full details of any piling or any other foundation designs using penetrative methods

- Acoustic mitigation measures, including vibration, dust and air quality measures.
- Details for the recycling/storage/disposal of waste resulting from the site.
- Consideration for joining a Considerate Contractors Scheme.
- Contact details of the principal contractor

Once approved in writing, all identified measures within the CEMP shall be implemented in accordance with the requirements therein and shall be reviewed on a regular basis and in case of receipt of any justified complaint. Any changes to the identified CEMP mitigation measures from either the regular review process or following receipt of a complaint shall be forwarded to the Local Planning Authority within 24hrs of a change being agreed or implemented. The development shall be carried out in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority.

4. A surface water drainage system shall be installed in accordance with the following details before the first use of the road hereby permitted:
  - Parkside Link Road Surface Water Drainage Strategy' PD-RAM-01-00DR-C-0551 Rev P04
  - Parkside Link Road Sustainable Urban Drainage Strategy' PD-RAM-0100-DRC- 0554 Rev C01
  - Drainage and Ducting Sheet 1 of 12 PD-RAM-01-00-DR-C-0501 Rev C01
  - Drainage and Ducting Sheet 2 of 12 PD-RAM-01-00-DR-C-0502 Rev C02
  - Drainage and Ducting Sheet 3 of 12 PD-RAM-01-00-DR-C-0503 Rev C02
  - Drainage and Ducting Sheet 4 of 12 PD-RAM-01-00-DR-C-0504 Rev C02
  - Drainage and Ducting Sheet 5 of 12 PD-RAM-01-00-DR-C-0505 Rev C02
  - Drainage and Ducting Sheet 6 of 12 PD-RAM-01-00-DR-C-0506 Rev C02
  - Drainage and Ducting Sheet 7 of 12 PD-RAM-01-00-DR-C-0507 Rev C02
  - Drainage and Ducting Sheet 8 of 12 PD-RAM-01-00-DR-C-0508 Rev C02
  - Drainage and Ducting Sheet 9 of 12 PD-RAM-01-00-DR-C-0509 Rev C01
  - Drainage and Ducting Sheet 10 of 12 PD-RAM-01-00-DR-C-0510 Rev C01
  - Drainage and Ducting Sheet 11 of 12 PD-RAM-01-00-DR-C-0511 Rev C01
  - Drainage and Ducting Sheet 12 of 12 PD-RAM-01-00-DR-C-0512 Rev C01
  - Drainage and Ducting Standard Details Sheet 1 PD-RAM-01-00-DR-C-0523 C01
  - Drainage and Ducting Standard Details Sheet 2 PD-RAM-01-00-DR-C-0524 C01
  - Highway Drainage Network 2 Oswald's Brook Outfall Layout PD-RAM-01-00-DR-C-0530 C01

The drainage network shall thereafter be maintained in accordance with Section 5 of the 'Parkside Link Road Highway Runoff SUDS Treatment and Risk Assessment' (Ref PD-RAM-01-ZZ-REP-D-003).

5. Prior to the commencement of the development hereby approved, a hydrogeological risk assessment and management plan demonstrating that the risks posed to groundwater from the development can be satisfactorily managed and including an assessment of the discernibility of hazardous

substances shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved assessment and management plan.

6. Prior to the commencement of the development, a Local Employment Scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted Scheme shall include but not be limited to:
  - a) Details of how the initial staff/employment opportunities at the development will be advertised and how liaison with the Council and other bodies will take place in relation to maximising the access of the local workforce to information about employment opportunities;
  - b) 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;
  - c) A procedure setting out criteria for employment, and for matching of candidates to the vacancies;
  - d) Measures to be taken to offer and provide college and/or work placement opportunities at the development to students within the locality;
  - e) 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;
  - f) A procedure for monitoring the Local Employment Scheme and reporting the results of such monitoring to the Local Planning Authority including details of the origins qualifications numbers and other details of candidates; and,
  - g) A timetable for the implementation of the Local Employment Scheme.

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

7. Prior to the commencement of the development hereby approved, a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
  1. A site investigation scheme, based on the desk study already submitted, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

8. Prior to the development hereby approved being first brought into use a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
9. No works shall commence at the junction of M6 Junction 22/Winwick Lane until a scheme for the design and construction of highway improvement works at M6 Junction 22 including timetable for implementation has been submitted to and approved in writing by the Local Planning Authority, in consultation with Highways England. For avoidance of doubt, the works shall include:
  - i. The full signalisation of the M6 Junction 22 roundabout to the principles Drawing PD-RAM-01-1200-SK-C-001 prepared by Ramboll.
  - ii. Installation of CCTV monitoring system.
  - iii. Resurfacing of footway and carriageways of the approach roads contiguous with the improvement scheme to provide a continuous palette of material and surface treatment appropriate to the detailed design.
  - iv. Replacement/upgrade of street lighting necessary as part of the detailed design.
  - v. Drainage works necessary to facilitate the highway works.
  - vi. Replacement/upgrade of signage necessary as part of the detailed design.

The approved scheme shall be in accordance with DMRB, include a Road Safety Audit and subsequently be implemented prior to the opening to general traffic of the development hereby approved.

10. Prior to first use of the road hereby approved, a scheme for the design and implementation of freight traffic signage including timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. For avoidance of doubt, the freight traffic signage shall highlight that the recommended route for goods vehicles to and from the motorway network is M62 J9 along A49 Newton Road to A49 Winwick Link Road to A579 Winwick Lane via M6 J22. The approved scheme shall be implemented prior to the opening to general traffic of the development hereby approved.
11. Except for site clearance and remediation no development shall commence until a Road Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Road Phasing and Completion Plan shall set out the development phases and the standards to which roads serving each phase of the development will be completed. The development shall be carried out in accordance with the approved plan.
12. Prior to road being opened to general traffic, an acoustic barrier along Winwick Lane shall be installed as shown drawing PD-RAM-01-00- DR-C- 0308, or any

amendment to such drawing as may have first been submitted to and approved in writing by the Local Planning Authority.

13. All tree work shall be to BS3998 (2010) with any tree or hedgerow removal and the supervision of no dig surfacing construction being in accordance with the details submitted within the "Arboricultural Impact Assessment (Ref 6354.06.001 Version 2 Vol 2, Part 4, Appendix 8.10 of the Environmental Statement) submitted with this application. All tree work shall also be supervised by the arboricultural supervisor for the site. Details of the level of supervision, reporting mechanisms to the Council and frequency of site visits and reporting shall be submitted to and agreed in writing by the Local Planning Authority prior to any work commencing on site.

14. Temporary measures to provide physical protection of all trees, hedges and shrubs shown to be retained shall be in accordance with the "Arboricultural Impact Assessment (Ref 6354.06.001 Version 2 Vol 2, Part 4, Appendix 8.10 of the ES Statement and Tree Protection Plans detailed in ES Addendum Technical Appendix A7.3:

- Tree Protection Plan Sheet 1 of 12 PD-RAM-01-00-DR-EN-3041 rev P02
- Tree Protection Plan Sheet 2 of 12 PD-RAM-01-00-DR-EN-3042 rev P02
- Tree Protection Plan Sheet 3 of 12 PD-RAM-01-00-DR-EN-3043 rev P02
- Tree Protection Plan Sheet 4 of 12 PD-RAM-01-00-DR-EN-3044 rev P02
- Tree Protection Plan Sheet 5 of 12 PD-RAM-01-00-DR-EN-3045 rev P02
- Tree Protection Plan Sheet 6 of 12 PD-RAM-01-00-DR-EN-3046 rev P02
- Tree Protection Plan Sheet 7 of 12 PD-RAM-01-00-DR-EN-3047 rev P02
- Tree Protection Plan Sheet 8 of 12 PD-RAM-01-00-DR-EN-3048 rev P02
- Tree Protection Plan Sheet 9 of 12 PD-RAM-01-00-DR-EN-3049 rev P02
- Tree Protection Plan Sheet 10 of 12 PD-RAM-01-00-DR-EN-3050 rev P02
- Tree Protection Plan Sheet 11 of 12 PD-RAM-01-00-DR-EN-3051 rev P02
- Tree Protection Plan Sheet 12 of 12 PD-RAM-01-00-DR-EN-3052 rev P02
- Temporary Tree Protection Fencing Specification PD-RAM-01-00-DR-EN-3053 Rev P02

submitted with this application. The provision of total exclusion zones shall be achieved by the erection of protective fencing as specified in the submitted plans which shall not be to a standard less than that specified in BS5837 (2012). The areas so defined shall be kept free of machinery, stored materials of all kinds and any form of ground disturbance not specifically catered for in the agreed measures, for the duration of site, demolition and building works.

15. Landscaping shall be undertaken in accordance with the following plans and in accordance with a phasing plan that shall first be submitted to and agreed in writing by the Local Planning Authority:

- Landscape and Ecology Detailed Planting Plan sheets 1-12 (drawing numbers PD-RAM-01-00-DR-EN-3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072); and
- Landscape and Ecology Detailed Planting Plan Schedule and Notes (drawing number PD-RAM-01-00-DR-EN-3073)

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. The landscaping and ecological features shown on the landscaping plans shall be managed in accordance with the Landscape and Habitat Creation Management Plan (PD-RAM-01-00- SP-EN-3007 Rev 3) following their implementation.

16. The development hereby approved shall be carried out in accordance with the details contained within the Ecological Management Plan prepared by TEP (report ref: 7066.001 January 2019), or any subsequent amendment/update to the Plan as may be made in relation to condition 14 of this permission.
17. Prior to first use of the road hereby approved, further precautionary surveys relating to bats, badgers and water voles shall be submitted to and approved in writing by the Local Planning Authority. Should these species be found during the resurveys, the Ecological Management Plan referred to in condition 13 of this permission shall be updated accordingly. The development shall thereafter be carried out in accordance with the updated Plan.



## Appendix C

**INQUIRY DOCUMENTS**

<b>Ref</b>	<b>Document Title</b>
ID 14.1	Opening Statement of the Applicant
ID 14.2	Opening Statement of the Local Planning Authority – St Helens Metropolitan Borough Council
ID 14.3	Opening Statement of the Local Planning Authority – Warrington Borough Council
ID 14.4	Opening Statement - Parkside Action Group
ID 14.5	Note regarding Final Ecology SoCG for PLR
ID 14.6	PLR Ecology round table agenda
ID 14.7	PLR Landscape round table agenda
ID 14.8	PLR Heritage round table agenda
ID 14.9	PAG Response to Rebuttal PLR.FH.2 Ecology
ID 14.10	PAG Response to Rebuttal PLR.JC.2 Heritage
ID 14.11	PAG Response to Rebuttal PLR.NR.2 Highways
ID 14.12	R. Ward Requested Rebuttal submission for Day 9 PLR 3253230 and 3253232 18Jan21
ID 14.13	PLR Proofs Refs Errata List.
ID 14.14	Cllr Kathleen Houlton Speaking Note
ID 14.15	Cllr Richard McCauley Speaking Note PLR Inquiry Statement
ID 14.16	Elaine Hatch PARKSIDE STATEMENT
ID 14.17	James Grundy MP 2021 01 19 Parkside Inquiry Speech
ID 14.18	Judith Beverage Speaking Note TO Parkside Public Inquiry
ID 14.19	Kathryn Green Speaking Notes Public Inquiry Parkside Development
ID 14.20	Prof Graham Wardle LaGTAC Opening Statement-Parkside Inquiry 19Jan2021
ID 14.21	Susan Spibey Presentation of The Voice Community Impact Statement for Parkside Inquiry Jan2021

ID 14.22	Parkside Link Road - Dr K McLafferty Speaking Notes
ID 14.23	M Brian Speaking Note Parkside Inquiry 19012021
ID 14.24	Peter Black Speaking Note 210117 PI PLR Parish Council readout
ID 14.25	Verbal By Richard Ward Parkside PLR Day 9 19 January 2021
ID 14.26	Written Statement Linda Horn
ID 14.27	Written Statement Martin Brown
ID 14.28	Written Statement Mr A Davin
ID 14.29	Written Statement Mrs G Davin
ID 14.30	Written Statement Annemarie Fearn
ID 14.31	Written Statement Colin Campbell
ID 14.32	Written Statement Cllr Kathleen Houlton Re Warehouse Space
ID 14.33	John Dickinson Parkside Inquiry - Parkside Link Road
ID 14.34	PAG -Warehouse Job Density vs Jobs
ID 14.35	Written Statement Terry E Hewitt Parkside Public Inquiry
ID 14.36	Air Quality Update P-2018-0249-FUL-St Helens Council
ID 14.37	Written Statement from Gateley Legal in response to Mr Ward evidence on Boundary Wall of Winnick Park
ID 14.38	Written Statement Janet Flatley Parkside link road statement
ID 14.39	Written Statement John Flatley Newton Park
ID 14.39A	Written Statement Appendix John Flatley Newton Park Farm map
ID 14.40	Written Statement Paul Hooton Parkside Link Road_
ID 14.40A	Written Statement Appendix Paul Hooton Haydock Lane
ID 14.41	APP-M0655-V-20-325232 PLR - IMPACT ON GREAT CRESTED NEWTS
ID 14.42	Document withdrawn
ID 14.43	PAG J601947 1 TR110 JMP M6 Parkside C.1 (003)

ID 14.44	Inspector Note on PLR Conditions
ID 14.45	Parkside Phase 1 - Highways England Final Response to Planning Inspectorate
ID 14.46	PAG Summary Statement on Noise and Vibration (26.01.21) Gill Dickinson LHSRG
ID 14.47	Prof. Wardle Air Quality Questions for Parkside Inquiry
ID 14.48	Response to Prof Wardle Inquiry Memo 03 v2
ID 14.49	Cllr. Gomez Aspron PLR speech notes
ID 14.49A	Appendix Cllr Gomez Aspron Speaking Note PLR PowerPoint
ID 14.50	PLR Planning Committee Letter Referenced in session
ID 14.51	Melvyn Brian Noise PLR KW04d2 Effects on my residence
ID 14.52	Response to Melvyn Brian Inquiry Memo 04 v1
ID 14.53	Inquiry Memo - Cholmley Dr
ID 14.54	WBC air quality memo Jan 2021
ID 14.55	WBC Parkside Dec 17
ID 14.56	WBC Parkside -Appendix 1
ID 14.57	WBC CIL compliance table
ID 14.58	WBC Sealed Unilateral Undertaking Dated
ID 14.59	PAG Link Road Closing Statement Final
ID 14.60	St Helens LPA PLR CLOSING
ID 14.61	Closing Submissions on behalf of Warrington Council (003)
ID 14.62	Applicant Parkside Link Road - Closing FINAL
ID 14.63	PLR Conditions FINAL
ID 14.64	PLR - Location Viewpoints
ID 14.65	Written Statement Sophie Watkin on behalf of iSec

## Appendix D

**CORE DOCUMENTS**

<https://www.sthelens.gov.uk/park-sidedocuments>

<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
CD 4.15	Illustrative Masterplan (i.e. comprehensive Phase 1 and 2)
CD 4.74	Noise Policy Statement for England
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

CD 4.109	Circular 06/2005: Biodiversity and Geological Conservation
CD 4.110	BS42020: Biodiversity
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
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)
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)
CD 4.120	Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction' (IAQM, 2016)
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)
CD 4.125	Warrington Air Quality Action Plans (January 2011)
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 4.131	Guidelines for Landscape and Visual Assessment 3
CD 4.137	DMRB IAN 135/10 Landscape and Visual Effects Assessment (2010)

CD 4.139	Advice Note 01/11: Photography and photomontage in landscape and visual assessment (2011)
CD 4.140	TGN 06/19 Visual Representation of Development Proposals (September 2019)
CD 4.141	Visual Representation of Windfarms, Version 2.1 (2014)
CD 4.142	Visual Representation of Windfarms, Version 2.2 (February 2017)
CD.4.143	Wigan Local Plan Core Strategy, 2013
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 4.155	Statements of Heritage Significance: Analysing Significance in Heritage Assets (2019)
CD 4.160	Liverpool City Region Strategic Housing & Employment Land Market Assessment (SHELMA) (2018)
CD 5.1	Environmental Statement Volume 1 - Environmental Statement (March 2018)
CD 5.1	Chapter 1 Introduction Final
CD 5.1	Chapter 2 Project Description Final
CD 5.1	Chapter 3 Project Alternatives Final
CD 5.1	Chapter 4 Approach to Environmental Impact Assessment Final
CD 5.1	Chapter 5 Air Quality Final
CD 5.1	Chapter 6 Cultural Heritage Final

CD 5.1	Chapter 7 Landscape and Views Final
CD 5.1	Chapter 8 Ecology and Nature Conservation Final
CD 5.1	Chapter 9 Geology and Soils Final
CD 5.1	Chapter 10 Noise and Vibration Final
CD 5.1	Chapter 11 People and Communities Final
CD 5.1	Chapter 12 RD WQ Final
CD 5.1	Chapter 13 Materials Final
CD 5.1	Chapter 14 Climate Change Final
CD 5.1	Chapter 15 Cumulative Assessment Final
CD 5.2	Environmental Statement Volume 2 - Figures and Appendices (March 2018) Appendix 2.1 General Arrangement
CD 5.2	Appendix 2.2 Indicative Construction Programme
CD 5.2	Appendix 4.1a EIA Scoping Report June 2017
CD 5.2	Appendix 4.1b EIA Scoping Report November 2017
CD 5.2	Appendix 4.2 Scoping Opinions Combined
CD 5.2	Appendix 4.3 HIA Screening Report
CD 5.2	Appendix 5.1 Construction Dust Criteria
CD 5.2	Appendix 5.2 Annualisation
CD 5.2	Appendix 5.3 Verification
CD 5.2	Appendix 5.4 Traffic
CD 5.2	Appendix 5.5 Tag Local Air Quality Output
CD 5.2	Appendix 5.6 2020 Results
CD 5.2	Appendix 5.7 2030 Results
CD 5.2	Appendix 6.1 Gazetteer
CD 5.2	Appendix 6.2 Parkside Link Road Geophysical Survey Report
CD 5.2	Appendix 6.3 Parkside Link Archaeological Trial Trenching Report Final
CD 5.2	Appendix 7.1 Method for LVA



CD 5.2	Appendix 7.2 Sweco Verified Photomontage Method
CD 5.2	Appendix 7.3.1 Visual Effects Schedule
CD 5.2	Appendix 7.3.2 Visual Effects Schedule
CD 5.2	Appendix 7.3.2 Visual Effects Schedule
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CD 5.2	Appendix 7.3.4 Visual Effects Schedule
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CD 5.2	Appendix 8.1 Designations
CD 5.2	Appendix 8.2 Habitat Survey
CD 5.2	Appendix 8.3 Amphibian Survey Reduced
CD 5.2	Appendix 8.4 Bat Roost and Activity Surveys Reduced
CD 5.2	Appendix 8.5 Badger Survey
CD 5.2	Appendix 8.6 Water Vole Survey
CD 5.2	Appendix 8.7 Breeding Bird Surveys Reduced
CD 5.2	Appendix 8.8 Terrestrial Invertebrate Surveys
CD 5.2	Appendix 8.9 Reptile Survey
CD 5.2	Appendix 8.10 Aboricultural Impact Assessment Version 2.0 Reduced
CD 5.2	Appendix 9.2 Part 1 Geotechnics Final Factual GI Report plus App 1-3
CD 5.2	Appendix 9.2 Part 2 Geotechnics Final Factual GI Report plus App 4-9
CD 5.2	Appendix 9.2 Part 3 Geotechnics Final Factual GI Report plus App 10-14
CD 5.2	Appendix 9.3 Contaminated Land Risk Assessment
CD 5.2	Appendix 11.2 Agricultural Considerations
CD 5.2	Appendix 12.1 Surface Water Monitoring Results
CD 5.2	Appendix 12.2 Drainage Strategy and FRA Rev B
CD 5.2	Surface Water Drainage Strategy PD
CD 5.2	Appendix 13.2 Parkside ES Material Section

CD 5.2	Appendix 132 Part 2 Parkside ES Material Section
CD 5.2	Figures and Appendices Front Cover
CD 5.2	Figure 1.1 Scheme Location Plan
CD 5.2	Figure 1.2 Local Authority Boundaries B
CD 5.2	Figure 1.2 Part 2 Local Authority Boundaries B
CD 5.2	Figure 2.1 Indicative Phase Areas
CD 5.2	Figure 2.2 Scheme Location Plan
CD 5.2	Figure 2.3 Local Authority Boundaries
CD 5.2	Figure 2.4 Revised Red Line Boundary v3
CD 5.2	Figure 2.6 Site Compounds Lay Down Areas Location East
CD 5.2	Figure 5.1 Air Quality Management Areas Within the Study Area
CD 5.2	Figure 5.4a Air Quality Monitoring Within Study Area – St Helens
CD 5.2	Figure 5.4a Air Quality Monitoring Within Study Area – St Helens Part 2
CD 5.2	Figure 5.4b Air Quality Monitoring Within Study Area – Warrington
CD 5.2	Figure 5.6a Air Quality Model Receptors
CD 5.2	Figure 5.6b Air Quality Model Receptors
CD 5.2	Figure 5.6c Air Quality Model Receptors
CD 5.2	Figure 5.6d Air Quality Model Receptors
CD 5.2	Figure 5.7a NO2 2020 Impact Assessment – DMRB
CD 5.2	Figure 5.7b NO2 2020 Impact Assessment – DMRB
CD 5.2	Figure 5.7c NO2 2020 Impact Assessment – DMRB
CD 5.2	Figure 5.7d NO2 2020 Impact Assessment – DMRB
CD 5.2	Figure 5.8a NO2 2020 Impact Assessment – EPUK /IAQM Guidance
CD 5.2	Figure 5.8b NO2 2020 Impact Assessment – EPUK /IAQM Guidance
CD 5.2	Figure 5.8c NO2 2020 Impact Assessment – EPUK /IAQM Guidance
CD 5.2	Figure 5.8d NO2 2020 Impact Assessment – EPUK /IAQM Guidance

CD 5.2	Figure 5.9a NO2 2030 Impact Assessment – DMRB
CD 5.2	Figure 5.9b NO2 2030 Impact Assessment – DMRB
CD 5.2	Figure 5.9c NO2 2030 Impact Assessment – DMRB
CD 5.2	Figure 5.9d NO2 2030 Impact Assessment – DMRB
CD 5.2	Figure 5.10a NO2 2030 Impact Assessment – EPUK /IAQM Guidance
CD 5.2	Figure 5.10b NO2 2030 Impact Assessment – EPUK /IAQM Guidance
CD 5.2	Figure 5.10c NO2 2030 Impact Assessment – EPUK /IAQM Guidance
CD 5.2	Figure 5.10d NO2 2030 Impact Assessment – EPUK /IAQM Guidance
CD 5.2	Figure 6.1 – 6.4 Heritage Chapter WR
CD 5.2	Figure 7.1 – 7.19 Landscape and Visual Chapter LR WR Reduced
CD 5.2	Figure 7.1 – 7.19 Landscape and Visual Chapter LR WR Reduced Part 2
CD 5.2	Figure 7.17.1 – 7.17.14 - Verified Photomontages Reduced
CD 5.2	Figure 7.7 Theoretical Zone of Visual Influence
CD 5.2	Figure 8.1 Desktop Study Reduced
CD 5.2	Figure 8.2 Terrestrial Mammal Desktop Records
CD 5.2	Figure 8.3 Habitat Survey
CD 5.2	Figure 8.4 Great Crested Newt Survey
CD 5.2	Figure 8.5 Bat Roost and Activity Survey
CD 5.2	Figure 8.5 Bat Roost and Activity Survey Part 2
CD 5.2	Figure 8.6 Water Vole and Otter Survey
CD 5.2	Figure 8.7 Breeding Bird Survey
CD 5.2	Figure 8.9 Reptile Survey
CD 5.2	Figure 8.10.1.1 Liverpool City Region Ecological Network
CD 5.2	Figure 10.1 Site Plan
CD 5.2	Figure 10.2 Difference Map in Short Term
CD 5.2	Figure 10.3 Difference Map in Long Term

CD 5.2	Figure 10.4 Operational Mitigation
CD 5.2	Figure 11.3 Health Facilities
CD 5.2	Figure 11.4 Schools and Children Centres
CD 5.2	Figure 11.5 Recreational Areas and Leisure Facilities
CD 5.2	Figure 11.6 Other Community Facilities
CD 5.2	Figure 11.7 Transport Services
CD 5.2	Figure 11.8 Public Rights Of Way
CD 5.2	Figure 12.1 Surface Water Monitoring Locations
CD 5.2	Figure 12.2 Watercourse Locations
CD 5.2	Figure 13.3 Waste Management Facilities
CD 5.3	Crime Avoidance Statement (March 2018)
CD 5.4	Design and Access Statement (March 2018)
CD 5.5	Public Consultation Report (March 2018)
CD 5.6	Traffic Model Data Collection Report (March 2018)
CD 5.7	Landscape Strategy (March 2018)
CD 5.8	Environmental Masterplan (March 2018)
CD 5.9	Environmental Statement Addendum Volume 1 - Environmental Statement (March 2019)
CD 5.10	Environmental Statement Addendum Volume 2 - Figures and Appendices (March 2019) Appendix A4.1 General Arrangement Drawings
CD 5.10	Appendix A4.2 Overlay Of The 2018 Proposed Scheme (In Red) And The Amended Proposed Scheme (In Blue)
CD 5.10	Appendix A4.3 Transport Assessment Part 1
CD 5.10	Appendix A4.3 Transport Assessment Part 2
CD 5.10	Appendix A4.3 Transport Assessment Part 3
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CD 5.61	Department for Business Innovation & Skills (BIS), 'Guidance for using additionality benchmarks in appraisal' (October 2009)

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# Department for Levelling Up, Housing & Communities

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## **RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT**

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

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

### **SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS**

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

#### **Challenges under Section 288 of the TCP Act**

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

### **SECTION 2: ENFORCEMENT APPEALS**

#### **Challenges under Section 289 of the TCP Act**

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

### **SECTION 3: AWARDS OF COSTS**

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

### **SECTION 4: INSPECTION OF DOCUMENTS**

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