

**OMEGA ZONE 8**

**Application No, P/2020/0061/HYBR**

**Response to Merseyside Environmental Advisory Services letter (ref: SH20-004) dated 13<sup>th</sup> March 2020**

<b>Merseyside Environmental Advisory Services comment</b>	<b>Applicant response</b>
<i>EIA Conformity</i>	
<p>5. Having reviewed the submitted Environmental Statement we advise that there are queries which require addressing before we are satisfied that this document can be used as the basis for determination of the application, as follows:</p> <p>a. <u>Chapter 4 Consideration of Alternatives</u>. The information provided relating to the alternative sites considered is very limited and requires expansion including their location.</p>	<p>A full Alternative Sites Assessment was undertaken and submitted as part of the application submission (OPP DOC. 7). This Assessment has subsequently been updated following feedback from St. Helens Council regarding the minimum site size and now considers a total of 36 sites across both St. Helens and Warrington. A copy of this updated Assessment is provided in support of this response.</p> <p>The Alternative Site Assessment that accompanies this application demonstrates that there are no alternative existing premises, brownfield or greenfield sites that would be capable of accommodating the Proposed Development.</p>
<p>b. <u>Chapter 4 Consideration of Alternatives</u>. There is insufficient information provided within Section 4 Alternatives on reasonable alternative to the proposed development design, location and scale. Further information is required in line with Part II of Schedule 4 of the Regulations especially considering the significant concerns raised with regards to biodiversity (see point 11).</p>	<p>Schedule 4(2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 requires that an Environmental Statement includes <i>‘a description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects’</i>.</p> <p>Details on the business case for the Proposed Development in terms of its location, scale, height, layout and design are set out in the Operator Statement. which is appended to the Planning Statement. Relevant elements of this Statement, outlining the alternatives considered, are summarised below.</p> <p><b><u>Alternative Locations</u></b></p>

As confirmed in response to the above comment, a full Alternative Sites Assessment was undertaken and submitted as part of the application submission (OPP DOC. 7). This Assessment has subsequently been updated following feedback from St. Helens Council regarding the minimum site size and now considers a total of 36 sites across both St. Helens and Warrington. A copy of this updated Assessment is provided in support of this response.

The Alternative Site Assessment that accompanies this application demonstrates that there are no alternative existing premises, brownfield or greenfield sites that would be capable of accommodating the Proposed Development.

#### **Alternative Size and Scale**

The proposals are for a 81.570 sq.m cross-docked warehouse which can accommodate a “High Bay” racking system that means that part of the building must be in excess of 41m to ridge height at its highest point and on average 29m to ridge height across the rest of the unit. This “High-Bay” solution is crucial to the operation of the centre and particularly the stock handling process.

“High Bay” storage is widely used for bulk storage within the retail industry because they offer a highly efficient solution, both in terms of labour and space, as well as safety. Of these, space efficiency is the most important benefit of the “High Bay” system. If this solution was not used, practically the entire floorspace of the proposed distribution centre at Omega Zone 8 would be required to achieve the same levels of stock storage. Accordingly, to accommodate the other elements of the Proposed Development (including chilled and frozen storage areas, tote pick and cage areas), this would mean that the development would have to double in size, resulting a significantly greater land-take. A greater land-take would potentially cause greater environmental impact. For these reasons, alternative sizes and scales were not considered viable.

	<p><b><u>Orientation</u></b></p> <p>Within the Unit 1 plot and the land controlled by the Applicant, there is no other practical alternative in terms of either location or orientation of the building without either comprising the operational needs of the business or sterilising large parts of the wider site. There are also constraints which have pushed the building further west as opposed to be located on the site's frontage directly addressing the estate road. This includes the location of overhead pylons and watercourses.</p>
<p>c. <u>Chapter 17 Cumulative Impacts.</u> Two development sites have been considered within the cumulative impact assessment: Omega South zones 3-6 and Lingley Mere. Clarification is required as to why Omega Zone 7 has not been included within the assessment?</p>	<p>Omega Zone 7 is to the east of the Proposed Development and construction had been completed by the time the sifting process of committed developments for inclusion in the cumulative assessment commenced. As a result, Omega Zone 7 has been included in the traffic model (as outlined in Table 12-6 of Environmental Statement Chapter 12 (OPP DOC.11.12)) and therefore Omega Zone 7 forms part of the baseline assessment.</p>
<p>d. <u>Chapter 17 Cumulative Impacts.</u> Climate has been scoped out of the inter-project cumulative effects assessment on the basis that this topic has not been included within the assessments conducted for the two committed developments. Whilst it may not be possible to undertake a quantitative assessment, I advise that as a minimum a qualitative assessment of impacts should be undertaken, particularly as St Helens Council declared a Climate Emergency in 2019.</p>	<p>Environmental Statement Chapter 17: Cumulative Effects (OPP DOC.11.17) outlines the criteria for determining which committed developments should be included in the inter-project cumulative effects assessment. Paragraph 17.2.14, last bullet point, states <i>'the committed development has sufficient environmental assessment information freely and publicly available to inform the cumulative assessment. Committed development projects that are EIA screening or scoping stage; or where no environmental information is publicly available, will not be considered as there is insufficient information to inform a cumulative assessment'</i>.</p> <p>The Town and County Planning (Environmental Impact Assessment) Regulations 2017 lists climate as one of the factors that should be considered in an EIA. However, neither of the planning applications for the two committed developments (2015/26469 Omega South zones 3-6 and 2016/27313 Lingley Mere) included a climate assessment. As explained in paragraph 17.4.4 of Environmental Statement Chapter 17: Cumulative Effects, this is because both planning</p>

	<p>applications were submitted prior to the publication of the Town and County Planning (Environmental Impact Assessment) Regulations 2017, and the previous (2011) EIA Regulations did not list climate as one of the factors to consider. Furthermore, paragraph 17.4.4 also explains that 2016/27313 Lingley Mere did not submit an EIA in support of the planning application.</p> <p>As a result, a qualitative cumulative assessment of climate would not be possible given there is no baseline climate information included within the respective planning applications for the two committed developments to inform an assessment. Furthermore, it would not be appropriate for the EIA of the Proposed Development to make assumptions regarding the impact on climate from these two committed developments to determine the inter-project cumulative effect.</p>
<p><u>Ecology</u> 6. This is an interim response to ecological matters to raise significant areas of concern. Once full ecological surveys and additional information as set out within this memo have been provided a full ecological response will be provided.</p>	<p>Full surveys have been provided – MEAS has confirmed that they have received everything they need (email from Nicola Hayes 26/03/2020).</p>
<p>7. The proposed development site comprises of agricultural land located to the west of the existing Lingley Mere Business Park. The development site comprises of arable fields intersected by a network of woodland, hedgerows, ponds and ditches. The development will result in the loss of these habitats. This network currently links to Booths Wood LWS and to Mersey Valley Golf Course LWS to the south (both offsite). This network of habitats provides wildlife corridors through the wider arable landscape. This network has been identified within the Liverpool City Region Ecological Network with woodlands on site forming Core Biodiversity Area and ponds providing Steeping Stone habitat. Woodland, hedgerows and ponds are Priority habitat (NERC Act) and NPPF and Local Plan Core Strategy CQL3 apply.</p>	<p>We will respond formally once a full ecological response has been received from MEAS.</p>

<p>8. The emerging Local Plan allocation 1EA forms part of the proposed development area. However, the proposed development extends further westward of the allocation into greenbelt. Whilst the proposed allocation 1EA avoids and therefore retains woodland (Priority habitat, NERC) on site, the proposed development scheme will result in significant woodland and tree loss. The proposed development would also result in the loss of additional existing Priority habitat in the form of an additional seven ponds and 700m of hedgerow in comparison with the 1EA allocation. The scale of habitat loss and the impacts of this ecological network is of significant concern. This issue was raised at the EIA scoping stage, however, there does not appear to have been any attempt to integrate existing woodland and associated ecological network of habitats into the development and there have been no changes to the proposed scheme which would avoid impacts to the woodland or other Priority habitats in compliance with NPPF and Local Plan core strategy policy CQL3.</p>	<p>We will respond formally once a full ecological response has been received from MEAS. However, see above regarding the justification for the proposed site layout and design.</p>
<p>9. I note your Countryside Development and woodlands officer, Mike Roberts have also raised concerns over the loss of woodland within the proposed development site.</p>	<p>Response being finalised.</p>
<p>10. The site is within Bold Forest Park and policy BFP ENV2 applies. Currently the proposal does not meet this policy as it would result in habitat fragmentation and does not safeguard Priority habitats and species highlighted within the Bold Forest Park plan.</p>	<p>We will respond formally once a full ecological response has been received from MEAS.</p> <p>However, in line with Planning Policy requirements, it is considered that ‘very special circumstances’ exist that serve to justify the Proposed Development in the Green Belt. These circumstances are considered sufficient to outweigh the harm to the Green Belt associated with the proposals (i.e. in relation to both ‘inappropriateness’ and ‘other harm’).</p>
<p>11. Chapter 4 of the ES Consideration of alternative discusses the process of consideration of alternative in terms of alternative sites,</p>	<p>See comments above.</p>

<p>however, no details of the alternative sites considered and subsequently discounted, have been provided. In addition, the consideration of alternatives requires considerations in scale and layout which, in this case, could allow avoidance and retention of ecological features on site. However, this appears to have been discounted based on Unit 1 being customer led and therefore not considered reasonable or practical for the floorspace to be split up. However, it is not clear why the allocation 1EA could not accommodate unit 1 and no specific reasoning is provided as to why. I do not consider that the consideration of alternative provides sufficient detail or evidence to show whether alternatives in site location or layout which would retain existing ecological features on site have been fully considered or are possible. As such the development has not shown that it has followed the mitigation hierarchy as set out within the NPPF. Further detailed assessment of alternatives is required <b>prior to determination</b> to evidence the conclusions of the consideration of alternatives assessment and to comply with NPPF and Local Plan Core Strategy policy CQL3.</p>	
<p>12. Chapter 17, Cumulative effects assesses impacts on biodiversity and ecological receptors. However, this assessment only includes assessment of Omega South Zone 1-6 and Lingley Mere, formerly Lingley Mere Business Park. It is not clear why Omega 7 has not been included based on the criteria set out within 17.2 of the Chapter 17. This is particularly relevant due to the loss of habitats from the site including woodland, trees and scrub, ponds and grassland. When assessment cumulatively with the proposed development there would be a significant loss of habitats and ecological network from the area covered by these developments.</p>	<p>As with point 5c above the same justification applies, repeated here for ease of reading: Omega Zone 7 is to the east of the Proposed Development and construction had been completed by the time the sifting process of committed developments for inclusion in the cumulative assessment commenced. As a result, Omega Zone 7 has been included in the traffic model (as outlined in Table 12-6 of Environmental Statement Chapter 12: Transport (OPP DOC.11.12)) and therefore Omega Zone 7 forms part of the baseline assessment.</p>
<p>13. Table 17-2 concluded that a major adverse effect is predicted on woodland, ponds and hedgerow features, however due to mitigation there will be an overall minor adverse (not significant)</p>	<p>Table 17-2 focuses on the intra-project combined effects (the interaction and combination of different environmental effects from within the Proposed Development affecting a receptor) and not the inter-project assessment (the</p>

effect. This cumulative effect is predicted to be permanent and long term. For the reasons set out above I do not concur with this assessment. I advise that a revised cumulative effects assessment is required which reviews all Omega zones. This is required **prior to determination**.

combined effects of the Proposed Development and other projects on a receptor). Table 17-2 reflects the conclusions of ES Chapter 9: Biodiversity (OPP DOC.11.9) 'moderate beneficial residual effect on woodland and trees'; and Chapter 10: Landscape (OPP DOC.11.10) 'moderate adverse as mitigation matures' for landscape features. Given these conclusions and using professional judgement, it was concluded that the cumulative residual effect on ecological receptors would be minor adverse (not significant).

Using the criteria outlined in Environmental Statement Chapter 17: Cumulative Effects (OPP DOC.11.17) paragraphs 17.2.13 to 17.2.15, Omega South Zone 3-6 was considered within the inter-project cumulative effects assessment. However, all other Omega zones/projects did not meet the criteria and so were not included.

14. The development will result in the loss of the majority of habitats currently on site. Habitat losses in area are detailed within Appendix 9.18 Habitat loss and creation calculations. Appendix 9.18 includes biodiversity net gain calculations for the site (Table 3). These reflect loss and gains in habitat area only. However, the use of area does not reflect the ecological value of the area lost against the ecological value of the habitat created. This is particularly relevant when comparing established mature woodland (200years +) with newly planned woodland. I advise that any attempt to assess Biodiversity Net Gain must be with the Defra net gain metric. This method has been developed to calculate Biodiversity net gain and which will come into use once the Environment Bill is enacted. This metric takes into account difference in ecological value as well as other factors and it therefore appropriate. I advise that biodiversity net gain calculations using Defra metric must be provided **prior to determination** to allow an accurate assessment of biodiversity losses and gains.

In the ES Scoping Report (OPP DOC. 11.18a Appendix 1.1) it was confirmed at Para 8.4.1 that the *"mitigation hierarchy of avoid, mitigate or compensate will be adopted within the ES. Direct impacts will be avoided where possible through the development and evolution of the layout of the Proposed Development. The principles of Net Gain that are enshrined in the National Planning Policy Framework will guide the way in which mitigation and/or compensation is delivered, following guidance in CIEEM 2019"*. It is understood that neither the Council or MEAS raised any concerns with this approach at the Scoping Response Stage and hence it is this approach that was adopted in the ES. Equally, no specific reference was made to the need to use the DEFRA Biodiversity Metric at the Scoping stage.

Notwithstanding this we have, in response to the comments received, undertaken an exercise to quantify the impacts of the Proposed Development by use of the DEFRA Biodiversity Metric V2.0. The Metric compares what is being lost with what is being provided in mitigation, taking into account influencing factors such as habitat quality and strategic importance. The Metric then calculates what the difference is between the two in Biodiversity Units.

The application comprises a 'Hybrid' application, with part of the site affected by detailed planning proposals (Unit 1 - TJM), and the remainder of the site in outline

(OWL). Site wide mitigation has been provided for these proposals to supplement any mitigation that on-plot landscaping will provide, now and in the future. This is found in the western triangular portion of land known as the Green Triangle. This covers an area of 10.78% of the entire site. Since this on-site habitat creation is mitigation for the entire hybrid proposals, the mitigation has been apportioned as a percentage relative to the detailed areas and outline areas. The proportionality is therefore 41.34% Detailed (Unit 1) and 47.88% Outline (OWL). Note the infrastructure landscaping area attached to the detailed aspects has been included as part of the outline for simplicity as it is owned by OWL. In this way the level of mitigation provided has been measured for the two different aspects of the hybrid i.e. 47.88% of woodland being provided in the Green Triangle has been 'allocated' as mitigation for the impact caused by the outline proposals, and so on for all habitats created for each of the two detailed/outline impacts.

It is possible to accurately measure what is being lost to the proposals for the entirety of the application's proposals, but as the proposals are being made as a hybrid application it is only possible to accurately measure what is being provided in mitigation for those areas with the detailed part of the hybrid. For those areas within the outline aspects of the hybrid we either defer that calculation to such a time as when the detailed aspects are known, or we make certain assumptions to allow the Metric to be completed at this time, the latter being the preferred alternative.

- **For the detailed part of this application**, a calculator can be provided to accurately measure the impact since we know the composition of on-plot landscaping. **The resultant net gain is -39.43 Biodiversity Units.**
- **For the outline part of this application**, a calculator has been provided that assumes the loss of non-priority habitats (e.g. arable land) will be offset by both [a] the provision of on-plot landscaping in future detailed planning applications and [b] the provision of an improved stream via its diversion. The impact of proposals in this outline area are then measured against the 47.88% of habitat areas created in the Green Triangle. **The resultant net gain is -38.51 Biodiversity Units.**



	<p>Full details of the Metric calculations can be found in the excel files submitted with this response. <b>Detailed</b> - file &lt;169-03 Omega 8 – DEFRA Metric Unit 1 inc on-plot landscaping&gt; <b>Outline</b> - file &lt;169-03 Omega 8 – DEFRA Metric OWL assuming on-plot landscaping&gt;</p> <p>In light of this, the applicant will work with the Council to identify and agreed the appropriate level of off-site compensation that is required to mitigate the proposals and identify what initiatives / improvements the compensation will fund within the Borough. The applicant expects any such compensation would be enshrined within a S106 Legal Agreement associated with a decision on the application.</p>
<p>15. The applicant should note that as this is a hybrid application future reserved matters application may come forward after the enactment of The Environment Bill. This would legally require reserved matters applications to achieve Biodiversity Net Gain. By providing habitat losses and gains within the Biodiversity metric this will allow the establishment of a baseline which can then inform future reserved matters applications.</p>	<p>Noted - EP to advise.</p>
<p><u>Ecological Surveys</u></p> <p>16. The Environmental Statement is supported by a number of ecological surveys, these are:</p> <ul style="list-style-type: none"> <li>• Great crested newt 2019 report, Omega Zone 8, Warrington, The Ecology Practice, dates 15.10.19;</li> <li>• Reptile Survey Results, Omega Zone 8, St Helens, the ecology practice, May and June 2019;</li> <li>• Water vole survey location and results, May and June 2019;</li> <li>• Hedgerow survey results, the ecology practice, undated;</li> <li>• Bat transect survey result, the ecology practice;</li> <li>• Bar static locations and data, the ecology practice</li> </ul>	<p>Full surveys have been provided – MEAS has confirmed that they have received everything they need (email from Nicola Hayes 26/03/2020).</p>

<ul style="list-style-type: none"> <li>• Breeding bird report, Omega Zone 8, St Helens, The ecology practice, data 01.10.2019;</li> <li>• Invasive Plant Species report, Omega Zone 8, St Helens, WSP, December 2019;</li> <li>• Wintering bird report, Omega Zone 8, St Helens, The ecology practice, dated 07.01.2020</li> </ul>	
<p>17. MEAS previously requested the submission of full survey reports for all ecological survey. MEAS have now received a number of these reports and understand the remaining reports are to be submitted shortly. Once received and reviewed MEAS will provide a full consultation response to ecology.</p>	<p>Full surveys have been provided – MEAS has confirmed that they have received everything they need (email from Nicola Hayes 26/03/2020).</p>
<p><u>Renewable Energy</u>  18. The Environmental Statement includes a chapter on climate (Chapter 16). The developer has committed to 2600m<sup>2</sup> photovoltaic panels as well as 10m<sup>2</sup> of solar thermal systems. In addition, they are proposing heat pumps in a limited number of areas. At least 10% of energy demand is to met by renewable and/or other low carbon energy sources, to comply with Paragraph 4 of Policy LPA13 of the emerging St Helens Borough Local Plan 2020-2035. As a minimum, the requirement of Policy LPA13 should be complied with and this can be <u>secured by a suitably worded condition.</u></p>	<p>As set out in Environmental Statement Chapter 16: Climate (OPP DOC.11.16) paragraph 16.6.22, the Proposed Development will meet the policy target of 10% of energy demand to be met by renewable and/or other low carbon energy sources.</p>

<p><u>Waste</u></p> <p>19. The proposal is major development and involves excavation and construction which are likely to generate significant volumes of water. Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WL9), the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) apply. These policies require the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal. In accordance with policy WM8, evidence through a waste audit or similar mechanism (e.g a site waste management plan) demonstrating how this will be achieved must be submitted and <u>can be secured by a suitably worded planning condition.</u></p>	<p>Construction Environmental Management Plans (CEMP) have been prepared for the two construction contracts that will be let for the detailed element of the site (Unit 1 &amp; Infrastructure Works), which provide specific details on how waste will be managed and minimised across the site. These documents have been submitted to the Council now, for approval, to avoid the need for a pre-commencement condition for the for the detailed element of the site – these can either be provided directly to MEAS or will be available from the LPA.</p> <p>The submitted CEMPs do not deal with the outline part of the site and it is expected that a suitably worded condition will be attached to any decision notice requiring submission and approval of such documents, prior to works commencing on site, which will include detailed of waste management for that part of the site.</p>
<p><u>Archaeology</u></p> <p>20. The pre-determination archaeological works (field survey) have now been completed and a report has been submitted to and accepted by MEAS. Having reviewed the results of the survey no further archaeological works are required for this application and as such archaeology does not need to considered further. I have requested that the applicant forward a copy of the survey report to the Local Planning Authority for approval.</p>	<p>Noted, no further action required.</p>