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DEVELOPMENT MANAGEMENT ADVICE

To: Jennifer Bolton
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Your Ref: P/2020/0061/HYBR
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Date: 15th April 2020

From: Nicola Hayes
Contaminated Land Principal Officer

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

1. Thank you for consulting Merseyside Environmental Advisory Service in respect of this planning application. The proposals comprise the erection of a logistics warehouse and the erection of 3 other units for logistics and manufacturing purposes. **Further to our memorandum of the 13th March 2020 in which interim ecology response was provided, please find below our comments following a review of the full survey documents.**
2. Having reviewed the application and supporting documentation, our advice is set out below in two parts.
 - Part One deals with issues of regulatory compliance, action required **prior to determination** and matters to be dealt with through planning conditions. Advice is only included here where action is required or where a positive statement of compliance is necessary for statutory purposes. Should the Council decide to adopt an alternative approach to MEAS Part 1 advice, I request that you let us know. MEAS may be able to provide further advice on options to manage risks in the determination of the application.

In this case Part One comprises paragraphs **3 to 27**.



Part One

3. Following on from previous interim advice (MEAS memo dated 13 March 2020) the applicant has submitted full survey reports for ecological surveys undertaken to inform the Environmental Statement. The following ecological surveys have been submitted:
- *Phase 1 habitat, Omega Zone 8, Warrington, the ecology practice, dated 29.02.2020;*
 - *Great crested newt 2019 report, Omega Zone 8, Warrington, the ecology Practice, dated 15.10.19;*
 - *Reptile Survey Report, Omega Zone 8, St Helens, the ecology practice, 29.02.2020;*
 - *White-clawed crayfish survey, Omega Zone 8, St Helens, the ecology practice, dated 29.02.2020;*
 - *Water vole survey Omega Zone 8, St Helens, the ecology practice, dated 29.02.2020;*
 - *Bat survey, Report Omega Zone 8, St Helens, the ecology practice, dated 04.03.2020;*
 - *Breeding bird report, Omega Zone 8, St Helens, the ecology practice, dated 01.10.2019;*
 - *Wintering bird report, Omega Zone 8, St Helens, the ecology practice, dated 09.01.2020;*
4. Review of the survey has confirmed that the following surveys are acceptable subject to the submission of surveyor details for the breeding bird survey and survey dates for the great crested newt survey:
- Phase 1 habitat survey;
 - Great crested newt survey;
 - White-clawed crayfish;
 - Breeding bird survey; and
 - Wintering bird survey.
5. However, the following surveys have limitations and further survey, information or mitigation measures will be required **prior to determination**:
- Bat survey;
 - Water vole survey; and
 - Reptile survey.

Bat survey

6. The proposed development will result in the loss of the majority of existing woodland and trees on site. Bat tree roost assessment survey identifies 169 trees with bat roost potential categorisation of low, moderate or high.
7. There are a total of 63 trees with moderate potential on site. Of these 52 have been subject to aerial surveys, only 11 have been subject to dawn/dusk surveys. A total of 17 trees are identified as having high roost potential. Of these all have been subject



to aerial surveys and none have been subject to dusk/dawn surveys. Best Practice¹ requires dusk/dawn surveys of all trees with moderate or high potential. This has not been completed to date and is required **prior to determination**.

8. Given the lack of dusk/dawn surveys of all trees with moderate or high bat roosting potential the presence of bat roosts within woodland and trees on site has not been confirmed. As a result, it is not currently possible to confirm the assessment and conclusions within the ES in relation to bats.
9. Table 9-7 of Chapter 9 states that there are no bat roosts within the detailed planning application site. However, it is not currently possible to confirm this due to lack of dusk/dawn survey. Table 9-7 also states that a day roost will be lost within the outline application site (T115 in Duck Wood), however, again due to lack of dusk/dawn survey it is not possible to confirm the presence or absence of bat roosts within the outline application site. Chapter 9 proposes mitigation, it is not currently possible to assess the appropriateness or acceptability of the proposed mitigation without full survey. Therefore, the assessment of the proposals in relation to bats are not currently acceptable.
10. In line with Best Practice guidelines² a single dusk/dawn survey to be undertaken of all trees with moderate potential and two dusk/dawn surveys are required of all trees with high potential. These surveys are required **prior to determination**.
11. Survey to date has identified bat roosts within trees T23, T32 (both just off site) and T115 (on site) and Local Plan Core Strategy policy CQL3 applies. Developments affecting European protected species must be assessed by the Local Planning Authority against three tests set out in the Habitats Regulations **prior to determination**. Following the outcome of the additional bat survey detailed mitigation measures will be required to allow the Council to complete the Three Test Assessment and to confirm whether an EPS licence is likely to be granted.

Water vole survey

12. Water vole survey was undertaken during May and June 2019 of 12 ditches and 16 ponds and Whittle Brook. No access was possible to Pond 1, Pond D and Pond G.
13. Exact survey dates and surveyor details have not been provided and are required **prior to determination**.
14. Survey is based on one survey visit only. Best practice³ recommends two survey visits, with a second set of visits between July and September. Dean *et al* does set out situations when a second survey is not required (Box 2 of the handbook), however this

¹ Collins J (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd edition, Bat Conservation Trust ISBN-13: 978-1-872745-96-1

² Collins J (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd edition, Bat Conservation Trust ISBN-13: 978-1-872745-96-1

³ Dean, M., Strachan, R., Gow, D. and Andrews, R. (2016). *The Water Vole Mitigation Handbook* (The Mammal Society Mitigation Guidance Series). Eds Fiona Mathews and Paul Chanin. The Mammal Society, London.



is only where water vole presence has been confirmed by the first survey or where survey has confirmed that habitat has very low suitability for water vole and there is very low suitability of water vole within the surrounding area (2km).

15. Survey to date has confirmed that some of the surveyed ponds are ditches are suitable. The following ditches and ponds are either suitable and require further survey or the report has not stated whether they are suitable and therefore further clarification or survey is required to confirm suitability or presence of water voles:
 - Pond A, Pond B, Pond K, Pond Ki, Ditch 1, Ditch 2, Ditch 3, Ditch 6, Ditch 7, Ditch 9 and Ditch 10.
16. BioBank data search identifies 22 records of water vole within 2km of the site. The most recent record for Whittle Brook is 1999.
17. Given the above factors, in line with best practice further water vole survey is required **prior to determination**.

Reptile Survey

18. Reptile survey was undertaken across five visits across May and June 2019. Survey dates are provided, however surveyor details are not and are required **prior to determination**.
19. Survey methods state that Froglife advice note 10 methods⁴ were followed. However, survey timing were typically in the middle of the day and therefore relatively late in the day and therefore not optimal survey timing. Survey timing at that time of year would have needed to be earlier in the day. Froglife guidance recommends between 8.30 – 11 or later in the day between 4pm and 6.30. Due to late survey timings it is possible that if reptiles had been present they would have basked earlier in the day and therefore survey would have been less likely to have recorded reptile species.
20. In addition, visits 4 and 5 were undertaken during light rain and this again reduces the likelihood of reptiles being present.
21. Assessment of data request reports identifies that there are no records of reptiles within 2km of the site. It is therefore unlikely that reptiles are present within the development site and therefore no additional surveys are required. However, due to survey limitations standard precautionary RAMS that are suitable for reptiles and amphibians should be implemented and this can be secured through a CEMP.

Habitats Regulations Assessment

22. The development site is near to the following European sites. These sites are protected under the Conservation of Habitats & Species Regulations 2017 (as amended) and Local Plan Core Strategy policy CQL3 applies:
 - Mersey Estuary SPA (7.3km south);

⁴ Froglife Advice Sheet 10: Reptile Survey, An Introduction to planning, conducting and interpreting surveys for snake and lizard conservation, Froglife, 1999



- Mersey Estuary Ramsar (7.3km south);
 - Manchester Mosses SAC (15km east); and
 - Rixton Clay Pits SAC (13km east).
23. The applicant has submitted a shadow HRA document (*Habitats Regulations Assessment: Stage One, Likely Significant Effects, Omega Zone 8, the ecology practice, dated 24/01/2020*).
24. The HRA identifies the following likely significant effects:
- Loss of functionally linked land (this is described as flight paths within the HRA);
 - Construction Noise impacts;
 - Impacts to ground water;
 - Water quality as a result of impacts to water quality within Whittle Brook; and
 - Air pollution effects on Manchester Mosses SAC.
25. The HRA concludes no likely significant effects due to the above for the following reasons:
- Loss of functionally linked land – wintering bird survey confirmed no use of the site by qualifying bird species and therefore confirmed that the site does not provide functionally linked land;
 - Construction Noise impacts to qualifying bird species of the Mersey Estuary – the site is not used by qualifying bird species and therefore there will be no construction noise impacts. In addition, due to the distance to the Mersey Estuary SPA and Ramsar (7.3km) south of the site, scoped out due to distance from the site construction noise impacts are ruled out;
 - Impacts to ground water and water quality – the proposed development includes a drainage strategy. This will include the use of SUDS and features to treat, convey and store surface water run-off. Whittle Brook is a main river and therefore will require Environment Agency consent to agree discharge. Based on the proposed drainage scheme there will be no significant effects to water quality; and
 - Air pollution – the shadow HRA screens out air pollution impacts based on proximity to Manchester Mosses SAC. In addition, the road network leading from the site does not pass in close proximity to Manchester Mosses SAC. No likely significant effects.
26. The conclusions of the shadow HRA are accepted and the document can be adopted by the Council. The outcome of the Appropriate Assessment report must be included within the Planning Committee to show how the Council has engaged with the requirements of the Habitats Directive.

Previous interim comments

27. MEAS made previous interim ecological comments in relation to this development (MEAS memo dated 13 March 2020). Having reviewed all ecological surveys and the ES I advise that **previous interim comments and concerns remain, and need be addressed by the applicant.**



I would be pleased to discuss these issues further and to provide additional information in respect of any of the matters raised.

Nicola Hayes

Contaminated Land Principal Officer

Merseyside Environmental Advisory Service – delivering high quality environmental advice and sustainable solutions to the Districts of Halton, Knowsley, Liverpool, St.Helens, Sefton and Wirral

