



## Cabinet 24 April 2024

<b>Report Title</b>	<b>Adoption of Supplementary Planning Documents</b>
<b>Cabinet Portfolio</b>	Regeneration and Planning
<b>Cabinet Member</b>	Councillor Richard McCauley
<b>Exempt Report</b>	No
<b>Reason for Exemption</b>	N/A
<b>Key Decision</b>	Yes
<b>Public Notice issued</b>	26 March 2024
<b>Wards Affected</b>	All
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<b>Borough Priorities</b>	Ensure children and young people have a positive start in life.	X
	Promote good health, independence, and care across our communities.	X
	Create safe and strong communities and neighbourhoods for all.	X
	Support a strong, thriving, inclusive and well-connected local economy.	X
	Create green and vibrant places that reflect our heritage and culture.	X
	Be a responsible Council.	X

## 1. Summary

- 1.1 The St Helens Borough Local Plan up to 2037 was adopted by the Council in July 2022 and, to aid its positive ongoing implementation, four new first tranche Supplementary Planning Documents have been prepared that provide additional details and planning guidance.
- 1.2 This report presents the final versions of these documents (following a consultation period as detailed within the Consultation Statement), each of which will have a pivotal role in the successful delivery of high-quality developments in accordance with the Local Plan up to 2037.
- 1.3 The **Design Supplementary Planning Document** provides a comprehensive guide to inspire and guide the delivery of high-quality development within the Borough, providing clear guidance to applicants, developers, the community and landowners on the quality of new development the Council will expect.
- 1.4 The **Developer Contributions Supplementary Planning Document** sets out the Council's approach to seeking developer contributions and is relevant to all development proposals (including residential, employment and retail). It covers various types of infrastructure requirements from transport to education and healthcare provision, as well as policy requirements such as affordable housing.
- 1.5 The **Open Space Provision and Enhancement Supplementary Planning Document** sets out the Council's approach to seeking high quality open spaces for new developments and/or to enhance existing open spaces throughout the Borough.
- 1.6 The **Transport and Travel Supplementary Planning Document** builds upon policies set out in the Local Plan and provides consistent guidance to applicants on access and transport requirements for new developments and re-developments. It sets out the Council's approach and expectations for new developments and re-developments in relation to walking, cycling, wheeling, public transport, ultra-low or zero emission vehicles, parking standards, freight management, air quality, noise, and travel plans.

## 2. Recommendation for Decision

**Cabinet is recommended to:**

- 1) **Note the Supplementary Planning Documents Consultation Statement at Appendix A.**
- 2) **Approve, for adoption, the final Supplementary Planning Documents for Design, Developer Contributions, Open Space Provision and Enhancement, and Transport and Travel at Appendices B to E respectively.**

### **3. Purpose of this report**

- 3.1 To provide an overview of the consultation process undertaken and feedback received on the first tranche of new Supplementary Planning Documents and to seek approval for adoption of their final versions, which will help guide and shape the growth of the Borough in support of the St Helens Borough Local Plan up to 2037.

### **4. Background / Reason for the recommendations**

- 4.1 The St Helens Borough Local Plan up to 2037 (the Local Plan) was adopted by the Council in July 2022. Paragraphs 3.3.2 and 3.3.3 of the Local Plan propose that several existing Supplementary Planning Documents (SPDs) be reviewed and new SPDs be produced. New SPDs are required to be brought into effect to ensure a robust and up to date policy framework is in place to provide the appropriate detailed guidance to support the delivery of the Local Plan.
- 4.2 The National Planning Policy Framework (NPPF) (2023) defines SPDs as “Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.”
- 4.3 There are currently fifteen adopted SPDs in effect for St Helens, covering a range of different issues from shopfronts and travel to hot food takeaways and biodiversity; however, these documents are all between 10 and 15 years old, and planning policy (both locally and nationally) has changed significantly since the majority of these SPDs were first drafted and subsequently adopted.
- 4.4 Within this context, there are a significant number of SPDs to be prepared and it is necessary to undertake this task in tranches to reflect the available resources, with the order in which they are prepared reflecting their level of priority. Accordingly, the initial tranche of SPDs that have been prepared comprise the following:
- Design SPD (see Appendix B)
  - Developer Contributions SPD (see Appendix C)
  - Open Space Provision and Enhancement SPD (see Appendix D)
  - Transport and Travel SPD (see Appendix E)
- 4.5 The Design SPD will replace the ‘Design Guidance’ SPD (2007) and the ‘New Residential Development’ SPD (2010). The Transport and Travel SPD will replace the ‘Ensuring a Choice of Travel’ SPD (2010), ‘Guidance Note for Travel Plans’ (2016) and ‘Guidance Notes for the Submission of Transport Assessments’ (2016). As both the Developer Contributions and Open Space

Provision and Enhancement SPDs are new documents, neither will be replacing any existing SPDs.

- 4.6 To define and shape the content of the first tranche SPDs a 6-week targeted scoping consultation was undertaken between November and December 2022. At that stage, the required statutory consultation bodies (Environment Agency, Historic England, and Natural England) agreed with the Council's conclusion that none of the SPDs would trigger the need for either a Habitat Regulations Assessment (HRA) or Strategic Environmental Assessment (SEA).
- 4.7 Following scoping consultation feedback, the first tranche SPDs were drafted and, in accordance with Regulation 12 of The Town and Country (Local Planning) (England) Regulations 2012. The Council carried out a statutory consultation which ran for a six-week period (from 20 December 2023 to 30 January 2024). It is noted that this consultation period went above and beyond the statutory minimum set out in legislation, which requires consultation for "not less than 4 weeks".
- 4.8 The consultation on the draft first tranche SPDs generated a total of 28 responses; of those, 10 were received from developers and agents promoting land, 10 were received from statutory consultees, and the remainder were from neighbouring Local Authorities and internal Council service areas. The content of responses ranged from simple 'no comments' to in depth detailed responses, including both objections and support.
- 4.9 Officers have worked through the responses received and provided summaries of their content, as set out in detail in the Consultation Statement at Appendix A. In addition, each of the first tranche SPDs are addressed in turn below with respect to what they seek to achieve and the main outcomes of the consultation on the draft versions in terms of a high-level summary.

#### **Design SPD (see Appendix B)**

- 4.10 The Design SPD provides a comprehensive guide to inspire and guide the delivery of high-quality development within the Borough, providing clear guidance to applicants, developers, the community and landowners on the quality of new development the Council will expect. It supports the Council's six strategic priorities, and each chapter concludes with a checklist that sets out the issues for consideration in terms of design.
- 4.11 Overall, out of the 28 consultation responses received, 22 made comments on the draft Design SPD. The headline changes made in response to the main issues raised are as follows:
- Additional paragraphs have been added to reinforce St Helens' unique heritage, reference water management and viability, and strengthen the introduction for each relevant section.

- Some paragraphs have been amended to improve clarity and references to additional sources have also been added. References have been updated to National Regulations and Guidance (where necessary) throughout the document, due to the introduction of new legislation during the consultation period.

### **Developer Contributions SPD (see Appendix C)**

- 4.12 The Developer Contributions SPD sets out the Council's approach to seeking developer contributions and is relevant to all development proposals (including residential, employment and retail). It covers various types of infrastructure requirements from transport to education and healthcare provision, as well as policy requirements such as affordable housing.
- 4.13 Overall, out of the 28 consultation responses received, 21 made comments on the draft Developer Contributions SPD. The headline changes made in response to the main issues raised are as follows:
- NHS Properties suggested several changes to allow for flexibility when requesting developer contributions towards healthcare provision, which have been included.
  - Certain paragraphs have been updated to improve clarity, primarily around Biodiversity Net Change and Education Provision.
  - Reference to National Regulations and Guidance has been updated (where necessary) throughout the document, due to the introduction of new legislation during the consultation period.

### **Open Space Provision and Enhancement SPD (Appendix D)**

- 4.14 The Open Space Provision and Enhancement SPD sets out the Council's approach to seeking high quality open spaces for new developments and/or to enhance existing open spaces throughout the Borough. It works towards achieving the Council's strategic priorities of supporting a strong, thriving, inclusive and well-connected local economy and by creating green and vibrant places that reflect our heritage and culture.
- 4.15 Overall, out of the 28 consultation responses received, 19 made comments on the draft Open Space Provision and Enhancement SPD. The headline changes made in response to the main issues raised are as follows:
- The most significant change is the way in which open space provision is calculated. A number of developers objected to the use of a 'maximum occupancy rate' for the calculation (specifically the figures used for the maximum occupancy). Therefore, officers have reviewed this, and a more realistic assumed maximum occupancy rate is set out for use in line with a similar approach taken by neighbouring local planning authorities.
  - Additional text has been added to some paragraphs to improve clarity.

- Reference to National Regulations and Guidance has been updated (where necessary) throughout the document, due to the introduction of new legislation during the consultation period.

## **Transport and Travel SPD (Appendix E)**

- 4.16 The Transport and Travel SPD builds upon policies set out in the Local Plan and provides consistent guidance to applicants on access and transport requirements for new developments and re-developments. It sets out the Council's approach and expectations for new developments and re-developments in relation to walking, cycling, wheeling, public transport, ultra-low or zero emission vehicles, parking standards, freight management, air quality, noise, and travel plans.
- 4.17 Overall, out of the 28 consultation responses received, 19 made comments on the draft Transport and Travel SPD. There were no comments/objections raised that led to any significant changes; however, some text has been amended or removed in parts to improve clarity. As with the other SPDs, reference to national policy has been updated (where necessary) accordingly.

## **5. Consideration of Alternatives**

- 5.1 The alternative of not adopting the first tranche SPDs could have a negative impact on the residents, employees and visitors to the Borough, who could potentially miss out on financial contributions towards health and education facilities, affordable housing, new and/or enhanced public open space, and new and improved highway infrastructure, including new active travel routes. The opportunity to ensure that new development is shaped and designed to a high quality via the provision of additional detailed guidance in the new SPDs to supplement Local Plan policies would be lost.
- 5.2 The existing SPDs are quickly becoming out of date, most refer to both national and local policy that has been superseded with new planning policy and are in some instances no-longer fit for purpose. To not adopt the new first tranche of SPDs would leave the Council continuing to rely on these ageing documents, and the increasingly limited weight they can be given as they become more out-of-date over time.

## **6. Conclusions**

- 6.1 Upon adoption, the first tranche of new Supplementary Planning Documents that are the subject of this report will be a material consideration in the determination of planning applications in the Borough and will, therefore, have a pivotal role in the delivery of high-quality development in accordance with the adopted Local Plan. Cabinet is therefore requested to consider and approve the recommendations in Section 2 of this report.

## **7. Legal Implications**

- 7.1 Government guidance states that SPDs cannot introduce new planning policies into the development plan, nor can they add unnecessarily to the financial burdens on development; therefore, the content of all four of the first tranche SPDs has been considered carefully throughout their development to ensure alignment.
- 7.2 More generally, the new SPDs have been prepared in accordance with the requirements of relevant legislation (including the statutory consultation requirements) and, in accordance with relevant legislation, an 'adoption statement' relating to the SPDs will also be produced and made available to the public. Once adopted, the SPDs will become a material consideration in the determination of planning applications in the Borough.

## **8. Financial Implications**

- 8.1 The Developer Contributions SPD will help to secure funding from new developments towards new infrastructure and facilities within the Borough, The SPD will also provide greater clarity to developers on the financial contributions that will be expected from proposed developments in accordance with the Local Plan.

## **9. Equality Impact Assessment**

- 9.1 The detailed Equality Impact Assessment produced to support statutory consultation on all four first tranche SPDs has been reviewed and updated to reflect the findings of the public consultation and is provided at Appendix F.
- 9.2 The SPDs expand upon existing policies in the Local Plan that are currently being used by Officers when making decisions on planning applications and, therefore, should not affect these decisions; however, as they provide significantly more detail on their specific policy topic areas, they will support Officers in making better informed decisions and give applicants clearer guidance on what is required, which can only have positive results for the Borough's residents, businesses and visitors.

## **10. Social Value**

- 10.1 Proposed development in the Local Plan will help sustain local businesses and projects, driving improved environmental, economic and social wellbeing, particularly through its environmental and health and wellbeing policies. Social Value will also be directly addressed in a future SPD to be prepared following adoption of the current first tranche of SPDs.

## **11. Net Zero and Environment**

- 11.1 The proposed Open Space Provision and Enhancement SPD sets out the Council's approach to seeking high quality open spaces for new

developments and/or enhance existing open spaces throughout the Borough. When considered as a whole, open space fulfils a variety of important functions e.g. it provides opportunities for formal and informal recreation and activities, play and social interaction, environmental enhancement and attractiveness, wildlife conservation, education, food growing, and quiet contemplation. It provides strong health and well-being benefits for local people and, moreover, provision of new and/or enhancement of existing open spaces will support the Council's Climate Change Emergency declaration.

- 11.2 The proposed Developer Contributions SPD will help to secure contributions to support new development, including for biodiversity, flood risk, public open space, and public realm with respect to environmental matters, where appropriate to do so.
- 11.3 The proposed Transport and Travel SPD sets out the Council's approach and expectations for new developments and re-developments in relation to walking, cycling, wheeling, public transport, ultra-low or zero emission vehicles, parking standards, freight management, air quality, noise, and travel plans, all of which are matters that can impact on the environment.
- 11.4 The Design SPD offers guidance and interpretation on how a high standard of design can be met at any scale of development, from a simple single storey extension to a large logistic warehouse and supplements the Local Plan's policies covering high quality design and measures to adapt to climate change.

## **12. Health and Wellbeing**

- 12.1 Open space fulfils a variety of important functions as set out in paragraph 11.1 above. The Open Space Provision and Enhancement SPD provides guidance to applicants and developers of the amount, type and location of new open spaces that will be enjoyed by not only new residents but also existing communities.
- 12.2 The proposed Transport and Travel SPD provides guidance on the requirements for links, including active travel links between proposed residential areas and employment areas. It marks a fundamental step change in how planning applications will be assessed in transport terms in the Borough, that prioritises other transport modal options as alternatives to car use, to permit development that enhances its local area and prioritises climate change, health, access to opportunity and tackling social inclusion by enabling sustainable and active mobility solutions as a priority within the development.
- 12.3 The proposed Developer Contributions SPD will help secure funding towards, open spaces and healthcare facilities helping to support the health and wellbeing of the Borough's population.



### **13. Customer and Resident**

- 13.1 The guidance in the proposed first tranche SPDs, taken together, will potentially have wide ranging and significant positive impacts for residents, businesses and visitors to the Borough. For example, this will be achieved through the provision of affordable homes, supporting infrastructure such as health, education, transport (and active modes of travel that will offer health and wellbeing opportunities), and open spaces. This will be in the context of an improved environment and delivered through high quality design. As the proposed first tranche SPDs provide more guidance on Local Plan policies they will deliver benefits to residents across the Borough, whilst supporting the delivery of the necessary growth.
- 13.2 The development of the first tranche SPDs has been informed and shaped by the views of customers and residents of the Borough through the consultation exercises at the different stages of SPD preparation, as set out in Section 4.

### **14. Asset and Property**

- 14.1 There are no direct asset and property implications arising from the specific recommendations of this report.
- 14.2 The Open Space Provision and Enhancement SPD and the Developer Contributions SPD (along with the overarching Local Plan policies) provide a policy framework to secure developer contributions for the enhancement of existing assets and property, where appropriate to do so. This may provide a positive impact on Council owned assets and property in terms of providing opportunities for their enhancement, where there is justification for such.

### **15. Staffing and People Management**

- 15.1 There are no direct staffing and human resource implications arising from the specific recommendations of this report.
- 15.2 The adoption of the proposed first tranche SPDs will assist in the determination of planning applications by those working in the Planning Service, with support from colleagues from across the Council, including, but not limited to those in the Education Teams, Open Spaces Team and Regeneration Service who will work proactively to secure the positive delivery of the proposed SPDs alongside the Local Plan. Therefore, no additional human resources are anticipated upon adoption of the four proposed first tranche SPDs.

### **16. Risks**

- 16.1 As the Local Plan was considered in significant detail as part of the Examination in Public by independent Planning Inspectors, who concluded that the policies and allocations within the Local Plan were sound, the risk associated with adopting the proposed first tranche SPDs is considered

minimal as they only provide further detail to existing policies of the adopted Local Plan and do not themselves introduce new or additional policy requirements.

- 16.2 Furthermore, as confirmed in Section 7, the new SPDs have been prepared in accordance with the requirements of relevant legislation (including the statutory consultation requirements).

## **17. Policy Framework Implications**

- 17.1 The proposed SPDs will provide additional guidance to aid the implementation of policies contained in the adopted St Helens Borough Local Plan up to 2037, thereby supporting all six priorities of Our Borough Strategy. They do not introduce new policies or financial burdens and are capable of being a material consideration in planning decisions but are not part of the Development Plan.

## **18. Impact and Opportunities on Localities**

- 18.1 The adopted Local Plan will shape the growth of the entire Borough to 2037, including all the communities within it, and the proposed first tranche SPDs provide further borough-wide guidance and detail to policies of the Local Plan. This will help to ensure new development in the Borough makes a positive impact on localities and provides opportunities for localities.

## **19. Background Documents**

- 19.1 St Helens Borough Local Plan up to 2037
- 19.2 Bold Forest Park Area Action Plan (AAP), July 2017
- 19.3 National Planning Policy Framework (2023)
- 19.4 National Planning Practice Guidance
- 19.5 The National Design Guide (2019)
- 19.6 The National Modal Design Guide (2021)
- 19.7 The Fields in Trust 'Guidance for Outdoor Sport and Play: 'Beyond the Six Acre Standard' (2015)
- 19.8 St Helens Open Space, Sport, and Recreation Evidence Base
- 19.9 St Helens Borough Strategy (2021–2030)
- 19.10 St Helens Active Lives Strategy (2022-2027)
- 19.11 The Healthy Weight Declaration
- 19.12 Decarbonising Transport: A Better, Greener Britain (2021)

- 19.13 The St Helens Active Lives Strategy (2022-2027)
- 19.14 The St Helens Local Cycling and Walking Improvement Plan (LCWIP) (2022)
- 19.15 The Highway Code (2022)
- 19.16 Decarbonising Transport – A Better, Greener Britain (2021)
- 19.17 Gear Change: A bold vision for cycling and walking (2020)
- 19.18 Bus Back Better: A National bus strategy for England (2021)
- 19.19 Future of Mobility: Urban Strategy (Moving Britain Ahead) (2019)
- 19.20 Inclusive Mobility A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure (2021)
- 19.21 Manual for Streets (2007)
- 19.22 Streets for a Healthy Life (2022)
- 19.23 St Helens Borough Council Infrastructure Delivery Plan (2020)
- 19.24 Building for a Healthy Life (2020)
- 19.25 Cycle Infrastructure Design (2020)
- 19.26 St Helens Council Pathway to Net Zero by 2040: Our Climate response Plan (2021)

## **20. Appendices**

- 20.1 Appendix A – Consultation Statement
- 20.2 Appendix B – Design Supplementary Planning Document
- 20.3 Appendix C – Developer Contributions Supplementary Planning Document
- 20.4 Appendix D – Open Space Provision and Enhancement Supplementary Planning Document
- 20.5 Appendix E – Transport and Travel Supplementary Planning Document
- 20.6 Appendix F – Equality Impact Assessment