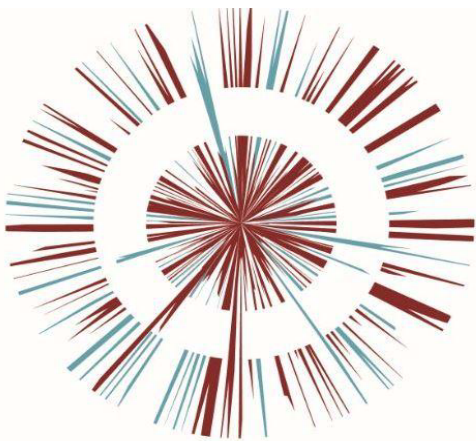




OMEGA ZONE 8, ST HELENS

Omega St Helens Ltd / T J Morris Ltd



Document Title
ES Vol. 2 Appendix 1.2
EIA Scoping Opinion
Document No. OPP DOC.11.18h



St.Helens Council

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Dear Mr Gardner

11th December 2019

TOWN AND COUNTRY PLANNING ACT 1990

Application Number: EIA/2019/0002/SCOPE

Proposal: EIA Scoping Request - Omega Zone 8.

Location: Land To West Of Lingley Mere Business Park, Lingley Green Avenue
Warrington

I refer to your request for a scoping opinion for the above site further to St Helens Council's confirmation that the proposed development is Environmental Impact Assessment (EIA) development.

Please note that this response just relates to the Scope of an EIA it does not include any comment on the scope or merits of any planning application that may be submitted.

The Scoping Report sets out that the scope of the Environmental Statement (ES) will be limited to the following topics:

- Air Quality
- Noise and Vibration
- Cultural Heritage
- Biodiversity
- Landscape and Visual
- Water

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- Transport
- Major Accident and Disasters
- Land and Soils
- Cumulative Effects

This letter will provide observations on the structure of the Environment Statement and then address each proposed chapter. I have also included a copy of each of the responses that I have received from consultees for the avoidance of doubt.

Observations and Structure of the report

It is proposed that the subsequent planning application will be hybrid in nature comprising of:

Full Planning Permission for the erection of a B8 warehouse, with ancillary offices, associated parking, infrastructure, and landscaping; and Outline Planning Permission for Manufacturing (B2) and Logistics (B8) development with ancillary offices and associated car parking, landscaping and infrastructure (detailed matters of appearance; layout and scale are reserved for subsequent approval).

Section 2.3 sets out the proposed development quantum as follows, with the development masterplan shown in Figure 1:

Full Planning Application

- Unit 1 B8 warehouse – comprises the northern half of the Site, 81,569sq.m, including two storey offices with staff facilities and the following external features:
 - a total of 632 car parking spaces' (474 for warehouse staff and 158 for office staff);
 - 164 HGV parking spaces;
 - 96 dock levellers for HGVs;
 - service yards;
 - an attenuation basin to the north-east and west of Unit 1; and
 - a link bridge between the staff car park and office facilities, accessed via escalators and lifts; and inbound and outbound gatehouse.

Outline Planning Application:

- up to 123,745sq.m of manufacturing (B2) and distribution/logistics (B8) (in a 30 per cent B2 to 70 per cent B8 ratio) over two – five units. At this stage the number of units has not been finalised and will be subject to change as the design progresses.

Any changes to the proposed development will need to be addressed within the ES and any other relevant reports.

The Environmental Statement that supports the planning application should include the following sections as a minimum:

- A non-technical summary;
- Detailed scope of works;
- Reference to key plans and legislation. It is essential that all relevant guidance and policies be complied with as appropriate;
- Detailed baseline review (associated with all development issues); and
- Detailed integrated assessment of all environmental impacts. This assessment needs to take into account the nature of impact (importance, magnitude and duration – quantified as appropriate), reversibility of impact, mitigation, monitoring measures (including reference to long-term management and maintenance measures/plans) and residual impacts.

The intention to consult best practice guidance to assist in preparing the EIA methodology and Environmental Statement (ES) is welcomed.

Chapter 1, point 1.3.3 and onwards through the report refers to a figure in acres. We believe you may actually be meaning hectares, this should be clarified.

Chapter 2, point 2.2.8, it isn't gas but Ethylene.

Chapter 2, point 2.3.5, the ES needs to set out when the outline will be fully operational. You indicated on your email of 25/11/2019 but this just needs to be set out in the ES.

Chapter 2, point 2.3.10 refers to the parameters height for the outline planning permission buildings as being 15 metres. You have since clarified on your email of 25/11/2019 that this figure is 19-20 metres. Worst case scenarios should be included within the ES.

Chapter 2, page 5 -6 the margin numbering reports. Could the numbers be checked throughout the report.

The ES should clearly set out the intended timescales for the full build out and phasing.

Page 11, chapter 3, point 3.9; '*Coordination of Assessments*' states that a Habitats Regulation Assessment (HRA) is not required. This is not consistent with the information contained within Chapter 8 (Biodiversity), whereby a HRA may be required depending on the outcome of the proposed surveys.

There is no reference to waste generation, whilst it is unlikely to be significant issue in terms of the EIA it will need to be considered as part of the planning application. Reference should be made to the Joint Merseyside and Halton Joint Waste Local Plan, in particular policies WM8 and WM9.

Alternatives

Alternatives have not been referred to in the scoping report, however, appendix E provides the proposed structure of the ES and chapter 4 does state you will provide a chapter which considers alternatives. The inclusion of alternatives is necessary to meet the requirements of the legislation and put the proposed specifics of the development into context.

Chapter 2, points 2.3.1 – 2.3.4 set out the applicant's intention to enter into a legal agreement to revoke the B1 floorspace (59,456sq.m) approved as part of 2017/30371 in relation to land within Warrington. It is understood that this is therefore the premise for a reduction in vehicle movements already accounted for on the existing network and is in turn relevant to the assessment of traffic, air quality and noise. Warrington Borough Council (WBC) has advised the applicant's intention to seek to revoke the B1 consent requires further detailed assessment and officers at WBC have raised concerns regarding potential uncertainties and implications for land within Warrington. The ES should consider the alternative of the revocation not occurring.

It would be helpful to see how the consideration of alternatives would be considered in the ES.

Cumulative Impacts

The scoping report methodology for assessing and identifying committed developments is acceptable, for the avoidance of doubt, we are not aware of any developments in St Helens which are relevant. However, we suggest that Warrington Council are consulted in order to identify any relevant developments in the area.

Planning Policy Review

The Bold Forest Area Action Plan 2017 also needs to be referred to.

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Scoped Out

Schedule 4 of the regulations outlines the information for inclusion in Environmental Statements.

The submitted Scoping Report intends to scope out the following areas:

- Heat and Radiation
- Population and Health
- Climate
- Material Assets

It is agreed that heat and radiation can be scoped out.

Population and Health should be scoped into the report. The site is within Green Belt and you have explained that part of your case for very special circumstances will provide significant economic benefits including job opportunities and employment. Population and Health should therefore be scoped into the ES.

It is agreed that climate change can be scoped out as an individual chapter, however climate change should be addressed within each of the chapters, including human health, air quality and flood risk and consider climate effects both to and from the development and climate resilience measure including consideration of decentralised energy. Natural England have reviewed the scoping report and advise 'The England Biodiversity Strategy published by Defra' is reviewed as it establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained.

The Scoping Report does not appear to make any reference to sustainability and renewable energy. Given the scale of the proposal, it should be possible for this type of development to incorporate some sort of decentralized, low carbon or renewable energy measures, such as photovoltaic cells, to reduce climate change impacts. This should be included within the chapters mentioned above.

The assessment of the likely impacts on material assets is considered reasonable, there are unlikely to be significant effects and material assets can therefore be scoped out of the ES.

Traffic and Transportation

The scoping report concludes that there is potential for significant effects to occur through both the construction and operational stage of the development and therefore transport will be scoped in.

Mott MacDonald has been commissioned by St Helens Council to undertake a review of the transport elements within the Environmental Impact Assessment (EIA) scoping report submission. The observations made below should be included with the ES and any associated reports.

1. Mott MacDonald are content that the proposed EIA approach is in accordance with IEMA guidelines.
2. Point 2.3.1 – 2.3.4 on page 6 refers to the revocation of planning application 2017/30371.
3. The transport submission must clearly state its assumptions and the methodology for assessment with regards to the emerging wider Omega site, including, the alteration to Zones 3-6.
4. The alterations in vehicular demands and vehicle movements associated with the trip transfer from the B1 at zones 3-6 (replaced with zone 8) need to be clearly outlined in staged traffic flow diagrams within the transport work, such that the changes and differences are readily apparent.

5. With regard to trip rates, It is acknowledged that there will be wider network differences associated with the altered extant permission on the Phase 4-7 site and the new Phase 8 site, and the traffic assessments should account for these differences between trip generation and set out the method used to assess the “with” development scenarios.
6. *‘Provide an undertaking that Omega Warrington Ltd will not implement any further development associated with outline planning consent 2003/01449 (as amended) granted by Warrington Borough Council’.* – What does this statement actually mean? The exact details need to be set out.
7. For the detailed application, parking provision should be indicated on the masterplan and include allocated parking for mobility impaired, motorcycle and cycle parking, HGVs, and electric charging points. Parking provision for the site should be realistic and ensure that the provision is sufficient particularly during times of shift change-over. Information regarding car park accumulation throughout the day is therefore requested
8. The transport submission should also set out the future year assessment scenarios including a 10-year post opening assessment in compliance with both Core Strategy and Highways England policy.
9. The strategic road network Planning for the future - A guide to working with Highways England on planning matters. Reference needs to be given to this document, and in particular the assessment requirements in terms of opening and design years.
10. Locating to sites where there is potential for users to walk or cycle to or from the site and/or the provision of cycle and walking facilities within the site, and/or the improvement of routes or facilities which serve the site should be a key requirement, along with the potential for public transport links to be enhanced. The links across the M62 to Bold are considered important in this instance.
11. Any disruption to the use of the PRow 102 must be considered within a Construction Environment Management Plan, amongst other relevant elements.
12. Walking and cycling connections to the area of St Helens north of the M62 (Bold etc) should be a focus of the assessment work, and improvements to the existing PRow across the M62 and opportunities to improve sustainable transport links to St Helens will need to be appropriately demonstrated.
13. Any future transport submission should consider Public Transport accessibility to the site, via both the existing Omega site (in Warrington) and also if possible, directly into St Helens.
14. With regards to paragraph 2.1.2; transport links in this instance should refer to both the road network and the sustainable links available to the zone 8 site.
15. The Council’s parking standards should be referenced in relation to cycle parking.
16. The scoping report should reference Public Transport accessibility. it is noted that the existing bus stops in the vicinity of the site are likely to exceed the preferred maximum 400m walk distance recommended in Inclusive Mobility (DfT, 2005) and this should be considered in any future transport submission.
17. A Framework Travel Plan is required and should set targets for mode share, ideally based on existing surveys from other Omega units. Should include specific details of the operational requirements of the occupant.

18. Paragraph 2.3.7 states. Information explaining how you stop HGV's travelling the south route (route 2).
19. Whilst it is acknowledged that Route 1 is the shortest route to the Strategic Road Network (SRN), more information will be required from a transport submission to demonstrate the volume of traffic travelling north towards the SRN and south towards Warrington to be able to determine the assignment of trips on the network.
20. Vehicle tracking will be required to support any application to demonstrate that the access roundabout and the internal circulation is safe and sufficient for both passenger cars and HGVs. Visibility splays at the proposed internal priority and roundabout junctions should also be provided.
21. Any submission should demonstrate the operational performance of both the internal site roundabouts using appropriate industry standard tools, such as Junctions9.
22. The impacts of Zone 8 should be considered as a whole.
23. Section 11.2 of the EIA; study area and proposed junctions for assessment, considered appropriate for the ES and TA requirements. However, given the location of these links and junctions the approach to data collection should be agreed with Warrington Borough Council and Highways England in the first instance.
24. The Omega Boulevard / Catalina Approach junction will connect the zone 8 site to the rest of the existing highway network via the Catalina Approach. Although this junction is within the Warrington boundary, it's operation will be of interest to St Helens as the operation and viability of the zone 8 site will depend on this junction.
25. Clarity should be provided in the assessment work with regards to the roundabout at the opposite end of Catalina Approach, in terms of the following;
- Location,
 - Design and sustainable travel inclusions,
 - Likely traffic assignments, and
 - Operational Assessment.
- This junction is located within the boundary of the full application (shown in green in Figure 7), and the associated infrastructure will need to be considered in the same detail as well.
26. It is noted that the traffic surveys are to be classified vehicle arrival and departure and will cover the hours 0500-1900. Justification for these hours is required if a 24 hour 7 operation is proposed and shift hours.
27. Paragraph 11.6.12 sets out the approach to trip distribution. The assignment of HGV movements that may travel through local junctions in the study area beyond M62 J8 will also need to be considered. Any assumptions associated with trip distribution and assignment should be set out in any future transport submission. The assignment of the car trips is not referenced in the scoping report, other than the Route 1 / Route 2 site traffic routing noted in Figure 5 of this Technical Note. The assessment work should reference assignment methodology for trips beyond junction 8, both in terms of arrivals and departures. The Distribution approach is considered appropriate in this instance.
28. The EIA Scoping Report set outs that a "reasonable worst case" approach will be undertaken in the ES that will assume a full build out scenario for the site. Mott MacDonald agree with this

approach in principle, but an opening year and future year (registration +10) scenario will be required. Alternative traffic growth factors from TEMPro will be required to form the basis of the future year scenarios.

29. Given the location of the links and junctions within the study area, Mott MacDonald suggest the approach to capacity assessment is agreed with Warrington Borough Council and Highways England.
30. Accident analysis should be undertaken for the most recently available five-year period using STATS19 data, for all links and junctions within the study area.

A Transport Infrastructure Study is being developed by St Helen's Council which the ES should refer to. The point of contact is Mark Osbourne.

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Principal Transport Officer
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Highways England

Highways England have reviewed the Transport chapter contained in the EIA Scoping Note and have commented to say that the information presented regarding traffic assessment methodology appears to be as agreed with yourselves as applicant through a scoping meeting held on 15 May 2019 and two subsequent scoping note reviews.

The scoping report is therefore considered to provide an assessment consistent with the Transport Assessment.

Highways England have recommended that the two comments below be including within the ES which the Local Planning Authority agree with.

1. Section 11.3.2, in combination with DfT TemPRO growth rates, the committed developments within and beyond the Omega site should be included in future year baseline traffic movements.
2. Table 11-4 details elements scoped in and out of the assessment based on change in volume of traffic over baseline, but no traffic flow information to demonstrate the development impact appears to be presented to support this. This should be included.

If you require any further information the relevant point of contact at Highways England is Adam Johnson whose contact details are below;

Adam Johnson, Assistant Spatial Planner
Highways England,
Piccadilly Gate,
Store Street,
Manchester,
M1 2WD
Tel: +44 (0) 300 4704881
Web: <http://www.highwaysengland.co.uk>

Warrington

Warrington Borough Council (WBC) have commented to say a Transport Assessment (TA) will be required to accompany any planning application for the proposed development and this should address its potential implications on the transport network by means of capacity assessments, detailed analysis and an overview of potential impacts including accident analysis using STATS19 data together with an overview of the highway design issues; the Council has its own Design Guide

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which is still relevant. The TA should also include an assessment of parking and servicing requirements and, importantly, demonstrate that the site is accessible by sustainable transport and that a sustainable development can be delivered that is convenient to the workforce.

The information included within the Transport Section of the EIA Scoping Report provides a useful starting point and scoping discussions between the applicant, Warrington, St Helens and Highways England have been ongoing and it is essential that this dialogue continues. The TA will then inform the highway and transportation issues covered within the EIA report.

The EIA should consider the specific effects on all travellers (including pedestrians and cyclists) associated with the proposal and it is anticipated that the TA will form the basis for any issues including impacts on local traffic; the issues highlighted within the Transport Section are appropriate but the EIA should also consider change in travel patterns. A clear distinction will be required between the construction-related impacts, for which substantial detail will be required in terms of the import and export of material and the associated movements, and the operational impacts.

Reference in Transport Section of the EIA Scoping Report is made to the *Guidelines on the Environmental Assessment of Road Traffic (1993)* published by the Institute of Environmental Management and Assessment but this guidance is dated and references within it to the Department of Transport's *Manual of Environmental Appraisal (1983)* are considered outdated and no longer relevant, in particular the percentage traffic flow changes as indicated in Table 11-5 of the Scoping Report. Guidance within Chapter 11 of the Design Manual for Roads and Bridges therefore needs consideration particularly in respect of magnitude and significance of impact.

Subject to the above comments, Traffic and Transportation should be scoped into the ES.

Noise

The scoping report concludes that significant effects are likely to occur through both the construction and operational stage of the development and therefore noise and vibration are proposed to be scoped in with a Noise and Vibration Assessment.

The Council's Scientific Officer (Environmental Health noise) has reviewed the scoping report and is generally satisfied with the elements to be scoped in, the guidance to be adopted to carry out the assessment and the proposed methodology by which the assessment of construction and operational noise will be carried out for this scheme. The officer has made the following observations;

- The study area identifies a 300 metre radius. The report identifies that there are sensitive receptors within 500m of the proposed area of study. The study area should be 500 metres and assess the potential impacts of both the construction and operational phases.
- The cumulative impact of the operational phase has not been mentioned in any detail and should therefore be covered in the ES report.
- The report focusses primarily on the operations assessment of noise, however, noise and vibration associated by the construction phase should be fully addressed. A CEMP is being proposed within the documentation to address the potential impacts of the construction phase.
- Some baseline monitoring has already been undertaken to inform the scoping opinion at 4 locations around the site. The locations are representative of the nearest residential dwellings to the proposed development. This data should be used to undertake calculations/modelling to determine the impact of the development and should be provided in any report which accompanies any future submission.
- The cumulative impact of the operational phase has not been mentioned in any detail but should be covered in and EIA supporting documentation. We would suggest the organisation responsible for carrying out the noise/vibration assessment in support of the proposal get in

touch with the Environmental Health section to agree the specifics of the methodology and noise assessment prior to additional baseline assessment being undertaken. Contact details are provided below.

- Operational noise shall include plant equipment.

The noise officer has also noted that an email dated 13th November has been received from WSP seeking agreement for the scope and approach of the noise and vibration work to be carried out. The officer has confirmed they are satisfied with the assessment approach and the methodology being utilised to assess the potential noise and vibration impacts associated with the proposed scheme in both the construction and operational phases of the development.

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07889591577

Mitigation measures referred to in 6.4.3 in particular earth mounding will also form part of the assessment on Green Belt and design and therefore precise details should be provided.

Subject to the above comments, noise and vibration should be scoped into the ES.

Warrington

Warrington Borough Council (WBC) have commented to say that the proposed scoping for noise assessment is noted and is acceptable in this location. They state that noise surveys have already been carried out and will be compared to relevant standards at identified receptors. Identification of impacts (if any) will be presented in the final report for full consideration.

Air Quality

The scoping report correctly identifies the site as not being within an Air Quality Management Area (AQMA), however the northern edge of the site is adjacent to the Motorways AQMA declared by Warrington Borough Council and accordingly consultation should be carried out with their Environmental Health Department.

The scoping report concludes that significant effects are likely to occur through both the construction and operational stage of the development and therefore air quality is proposed to be scoped in with an Air Quality assessment for both construction and operational phases in line with the IAQM guidance using ADMS-Roads.

The Council's Air Quality Officer has reviewed the scoping report and generally agrees with the proposed methodology, however, the impact of the mitigation measures must be quantified for the operational phase.

With regards to data references, the latest monitored data from both Warrington and St Helens should be included within the ES along with any committed major developments. Point 5.3.17 refers to St Helens Council's 2017 Air Quality Annual Status Report (ASR). A 2019 ASR is also available, which the Council's Air Quality officer has explained has been sent onto your consultants along with data for use in the assessment for the ES.

Natural England have also reviewed the scoping report and have advised that information on air pollution impacts and the sensitivity of different habitats/designated sites can also be found on the Air Pollution Information System (www.apis.ac.uk).

Warrington

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Warrington Borough Council (WBC) have commented to say they agree with the methodology for the air quality assessment and would advise the consultant preparing the assessment to contact Richard Moore at WBC to agree the detail in the assessment.

Subject to the above comments, Air Quality should be scoped into the ES.

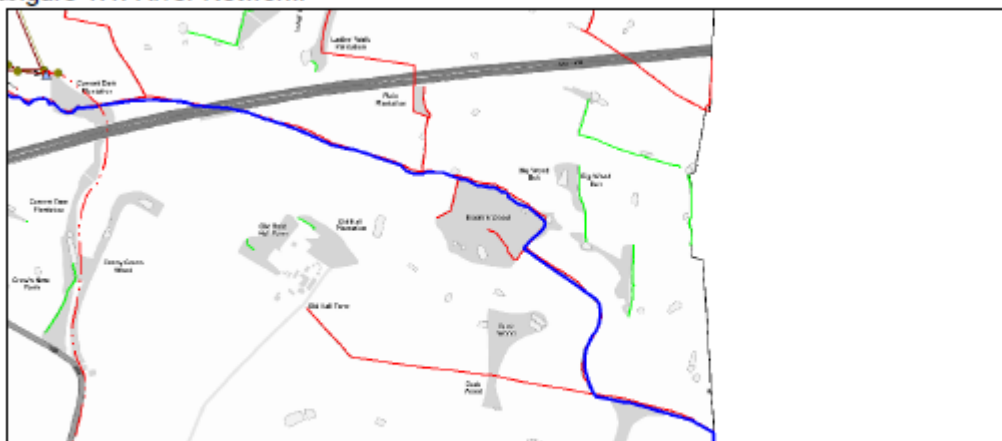
Flood Risk and Drainage

The masterplan identified in figure 3 identifies a significant area of development on undeveloped greenfield land and proposes the removal of unclassified watercourses and ponds and re-alignment/diversion of a main river. Accordingly the scoping report concludes that significant effects are likely to occur and therefore a Flood Risk Assessment (FRA) and Drainage Strategy for both construction and operational phases will be included with the ES.

The Lead Local Flood Authority have reviewed the scoping report and the items contained in table 10.1 to be scoped in. In terms of the removal/alteration of the unclassified watercourses in the development please, the LLFA have provided a map below which identifies some of the known watercourses (in green) on the development site. These should be included with the ES and investigation for connections points to the wider network.

In terms of the re-alignment of the main river (blue line), this comes under the responsibility of the Environment Agency. The ES shall include, if possible, any correspondence from the EA regarding the re-alignment of the main river. The ES should also consider alternative site layouts which would avoid the diversion of the river.

Figure 1.1: River Network:



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The LLFA do have management responsibility of the ordinary watercourses (red line) and have advised they would not support the removal or realignment of the ordinary watercourses or culverting. The ES should clearly identify what is proposed for the ordinary watercourse to the west of the site and to the east of the site on the area identified as 'expansion land' along with any mitigation to these watercourses.

In terms of the removal or alteration of the watercourses (red, blue lines and green and any others not shown) in the development, where the proposals involve the alteration of the river network then assessment and modelling must be undertaken to show that upstream flood risk is not affected or improved. The watercourses either have Environment Agency or Local Authority easements associated with them; in the Local Authority case we have Byelaws of a minimum of 8m easement of any development. The ES should include confirmation that the watercourses (green) do not connect to anything and therefore effect flood risk elsewhere.

The LLFA require the known watercourses on the site (identified in green) to be investigated for connections points to the wider network.

In terms of the proposed assessment methodology the starting point for the FRA and the Drainage Report will be to accord with the SUDs hierarchy and demonstrate how any proposed scheme would accord with the WFD requirements. The LLFA has explained that this will include;

1. Infiltration testing must be carried out, minimum of Digest 365.
2. Discharge of water; For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event
3. Surface water volume control; Where reasonably practicable, for greenfield development, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event should never exceed the greenfield runoff volume for the same event. The climate change for this development must be a minimum of 40%. The placements of ponds need to be integrated in the river network and access for maintenance provided.
4. The area to the west of the development is Greenfield, therefore the FRA should demonstrate how betterment can be made to this location. Testing of watercourses for water quality is supported but must be undertaken prior to development.
5. The management of surface water should also include management details for any SuDS on the scheme such as the basins.
6. LLFA surface water overland routing must be provided for this development for both where water is expected to flow during rain events and when flooding exceeds the design capacity of the network. The overland flood routing ties in the finished floor levels, where the NPPF guidance of a minimum of 300mm distance should be adhered to; where flooding is expected from either the flood plains or surface water the developments should assess the finished floor levels accordingly.
7. The development is upstream and adjacent to the boundary of Warrington; please engage with Warrington Borough Council lead Local Flood Authority for downstream flood risk at his location. The Warrington equivalents may have conditions or requirements which may be greater than that of St Helens Council. AS part of catchment management, partnership work and the Flood and Water Management Act 2010 St Helens Council will take the views of the Warrington Drainage Team in assessing this development.

Details of what would be required for the FRA and drainage scheme have been attached to this letter.

In terms of legislative framework the development must also follow the Government Sustainable Drainage Systems Non-statutory technical standards for sustainable drainage systems (March 2015).

The mitigation measures set out in point 10.4 shall also include details for the expansion area and the CEMP should be included within any phasing scheme for the site and how it relates to the full and outline element of the proposal.

MEAS have commented to say that any drainage scheme should be of a design which provides high quality wetland habitat and is designed for biodiversity as well.

United Utilities have been consulted but have confirmed they do not comment on scoping reports. The development is adjacent to Lingley Mere which is the headquarters to United Utilities; please engage with United Utilities for any potential requirements. A number of watercourses on this site may drain or provide water to the Lingley Mere Estate; therefore careful consideration must be undertaken if alterations to the watercourses are proposed.

The Environment Agency (EA)

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The EA have commented to say that they are in agreement with the proposed scope of the Environmental Statement. They have provided the following comments/points which they expect to be included within any planning application;

- a detailed Flood Risk Assessment will be undertaken for the scheme
- a Water Framework Directive assessment will be carried out in relation to the diversion of main river
- Section 7.0 within the Phase 1 Geo-Environment Assessment (WSP ref 11158(02) May 2019) recommends investigation works are undertaken which include characterising the infilled materials within the ponds on site. Because groundwater may be present at a shallow depth within Zone 8 and could be in hydraulic continuity with surface water features we recommend an appropriate number of groundwater samples are recovered (as a minimum three) to determine whether any further works are required to mitigate risks to controlled waters during the re-development of the site. We recommend the risks to controlled waters are addressed by referring to our published Land contamination technical guidance on the direct.gov website which outlines the approach we would wish to see adopted to managing risks to the water environment from the development.

Warrington

No comments have been received from Warrington Borough Council.

Subject to the above comments, Flood Risk and Drainage should be scoped into the ES.

Land and Soils

The Scoping report has considered agricultural land and contaminated land separately.

With regards to agricultural land, the scoping report has reviewed the Agricultural Land Classification (ALC) system which shows the site as Grade 2, which is very good agricultural land. As there is no detailed ALC for the site you are proposing to undertake a detailed soil and ALC survey to establish the ALC for this site. The scoping report concludes that as approximately 52ha of agricultural land would be lost it is proposed to scope in.

Natural England (NE) have reviewed the scoping report and request that soils should be considered in the context of the sustainable use of land and the ecosystem services they provide as a natural resource, as also highlighted in paragraph 170 of the NPPF. They have also requested the following issues be included within the ES which do align with some of the mitigation measures which are proposed:

1. The degree to which soils are going to be disturbed/harmed as part of this development and whether 'best and most versatile' agricultural land is involved. For further information on the availability of existing agricultural land classification (ALC) information see www.magic.gov.uk. Natural England Technical Information Note 049 - Agricultural Land Classification: protecting the best and most versatile agricultural land also contains useful background information.
2. They agree that an agricultural land classification and soil survey of the land should be undertaken. This should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres.
3. The Environmental Statement should provide details of how any adverse impacts on soils can be minimised with guidance on this contained in the Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites.

Accordingly, agricultural land should be scoped into the EIA.

With regards to contaminated land, the scoping report states a phase 1 desk study was undertaken in May 2019 to determine the potential contaminated land and geotechnical constraints. The report

concludes that there are no contamination issues that would result in any significant environmental effects that require consideration as part of an EIA.

The Council's Contaminated Land Officer have reviewed the scoping report and agree that overall there are no anticipated to be any significant environment effects associated with ground contamination and this can be scoped out of the ES. The Environment Agency were consulted but have provided any comments we would therefore recommend you consult with them and provide any correspondence within the ES.

A phase 2 site investigation has been proposed, which will target the localised potentially infilled ponds and assess the suitability across the site for the re-use. The Councils Contaminated Land officer agrees with this approach and has advised that if there are localised areas of contamination then a remedial strategy will be required to deal with this along with a subsequent validation report.

The triangular north west area has not been included. Clarification on whether this area would be surveyed within the phase 2 investigation is required.

The Coal Authority have been consulted and have confirmed to the LPA that, whilst the proposed development site falls within the coalfield, it is located outside the defined Development High Risk Area; meaning that there are no recorded coal mining legacy hazards at shallow depth that could pose a risk to land stability.

Accordingly, The Coal Authority have advised that there is no requirement to consider coal mining legacy as part of the ES. Land stability in relation to coal mining legacy can therefore be scoped out.

Cultural Heritage and Archaeology

The Scoping report has identified no designated heritage assets within the site boundary, three non-designated heritage assets within the 200 metre inner study area and fifteen statutory designated heritage assets within a 2km study area from the site. The scoping report concludes that significant effects are likely to occur through both the construction and operational stage of the development through site clearance and excavation and change in views and therefore will be scoped in.

Merseyside Environmental Advisory Service (MEAS) have reviewed the report and have asked for the inner study area (currently set at 200m from the site) to be increased to a 1km buffer due to the size of the site.

Historic England have made the following observations;

- The ES should contain a thorough assessment of the likely effects which the proposed development might have upon those elements which contribute to the significance of these assets.
- The ES shall considers the potential impacts on non-designated features of historic, architectural, archaeological or artistic interests.
- The ES should also take account of the potential impact which associated activities (construction, servicing, maintenance and associated traffic) might have upon perceptions, understanding and appreciation of the heritage assets in the area.
- The ES should also consider, where appropriate, the likelihood of alterations to drainage patterns that might lead to in situ decomposition or destruction of below ground archaeological remains and deposits. This is particularly the case with moated sites, such as the three examples schedule as ancient monuments which are identified in chapter 7, table 7-4 of the scoping report and have been scoped into the assessment and can lead to subsidence of buildings and monuments.

Warrington

No comments have been received from Warrington Borough Council.

Subject to the above comments, the scope of the chapter is considered to be acceptable.

Biodiversity

The Scoping report confirms a 2km desk study has been undertaken. The following field surveys, which were agreed with MEAS have been undertaken or are currently ongoing;

- Habitat survey;
- Bats;
- Badger;
- Great crested newt;
- Reptiles;
- Breeding birds;
- Non-breeding bird survey;
- Water vole;
- Aquatic invertebrates; and
- Fish.

The scoping report concludes that significant effects are likely to occur through both the construction and operational stage of the development due to the loss of woodland, ponds, hedgerow and other valuable on-site habitats and therefore will be scoped in.

Merseyside Environmental Advisory Service (MEAS) have reviewed the report and consider the scope of surveys and ecological issues scoped into the EIA as acceptable. Assessment is to be undertaken following CIEEM Guidelines for Ecological Impact Assessment in the UK and Ireland (2018), which is appropriate.

The need for a wintering bird survey (referred also as non-breeding bird survey) is agreed with as the farmland areas are used by priority species as wintering areas. Mitigation measures should for farmland species and habitats, such as Skylark should be included. Point 8.3.4 states that negative results by the December 2019 survey will be regarded as sufficient evidence that the site is not supporting special protection areas qualifying species. MEAS have advised that to avoid the risk of non-breeding bird survey being unacceptable and the Council being unable to complete the Habitat Regulation Assessment (HRA), which is required before planning permission can be granted, any cessation of survey must be agreed with MEAS.

Only the Phase 1 habitat survey is provided within Appendix C and D of the scoping report. Any applications submitted will need to provide all of the ecological surveys and specific mitigation measures to address any impacts.

The Councils Countryside Development and Woodlands officer has also commented to say that there is no reference to brown hares (a priority species) as identified within point 6.4.3(v) of the Bold Forest Area Action Plan. These are a feature of this area and whilst it is highly likely that their population has reduced since the construction of the Omega site to the east, they are still present and so any surveys need to assess this species and look to avoid further harm and clearly mitigate for impacts to them.

The mitigation hierarchy as required by NPPF, paragraph 175 should be followed. The EIA will need to clearly identify and quantify impacts and losses to habitats and species and must clearly set out how impacts have been avoided or are to be mitigated or compensated.

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Current site plans do not show how loss of habitats will be mitigated or compensated within the proposed ecological mitigation zone. The development as it is currently shown would result in loss of connected habitat to Booths Wood LWS and this is likely to adversely affect this site through loss of ecological connectivity to the wider landscape.

Natural England have made the following observations;

- The potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included.
- The ES should thoroughly assess the potential for the proposal to affect Internationally and Nationally Designated sites in line with up to date legislation and the NPPF.
- The ES should consider any impacts upon local wildlife and geological sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures.
- The ES should thoroughly assess the impact of the proposals on protected species, habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006.
- Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.

The Environment Agency (EA)

The EA have provided the following comment which they expect to be included within any planning application;

- The scoping document references biodiversity net gain and opportunities for ecological enhancement which will be considered during the design process.

Warrington

Warrington Borough Council (WBC) have commented to say that 'Greater Manchester Ecology Unit' have reviewed the scoping request document on behalf of WBC and generally agree with the scope of ecology surveys which have been undertaken, or are planned. They also raised the following recommendations;

- The Avoidance of impacts on the most valuable habitats present as the first consideration
- The presence of brown hares on the site (hares are present on the wider Omega site) and the need to mitigate any harmful effects on hares
- The need, where possible, to achieve biodiversity net gain from the development, in line with the recommendations of the NPPF (para 170). It may be necessary to consider the provision of habitats off-site to achieve net gain.
- The need for an Arboriculture survey and a Tree Strategy for the site
- The need for a holistic, integrated Landscape Strategy for the site, integrated with the Landscape Strategy for the existing Omega developments within Warrington

Subject to the above comments, the scope of the chapter is considered to be acceptable.

Landscape and Visual Impact Assessment

The Scoping reports describes the character of the site and identifies the site as being low lying, flat agricultural land with ditches and ponds on. The scoping report concludes that significant effects are likely to occur through both the construction and operational stage of the development on landscape receptors, the site landscape and the wider area and therefore will be scoped in.

The Councils Countryside Development and Woodlands officer has reviewed the visual receptors listed in table 9.1 and considers them to be sufficient for the purpose of the LVIA. If there are significant changes in landscape character then this may need to be included within the assessment.

The 'Existing Baseline Conditions' (EBC) and 'Landscape Designations' (LD) within the ES must acknowledge the following designations and issues and explain how the impacts will be mitigated or compensated;

1 - The location of the site in a Medieval Deer Park

2 – The proposed development site contains protected woodlands covered by the protection of Tree Preservation Order TPO 5/2 which is an extensive tree preservation order covering most of the woodland areas north and south of the M62 of the former Bold Estate.

3 – The proposed development site is within the Bold Forest Park and therefore affected by the policies within the Bold Forest Park Area Action Plan. Consideration needs to be given to the protection of the Forest Park Landscape, the increasing of tree cover and the enhancement of it's ecological value. In particular it must be compliant with Core Strategy Policy CQL 4 Heritage and Landscape, which seeks to achieve enhancement of St.Helens Landscape Character through a range of measures, including ensuring that all new development respects the significance and distinctive quality of the landscape character

4 – The area lies within the Sankey Catchment Action Plan Area and so should seek to address the aims and objectives of the plan particularly in terms of biodiversity and principles of "Slowing the Flow" to reduce impacts on flooding within the catchment

In order to set out appropriate mitigation measures and assess the full impacts, the ES must also be supported by an Arboricultural Impact Assessment to BS5837 (2012) which includes a tree survey and a tree protection plan and methodologies including arboricultural supervision). The assessment must look fully at the context of the woodlands within the wider landscape.

The principles of a mitigation hierarchy, with the use of avoidance of impacts appearing to be absent from the design approach.

Natural England have also reviewed the scoping report. The elements to be scoped in with the ES should also include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography.

Warrington

No comments have been received from Warrington Borough Council.

Accordingly, Landscape and Visual Impact Assessment should be scoped into the ES and the scope should be expanded to include the above points.

Major accidents and disasters

The scope of the chapter seems acceptable, although we suggest that you consult with the Health and Safety Executive (HSE).

Should you wish to discuss any of the above, please do not hesitate to contact me.

Yours sincerely,

Miss Jennifer Bolton
Miss Jennifer Bolton
Senior Planning Officer