

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

Our ref: SO/2020/120013/06-L01

Your ref: P/2020/0061/HYBR

Date: 20 October 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, MERSEYSIDE

Thank you for re-consulting us on 22nd September 2020. We have addressed the earlier concerns and amended the conditions to represent the full and the outline aspects of the application.

Biodiversity

Full aspect of application

Based on the proposed site layout plan 'Proposed Site Layout Plan Unit 1 DWG 1 (date published 13 Aug)', which shows an undeveloped 8m buffer from the top of the bank of Whittle Brook, we have no objection to the full aspect of the planning application based on that plan.

However, the CEMP does not provide details demonstrating how the buffer zone will be protected during development and The LEMP (Unit 1) document does not include Whittle Brook (date published 13 Aug). Therefore we request that the following condition is implemented on the full aspect of the application.

Condition

No development should take place until the CEMP and LEMP are updated to include details of maintenance regimes and details of treatment of site boundaries and/or

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buffers around water bodies.

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 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.

Condition

Within 6 months of works commencing on site a scheme providing details of management responsibilities for the undeveloped 8m buffer to Whittle Brook, has been submitted and approved in writing by the local planning authority.

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 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.

Outline aspect of application

As part of the outline aspect of this development 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, the proposed development will only be acceptable if a planning condition requiring a landscape management scheme is included.

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:

- a) plans showing the extent and layout of the buffer zone .
- b) details of any proposed planting scheme (for example, native species) .
- c) 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 Whittle Brook from significant harm.

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. Without this condition we would object to the proposal.

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 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.

The scheme shall include the following elements:

- a) details of maintenance regimes
- b) details of any new habitat created on-site
- c) details of treatment of site boundaries and/or buffers around water bodies
- d) details of management responsibilities
- e) 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
 1. Indicative channel cross-sections to represent all design proposals (i.e. 2-stage channel, inset berms and any changes at proposed meanders).
 2. Geomorphology surveys to inform detailed design proposal to be provided to the Environment Agency, including data on the reference reach.

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 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 4th of May, following detailed design we expect the applicant to update the WFD Compliance Assessment and resubmit this to the Environmental Agency 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**

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The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: **August 2020/70060349-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.

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