



St. Helens Council

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION ON APPLICATION

From: Michael Roberts – Countryside Development And Woodlands Officer and Anthony (Thomas) Brandreth Trees and Woodlands Officer		
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Application Number:	P/2020/0061/HYBR
Proposal:	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)
For:	Hybrid Planning Application
Location:	Land To The West Of Omega South & South Of The M62 Bold St Helens

Policy

Core Strategy policies relating to trees and landscape that are relevant to this development are: -

- CQL2 Trees and Woodlands
- CQL3 Conservation and Geology
- CQL4 Heritage and Landscape

Retained UDP policies related to tree issues that are relevant to this development include: -

- ENV11 Tree Surveys
- ENV12A + 12B Development Affecting Existing Trees
- ENV13 New Tree Planting on Development Sites

The site also lies within the Bold Forest Park Area Action Plan Adopted July 2017 area and as such the policies within this plan are relevant to this area, particularly:-

- BFP1: A Sustainable Forest Park
- BFP INF6: Creating an Accessible Forest Park
- BFP SN1: Meeting the Development Needs of the Borough in a Manner Appropriate to the Forest Park
- BFP ENV1: Enhancing Landscape Character
- BFP ENV2: Ecological Network
- BFP ENV3: Heritage

The site also lies within the area covered by the Sankey Catchment Action Plan
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Introduction

The following are additional comments made in response to new documentation provided, particularly in relation to landscaping and tree protection, as well as additional comments made in the document entitled "Response to Trees and Woodlands Officer Response Dated 18th February 2020. As such our previous comments still stand unless otherwise changed here in this response. In particular our overall position remains the same namely:-.

We are objecting to this application primarily due to the impacts on protected woodlands and the area designated as Bold Forest Park. We also have other concerns in relation to landscape impacts (including the medieval deer park area, mitigation and ecology). In addition to this we also believe the proposals conflict with the proposals within the Council's own Draft Local Development Plan. These will be detailed within these comments and also be summarised at the end. It must be stressed that whilst objecting to the proposals, these comments will still make observations about the specific details submitted and also make recommendations in terms of improvements that could be made to the proposals. Addressing these improvements though will not though address our overriding concerns about this application and its impacts on the local environment but rather indicate that should this application gain approval, what we would still expect to be incorporated into the proposals.

Using our previous headings we will make a number of observations about the additional information provided and comments in relation to responses to our comments:-

Arboricultural Implications and Loss of Woodlands and Hedgerows

We previously stated:-

The proposed layout both within the full application and outline application will result in the loss of significant areas of woodland and hedgerows, including the loss of three protected woodlands. It will also result in the loss of other habits strongly associated with this site including numerous ponds and ditch areas as well as streams. A Tree Constraints Plan has been submitted but there is very little to indicate that trees and woodlands have been considered as constraints in any of the layouts proposed. There is effectively little evidence of any changes to layouts being made so as to seek to retain important woodland habitats and associated features. As such this application fails to address the approach recommended within Mitigation Hierarchy, as identified within the Planning Practise Guidance, which advocates avoidance as the first principle?

We have not changed our position on this and believe that despite the socio and economic information in relation to alternative sites, submitted this does not consider the significant constraints posed by a landscape within Bold Forest Park that contains several protected woodlands. The alternative site review looks exclusively at the socio and economic justification and we do not believe it considers the ecological and landscape constraints within the scale and nature of this proposed development.

Under this section we had previously stated:-

Habitat figures indicate that of 7.99 ha of woodland on site 5.63ha will be lost. Whilst 8.06 ha of new woodland will be created elsewhere on site this does not address the impact on the landscape or biodiversity of the site. (There is reference to Biodiversity Net Gain but this is simply a figure showing the additional woodland planted and is not biodiversity net gain. If the applicants wish to demonstrate biodiversity net gain they should consider an approach such as using the DEFRA Biodiversity Net Gain Metric which takes a more holistic approach to assessing biodiversity net gain). This also does not meet a minimum of 2 for 1 replacement as required by policy and so additional planting should be carried out (only as a last resort should off site mitigation be considered and for this a figure would be needed for mitigation for woodland creation / habitat improvement).

The applicant's have said that we had not previously asked for Biodiversity Net Gain data. Our comments though were in response to the use of Biodiversity Net Gain within the documents they submitted. As such we believed simply equating this to an increased area of habitat being created did not represent what Biodiversity Net Gain is now understood to be. As such we advised that if this was going to be expressed then the best way of doing this was to use the DEFRA Biodiversity Net Gain Metric. We do though appreciate that the applicant's have now professionally prepared and submitted

Biodiversity Net Gain Metrics and we have commented further on this under Ecology / Biodiversity / Invasive Species.

With regards the specifics of the Arboricultural Implications Assessment, Method Statement and Tree Protection Plan we would make a number of observations:-

The previous comment in relation to site survey stating:-

We note that the report was prepared after only one site visit and we are surprised such a report was able to be fully prepared after only one visit? It took two of us two visits to simply look at the site and we were not taking measurements or making specific assessments of individual trees. It therefore concerns us that a full assessment has been made?

This was written in error and should have said two site visits not one and as will be apparent from our comments we still believe more detail is required for a scheme of this nature and scale.

A revised Tree Protection Plan has been provided. Whilst it is an improvement on the previous plan it still has not fully addressed our concern with regards the level of detail we require for such a large site with such significant areas of woodland. There are a number of areas in particular where this applies. The trees on the north side of the brook alongside Booths Wood need to be clearly surveyed and not just be covered by blanket coverage of Booths Wood. There is also another factor that will require more detailed information to be provided and this is that there is reference to a Booths Wood Drainage Discharge Method Statement being provided. There is a heading in Appendix G of the CEMP but there are no details within this Appendix in relation to this subject. Regardless of this the Tree Protection Plan should tie in with this and the drainage plans show a drain / outfall being constructed into Booths Wood at its north east corner.

We would want to see more detailed plans produced, as this is an extremely large site to be covered by a plan of this scale. I would advised a number of tree protection plans are produced covering all areas affected with detailed plans where there are high risks. We would include the boundaries with Plain Plantation (WA2 -A2 and G7-B2) and the northern boundary of Booths Wood (WA1-A2). Their Root Protection Areas should be clear and the tree protection fencing should relate to this (the fencing may do this already but it simply isn't clear from the level of detail provided). Secondly there needs to be a second tree protection plan for this the Outfall into Whittle Brook area or an additional annotation within a detailed tree protection plan, making it clear exactly how the woodland / trees on the north side of the brook will be protected whilst this outfall is being constructed. We would suggest this is detailed as it is a high risk operation as to construct the outfall you have to work within what is currently being shown as the tree protection area on the south side of the tree protection fencing. Finally, the tree protection plan needs to consider the 'Triangle' the west this area will have extensive work carried out on it with ponds and regrading occurring, as well as other landscape work and habitat creation taking place. All of this has the risk of damaging adjacent trees, especially as plant will be being used on site. The Tree Protection Plan has not considered these boundaries and so it needs to show tree protection to ensure Plain Plantation (WA2-A2 and G7-B2) or the trees on the southern boundary of the 'Triangle' (G8 and G9) are protected.

We had previously stated:-

"More detailed and accurate tree protection plans, that fully consider all the impacts of the development proposal, are therefore required including locations and detailed specifications for no dig methodologies to be used if required."

Whilst "no dig information" has been provided more detailed plans, appropriate to a scheme of such a large scale have not been provided and so hopefully with these comments, indicating exactly where we feel more information is required, it should be relatively straight forward to provide this information.

Allied to the work on the outfall into Whittle Brook we would advise that the arboricultural consultants still check their tree work schedule as it may not have taken into account the drainage work proposed into Booths Wood (they may have not been aware of it or it may not have been proposed at the time of the survey and preparation of the document, though it is referenced in the Ecological Clerk of works information?). If tree work is required such as pruning or removal of additional trees to facilitate the outfall then this needs to be updated and included in the tree work schedule. In tandem with this the

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applicant's need to provide the Booth Wood Drainage Discharge Method Statement which should complement a revised Tree Protection Plan and contain clear data about how the outfall is being constructed and how the trees and ecology in the location are also being protected throughout construction.

We must emphasize that this detail is important, particularly along the Booths Wood boundary, as it will help to give clarity to exactly what is being done to protect trees, particularly in terms of what is being retained and what is being protected. From previous experience this sort of work can lead to errors being made, which when dealing with protected woodland can have serious consequences, as such our comments are very much about achieving clarity and protecting all those involved in the work against such risks.

We had previously requested an Arboricultural Method Statement be provided. This has now been done and it has been professionally prepared and we are happy with the details within it (were consent to be given we may need to condition further details in relation to communication and reporting to the Council).

Landscaping

Amended landscape plans have been provided for the wider infrastructure of the site and for the unit within the full application part of the site. We had been happy with the general principles adopted but made some specific requests with regards species composition and also for existing woodlands retained to have invasive species removed and managed. This was particularly the case with rhododendron. Whilst the developers are not obliged to remove it, the suggestion was made because the principle should be that if landscape features are retained then they should be enhanced to maximise their landscape and biodiversity potential. As such removal of rhododendron in the first year, as part of any initial landscaping, is essential if the understorey of these woodlands is to be enhanced with new native woodland under planting as so improve its species diversity and structure. There may be some refining of delivery of this work through conditions particularly with regards the timing of removal in relation to delivery of the landscaping but otherwise these changes are a positive improvement on the original landscape plans.

The details within the Landscape Plans and Landscape and Ecology Management Plans is acceptable. It may be conditions need to be considered that ensure review and reporting back on management to ensure that management is ongoing as agreed. It would also be ideal to know who has been appointed to manage these areas so the Council can clearly communicate this to the public when queries come in about the area.

There have been improvements to the buffer zone where the cycleway is proposed. We are though concerned that the landscape plans for the unit within the full application, as well as the amended proposed Site Plan, show additional parking extending towards Booths Wood taking up what had been a wider Landscape buffer. This means there are contradictory plans within the application with some landscape plans showing the original layout and others the amended layout. This also goes for most of the plans within the CEMP which show the old layout and not the amended layout. Our preference though is to see that the additional car parking is removed that has been extended towards Booths Wood.

Parameters Plan

Allied to the landscaping [we would raise concern as to the status of the indicative landscaping within the amended landscape strategy and masterplans. These plans show landscaping along the boundary as well as within the Outline part of the site. Our concern is that this may carry little weight at full application stage, particularly as a clients exact specifications could propose development within these perimeter areas. There is a Parameters Plan submitted but this tells us little other than the extent of the outline and full part of the site. We believe there therefore needs to be greater information submitted in the form of a Green Parameters Plan showing the minimum green buffers to the site. If the Site Landscape Strategies are to have any meaning then we would suggest that this should show a green buffer in line with what they are showing within the Landscape Strategy Plans for the Outline area of the site. These are effectively are the minimal areas where there will be no development and where the landscaping will be in line with the proposals within the Landscape Strategy and Plans. Such information has been provided for similar outline applications elsewhere within the Borough.

Ecology / Biodiversity / Invasive Species

As previously stated it is important that any comments made by Merseyside Environmental Advisory Service are given full consideration and we would support their previous comments.

We note that a Biodiversity Net Gain metric has now been provided for the full and outline part of the site. As previously stated we raised this point in reference to Biodiversity Net Gain being used in submitted documents but were concerned this was simply being equated to increased area of habitat creation. We would therefore await MEAS's assessment of these Metrics and if the figures are accepted then were permission given for this application (and as stated we are objecting to the application) then the negative net gain figures need to be equated to an off site mitigation sum for habitat improvement, creation and management for off site biodiversity net gain. Whilst the creation of the 'Triangle' for landscaping and biodiversity are positive features the uncertainty of what will be delivered within the outline and a significant shortfall with figures of -39.43 units for the full application and -38.51 units for the outline mean that a significant sum would be required as part of any Section 106 Agreement for offsite mitigation.

In relation to the Biodiversity Metrics I would though observe that there has been no assessment of the impacts of diverting the river and drainage channels on site and this should be accounted for in the River Units assessment part of the Metric which looks at the impact on linear units of river sections affected. This should be included and the metric amended accordingly.

We note the observation about barn owls and would look to see barn owl box provision conditioned for the outline part of the site, though would prefer it to be detailed within the application as other bird box information has been.

We previously stated:-

We do not believe the impacts on species such as brown hare will not be adverse. This area is one of the strongholds for hares in the borough. Brown hares were more evident in the area before the adjacent Omega site was built. However hares are still regularly seen in the fields (the survey surprisingly had only one sighting?). On our site visits which were not surveys we observed 8 hares (6 definite separate hares seen within only 20 minutes of going on site) and 4 brown hares on a second visit at the western end and so we believe there needs to be greater consideration of this species and mitigation considered. Fencing design also needs to consider this species and gaps are required beneath security fencing to allow hares and other species to pass beneath so they can still access the wider farmland environment around the development).

At this stage we cannot see any information that specifically pertains to this issue having been submitted. There is a fencing detail submitted but this does not deal with habitat connectivity and we cannot find any information in the CEMP as stated also detailing the measures that will be taken to maintain habitat connectivity where fencing is being installed.

We are happy to support MEAS's position in relation to the Bat Survey information provided.

An Ecological Clerk of Works Method Statement has been submitted and we will be happy to support MEAS's position with regards the details once they have commented. Whilst we acknowledge the applicant's have professionally prepared this information further refinement, particularly in relation to communication with the Council will be required as with the Arboricultural Supervision should conditions be applied.

Landscape and Visual Impact Assessment

Whilst we acknowledge the applicant's have very specific requirements for the proposed building this should not be the only factor that defines the design of the building as this proposal is defined as having significant and adverse in terms of the landscape impacts and so cause significant harm. The design of the building should work within the constraints of the locality within the Bold Forest Park and so be designed to reduce the impacts or consider a site where they will not have such adverse impacts. As such our previous comments on this issue still remain our position.

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Bold Forest Park / Heritage / Access

Our previous comments still stand in relation to these subjects with the exceptions:-

We acknowledge that creating car parking can cause management issues. However, if car parking is not provided then other access to the site will need to ensure that it is of a high standard and clearly signed. This means links need to be complete but at present cycle links do not completely link to Highways. We do not currently see any evidence of any clear and concrete proposals to resolve this. Further contribution is therefore likely to be required to provide off site enhancements if they are deemed to be practical in accordance with Policy BFP SN2: Planning Obligations of the Bold Forest Park Area Action Plan.

Sankey Catchment Plan

Previous comments still stand in relation to this document.

Phasing of work

We previously stated:-

Particularly in relation to the full application part of the site we would like more information to be submitted clarifying the phasing of works on site, particularly in relation to proposed habitat creation and landscaping / access works. It would be important to fully establish any new habitats and infrastructure created at the earliest opportunity.

This position still stands and whilst there is more information provided within the Landscape Management Plan we would like more clarity about the exact timing of when landscape works would be completed and how it relates to the phasing of the construction on site (e.g. will all landscaping being completed prior to occupation of the proposed unit and how does this relate to the wider infrastructural landscaping to be delivered)?

Summary

We are acknowledge that there have been improvements to the details within the landscape plans and landscape / ecology management plans submitted. Additional information in relation to tree protection and ecology has also been submitted but our position still remains that we are objecting to this application. This is primarily due to the impacts on protected woodlands, as well as other associated habitats such as ponds and streams and believe there will be a detrimental impact on the area designated as Bold Forest Park, as well as greenbelt, including key landscape features such as the medieval deer park area. The proposals are therefore not in keeping with a number of the policies detailed in the Bold Forest Park Area Action Plan. We also believe that the application does not respect the proposals put forward for development in the locality within the St.Helens Local Plan 2020-2035 Submission Draft January 2019 and the extension of development beyond the limits shown in this plan are the primary reason for significant habitat loss, particularly the removal of protected woodlands.

Our comments within this response have also highlighted were we have concerns about specific information submitted and would require further information and amendment where relevant in relation to the areas we have highlighted within these comments.

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and

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