

Parkside Action Group Response to St Helens Draft LDF Core Strategy May 2009

Formal Response

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1.0 Introduction

This document provides the formal response to the St Helens LDF Core Strategy from Parkside Action Group (PAG). Parkside Action Group was formed in 2006 to protect the land around the site of the former colliery from unsuitable development. The group has been successful in raising in excess of 3000 written objections to Astral's Strategic Rail Freight Interchange (SRFI) planning application. In spite of a short consulting period, and complex terminology, PAG also raised over 1100 objections to the Green Belt proposals for Parkside at the Preferred Options stage of the LDF. These objections have been overruled in the draft Core Strategy, allegedly due to regional and national planning policy which PAG contest in some critical areas.

1.1 A PAG background paper titled 'Fact or Fiction' is included with this response. The paper contains detailed comments, observed errors, and suggested changes to the Core Strategy and its background papers. The paper also supports the arguments detailed here in.

1.2 PAG understand that only objections on grounds of 'soundness' (effectiveness, justification, & non-compliance with national/regional policy) will be accepted. The narrative that follows works towards a position in this respect summarised at the end of the document.

2.0 Presumption Against Astral application

Many parts of the LDF Core Strategy and accompanying documentation make a presumption against the Astral application i.e. a specific implementation of an RFI at Parkside. The application has not even come before planning committee yet and due to its impact and size is likely to go to public inquiry. How would the LDF be positioned if say a different smaller RFI were implemented at Parkside? So for instance would the number of jobs quoted in many documents still be valid? Would all the statistics around development land requirements still hold (with Parkside and without Parkside)? The LDF implies 'an extended area of land to accommodate long trains' is required? Could an RFI still be effective with regular sidings like those being currently upgraded at Ditton (see PAG background paper)? There are many other examples. All RFI references should be generic and conditional rather than being based on one particular proposed implementation which has not yet been approved and its outcome uncertain.

3.0 North West Regional Spatial Strategy (RSS)

It is clearly understood that the LDF must conform to the policies of the RSS. However, PAG believe these policies have been incorrectly interpreted by the LDF. With regards Parkside two of the key aspects are:

- a) Parkside should be protected from development other than an RFI. This can be achieved by appropriate conditions in the LDF as detailed in CAS 3.2.
- b) A review of the Green Belt at Parkside may be appropriate. The language used is 'review' and 'may' which imply not mandatory. PAG and its supporters therefore require that Green Belt boundaries remain unaltered as deemed appropriate at previous inquiries (UDP review 1998, Morrisons public inquiry).

4.0 **Green Belt Safeguards**

In effect CAS 3.2 proposes to replace existing Green Belt 'special circumstance' safeguards around Parkside with a set of conditions related to the provision of an RFI. This principle would only be effective if the conditions met the terms of 'special circumstances' as defined in PPG2. PAG argue that conditions can only be properly determined on a per RFI implementation basis, since the environmental impacts would need to be clearly assessed, and indeed this is normal practice through public inquiry as part of the regular planning process. Since the goal of the LDF is to present policy rather than specific implementation details, then any conditions specified therein must naturally be imprecise and not guaranteed to adequately safeguard the Green Belt. The conditions do not protect against the scope and size of a potential development, whereas under PPG2 scope and size would clearly be a consideration, because the distance and visual amenity between conurbations could be eroded to unacceptable extent. This is particularly true of the Astral application which has huge size and scope and the implementation details need to be carefully analysed to reach a view on whether this size and scope is justifiable in removing land from the Green Belt. The proposed policy in CAS 3.2 to a large extent places a developer in the driving seat, rather than having to justify why land in the Green Belt should be developed on. This is clearly not acceptable.

5.0 **Legal Compliance with EU directive 97/11/EC**

The Core Strategy is not compliant with EU directive 97/11/EC. Compliance with this directive should be encapsulated in the SA (SEA) document authored on behalf of St Helens by external consultants Scott Wilson. The EU directive requires that plans for public or private projects which may affect the environment are identified in the SEA together with Environmental Impact Assessments (EIA). The SEA documentation does not cover this ground. There appears to be no evidence of projects being identified or determination of EIA and associated public consultation as required by the directive. Annex I & II of EU 97/11/EC details examples of projects which require an EIA. Annex II specifically mentions inter-modal terminals. PAG wish to be informed of any supplementary LDF material or public consultation that may be developed in the future in response to this gap.

6.0 **Summary of Soundness Objection**

6.1 *The LDF Core Strategy is not effective because:*

- a) The LDF Parkside background paper contains grammatical errors that in some cases make the narrative incomprehensible (see PAG 'Fact or Fiction' background paper).
- b) The Core Strategy and supporting documents make assumptions on RFI implementation (based on Astral's application). This is not a sound approach as the application may not be approved, or may be modified in the future.

6.2 *The LDF Core Strategy is not justified because:*

- a) The proposals on Green Belt in CAS 3.2 do not provide sufficient regard to the weight of public opinion expressed on the matter at the Issues & Options stage of the LDF in 2007.
- b) Green Belt safeguards are not robust placing land in the hands of the developer, and not properly protected under the terms of PPG2 special circumstances as detailed in section 4.0 of this document.
- c) As the evidence base makes assumptions about specific RFI implementation as detailed in 5.1 (b) above then Core Strategy policies may be flawed and therefore not justified (and/or effective).
- d) Errors and inaccuracies in the LDF Parkside Background paper present an unsound case for supporting CAS 3.2.

6.3 *The LDF Core Strategy is not consistent with National or Regional Policy because:*

- a) An assumption is made that changes to Green Belt boundaries must be specified in policy, whereas the RSS only recommended a review is made. The Core Strategy could for instance state that a review was undertaken and for the reasons highlighted in this document, no changes to boundaries were deemed appropriate at this time.
- b) The decision is not compliant with National & Regional policy because other facilities in the region are likely to have already satisfied the national & regional rail freight interchange requirement e.g. Trafford Park, Ditton, Seaforth, Birkenhead, Port Wirral, Port Warrington and Port Salford. This aspect has not been adequately considered in the LDF

7.0 **PAG Position on Oral Representation at LDF Inquiry**

PAG would wish to participate in the LDF Inquiry, particularly concerning matters related to the Parkside RFI. Hopefully the reasons for this are self evident, but PAG would wish to be certain that the view of its members and supporters are properly represented and explained to the inspector. PAG contributed previously to the RSS EIP.