

St Helens Metropolitan Borough Council
Town Hall
Victoria Square
St. Helens
Merseyside
WA10 1HP

Our ref: SO/2020/120013/01-L01
Your ref: P/2020/0061/HYBR
Date: 31 March 2020

FAO Jennifer Bolton

Dear Madam

HYBRID PLANNING APPLICATION-

(I) FULL PLANNING PERMISSION FOR THE ERECTION OF A B8 LOGISTICS WAREHOUSE, WITH ANCILLARY OFFICES, ASSOCIATED CAR PARKING, INFRASTRUCTURE AND LANDSCAPING; AND

(II) (II) OUTLINE PLANNING PERMISSION FOR MANUFACTURING (B2) AND LOGISTICS (B8) DEVELOPMENT WITH ANCILLARY OFFICES AND ASSOCIATED ACCESS INFRASTRUCTURE WORKS (DETAILED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE ARE RESERVED FOR SUBSEQUENT APPROVAL)

OMEGA ZONE 8, LAND TO THE WEST OF OMEGA SOUTH & SOUTH OF THE M62, BOLD, ST. HELENS

Thank you for consulting us on the above application, on 29th January 2020.

Environment Agency position

We object to the proposed development, due to its impacts on nature conservation and physical habitats.

The submitted planning application and associated documents indicate that:

- channel realignment of Whittle Brook may be inappropriately sited and result in a deterioration in hydromorphology and biological quality elements; and
- significant loss of riparian semi-natural habitat and lack of buffer (unit 1 does not include a sufficient buffer between the development and Whittle Brook)

The flood risk activity permit under the Environmental Permitting (England and Wales) Regulations 2016 is unlikely to be granted for the current proposal.

We therefore recommend that planning permission is refused on this basis. We will maintain our objection until the applicant has supplied the following information to demonstrate that the risks posed by the development can be satisfactorily addressed.

Environment Agency
Richard Fairclough House Knutsford Road, Warrington, WA4 1HT.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

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Reason

Based on the information submitted with this application, there is a significant risk that the development may cause deterioration of water body status.

In determining the flood risk activity permit for this development, we will assess its compliance with the North West River Basin Management Plan (RBMP). We'll also consider how the development will affect water Biodiversity and the wetland environment. The RBMP states that the water environment should be protected and enhanced to prevent deterioration and promote the recovery of water bodies.

This assessment is based on Route Option 3, the preferred option selected for the watercourse diversion. Whilst it is understood, that the current channel is over-deep and heavily modified, the proposed planform should be an improvement on baseline conditions and where possible aim to mimic reference channel conditions. The assessment states that the current channel alignment predates formal mapping and there is little evidence that indicates the channel's former course. However, a review of Ordnance Survey Outdoor mapping suggests that the current alignment follows the low-point in the land, demonstrating a more natural planform than the Route Option 3 proposed.

Furthermore, there is insufficient design information on the proposed diversion to assess the impacts on the hydromorphology and biological quality elements of this water body. Specifically a baseline and proposed long-section is required to assess the change in gradient and whether the proposed mitigation features are likely to be sustainable. It is interesting to note that in Table A:1 'Channel diversion route optioning' it is stated that *Route option 2 would probably not function properly in terms of hydromorphology and ecology. The essentially right-angle bends would create flow conveyance issues and, due to an increase in channel length, may readily become silted at lower flow.* For this Option 2, WFD compliance is assessed as *unlikely*. The same assessment could be made for Route Option 3 (the preferred option), which also appears to possess a right-angle bend (south-west corner of the site) and an overall increase in channel length. Following the same line of logic and based on the information provided there is a risk of deterioration to hydromorphology and associated biological quality elements.

Based on the explanation provided above the Scheme may not meet the requirements of the Water Framework Directive unless the provisions of Article 4.7 of the Water Framework Directive could be met.

This objection is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity.

Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.

This is supported by the National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

Such networks may also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the river basin management plan.

Overcoming our objection

To overcome our objection, an 8 metre wide buffer zone (from the top of the bank) alongside the watercourse shall be submitted to and agreed in writing by the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision.

The schemes shall include:

- plans showing the extent and layout of the buffer zone.
- details of any proposed planting scheme (for example, native species).
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.

The proposed scheme does not demonstrate that natural processes have been adequately considered and therefore the proposed channel alignment is likely to be inappropriately sited. We would welcome a design which prioritises the natural functioning of the watercourse and considers integrating the watercourse within the proposed development site.

To overcome our objection the developer will need to provide a more detailed design for the proposed realignment of Whittle Brook and adjoining riparian corridor, which provides sufficient evidence to demonstrate an improvement in hydromorphology.

Specifically:

- A channel longsection showing existing and proposed bed levels. This should indicate change in channel length and associated gradient, any change should be assessed with regard to hydromorphology and biological quality elements in the WFD assessment.
- Indicative channel cross-sections to represent all design proposals (i.e. 2-stage channel, inset berms and any changes at proposed meanders).

As part of the Flood Risk Activity Permit application and in accordance with the recommendations contained within the submitted FRA, a full hydraulic model review shall be undertaken at detail design stage of the proposed realigned channel of Whittle Brook.

Ponds and wetlands should be retained, where a pond is lost the Environment Agency would seek 2 for 1 mitigation as newly built ponds have less ecological potential compared to mature ponds.

WFD Assessment amendments:

Figure 1.1 –

The key is incomplete and the location of watercourse is unclear.

Section 1.2 –

A description of how survey reaches have been delineated should be added.

Table 3-1 –

The construction of all outfalls should be screened into the WFD Assessment (two fall within outline planning and two within detailed planning) as will physically impact two watercourses and require a bespoke Flood Risk Activity Permit. While the justification states that embedded mitigation will be in place, this mitigation requires review to ensure it is appropriate and can be submitted as a FRAP application.

Table 4-1 –

Physico chemical quality elements should include:

- Ammonia
- Dissolved Oxygen
- pH
- Phosphate
- Temperature

Figure 4.5 –

Reach numbers should be added to description.

Table 4.4 –

The statement 'Ability to contribute to the delivery of the WFD objectives – Yes', should be expanded upon.

Figure A.1-

The key requires amending to include existing watercourse as this is currently unclear.

Please be aware that we are already in discussion with the developers to resolve these issues.

Please do not hesitate to contact me should you have any questions or queries in relation to the above.

Yours faithfully

Ms DAWN HEWITT
Planning Advisor

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Direct e-mail dawn.hewitt@environment-agency.gov.uk

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