

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

**Our ref:** SO/2020/120013/05-L01  
**Your ref:** P/2020/0061/HYBR

**Date:** 16 September 2020

**FAO: Jennifer Bolton**

Dear Madam

**HYBRID PLANNING APPLICATION- FOR THE FOLLOWING DEVELOPMENT (MAJOR DEVELOPMENT); (I) FULL PLANNING PERMISSION FOR THE ERECTION OF A B8 LOGISTICS WAREHOUSE, WITH ANCILLARY OFFICES, ASSOCIATED CAR PARKING, INFRASTRUCTURE AND LANDSCAPING; AND (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) | LAND TO THE WEST OF OMEGA SOUTH & SOUTH OF THE M62 BOLD ST HELENS  
OMEGA ZONE 8, WEST OF OMEGA SOUTH AND SOUTH OF THE M62, ST HELENS**

Thank you for re-consulting us on 20<sup>th</sup> August 2020.

#### **Environment Agency position**

We have reviewed the following documents:

- P\_2020\_0061\_HYBR-AMENDED\_TRACKED\_DOC.0\_WATER\_FRAMEWORK\_DIRECTIVE-114878
- P\_2020\_0061\_HYBR-OPP\_DOC\_11.24\_ES\_VOL\_2\_APPENDIX\_11.1\_INDICATIVE\_CROSS\_SECTIONS-1153611
- P\_2020\_0061\_HYBR-AMENDED\_OPP\_DWG\_14\_5969-Z8-SK-016\_REV\_A\_INDICATIVE\_WATERCOURSE-1153616
- P\_2020\_0061\_HYBR-OPP\_DOC.\_11.38D\_ES\_FIGURE\_10.4\_LANDSCAPE\_STRATEGY-1153024

We consider that they satisfactorily address our earlier concerns. Subject to the conditions below, we therefore withdraw our previous objection, dated 29<sup>th</sup> June 2020.

#### **Biodiversity**

Development that encroaches on watercourses can have a potentially severe impact on their ecological value. Networks of undeveloped buffer zones might 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. Therefore we request a scheme to be agreed to protect an 8 metre wide buffer zone around the watercourse.

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

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### **Condition**

No development shall take place until a scheme for the provision and management of a 8 metre wide buffer zone alongside the watercourse has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out in accordance with the approved scheme. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping. The scheme 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 over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan

Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme.

### **Reason**

To protect the land valuable for wildlife alongside the watercourses.

This approach 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. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. This condition is also supported by legislation set out in the Natural Environment and Rural Communities Act 2006 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.

The diversion of Whittle Brook proposed as part of this development could have an unacceptable effect on the ecological value of the watercourse at this site.

The North West river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote their recovery. Without a landscape management plan, the proposal's ecological impact may lead to deterioration of a water quality element to a lower status class. In light of the above, we request a planning condition is included requiring a landscape management scheme is included. Without this condition we would object to the proposal because it cannot be guaranteed that the development will not result in significant harm to Whittle Brook.

### **Condition**

No development shall take place until a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), has been submitted to, and approved in writing by, the local planning authority.

The scheme shall include the following elements:

- details of maintenance regimes
- details of any new habitat created on-site
- details of treatment of site boundaries and/or buffers around water bodies
- details of management responsibilities
- Whittle Brook 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).
- Geomorphology surveys to inform detailed design proposal to be provided to the Environment Agency, including data on the reference reach.

The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

### **Reason**

To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policy, adopted policy and the North West River Basin Management Plan.

As agreed at the meeting held on the 4<sup>th</sup> of May, following detailed design we expect the applicant to update the WFD Compliance Assessment and resubmit this to us for approval.

This updated assessment should address the WFD comments in our original objection letter and screen the outfalls and any other engineering works that could physically impact the watercourse into the assessment. Any works which could have a detrimental impact upon the WFD quality elements should be mitigated and proposals should contribute to WFD objectives for the water body wherever possible.

### **Flood Risk**

#### **Condition**

The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: December 2019/70060349-FRA/WSP) and the following mitigation measures it details:

- Diversion of Whittle Brook design to include increased capacity within the watercourse to reduce the flood risk currently affecting the proposed development site.
- Surface water discharge from the site to be limited to 5.8 l/s/ha with 16,660 cubic metres of attenuation provided to cater up to the 100-year climate change rainfall event affecting the site.
- Raised finished floor levels - 0.3m above the 100-year climate change level for the on-site drainage system & 0.15m above proposed surrounding ground level.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

### **Reason**

To reduce the risk of flooding to the proposed development and future occupants.

### **Advice to applicant**

The watercourse along the western & southern boundary of the site is Whittle and it is designated "main river".

Under the Environmental Permitting (England and Wales) Regulations 2016, a permit may be required from the Environment Agency for any proposed works or structures, in,

under, over or within eight metres of the top of the bank of the brook. This was formerly called a Flood Defence Consent. Some activities are also now [excluded](#) or [exempt](#). A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

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.

Please consult us on the details submitted to your authority to discharge this condition and on any subsequent amendments/alterations.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours faithfully

**Miss Courtney Hall**  
**Planning Advisor**

Direct dial 02030248069

Direct e-mail [courtney.hall@environment-agency.gov.uk](mailto:courtney.hall@environment-agency.gov.uk)