



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 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). Which the applicant's own documentation describes as having 'significant and adverse effects' on both landscape character and visual receptors both during and after development. 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.

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

More detailed tree protection plans have now been provided and these also take into account the construction of an outfall into the brook and protection of trees on the wider site. These amendments combined with the provision of an Arboricultural Clerk of Works Method Statement mean there is sufficient information, to an appropriate standard, that has been provided to address tree works and tree protection on site, should the application be approved.

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. These have been further amended following concerns about the pathways being constructed in the buffer zone to the brook. Whilst it is regrettable the path has now been pushed up to the boundary fence in places, overall the proposals are acceptable and have been well specified. This includes removal of rhododendron from Plain Plantation and the under planting of the wood which should be beneficial to biodiversity within the woodland.

The details within the Landscape Plans and Landscape and Ecology Management Plans is acceptable. Both for the full application part of the site and the outline part. It may be conditions needs 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.

Parameters Plan

Since our previous comments have been made a number of changes have been made to the landscaping proposals for the outline application part of the site. Our concern had been that they were simply indicative and so at a reserved matters stage we may have no guarantee of the extent or location of the landscaping or even the position of the river. The outline landscaping proposals have now been amended and they have been defined as parameters for the site (Parameter Plan 3 Outline Landscape). This means that the areas shown are now defined as landscape areas and must not be reduced down in size. We are still concerned the buffer is quite narrow on the southern boundary, with the river taking up much of the width. This may reduce the amount of screening that the landscaping can be provided on that buffer. We are also concerned that the river is still annotated as "Possible location of proposed diversion..." This leaves it too open for the route of the diversion to be changed. Whilst it being moved closer into the site away from the perimeter would be acceptable conditions would need to be applied to ensure it was not moved any closer to the boundary as this would adversely impact what remained of the protected woodland, Duck Wood.

Ecology / Biodiversity / Invasive Species

We support MEAS's previous comments and advice they are consulted on any new information submitted.

With regards previous comments relating to Biodiversity Net Gain, the DEFRA Biodiversity Net Gain Metric has been prided and this has shown that there is a -39.0 biodiversity unit deficit for the full application part of the site and -74.12 biodiversity unit for the outline part of the site. These figures reflect that there are much wider and greater impacts to biodiversity than the removal of 5.63 ha of woodland. They also show that even with on site compensation for the loss of habitats (which includes 8.06 ha of new woodland) there is still a large and significant loss of biodiversity being caused, with farmland, ponds, grassland and hedgerows all being lost or adversely impacted by the these development proposals. Whilst this level of loss of biodiversity should not be acceptable were the application to be approved then significant funds would have to be made available through Section 106 agreement to be able to create compensatory habitats and biodiversity enhancements to existing sites to be able to even begin to compensate for the harm to biodiversity from these proposals. This is reinforced by National Planning Policy with the NPPF stating "Planning policies and decisions should contribute to and enhance the natural environment by:-

(Paragraph 170d). ...minimising impacts by **providing net gain for biodiversity**, including establishing coherent networks that are more resilient to current and future pressures".

Also under paragraph 175 of the NPPF it sets out the principles which local planning authorities, such as St.Helens, should follow when determining planning applications. Here it states:-

"When determining planning applications local planning authorities should apply the following principles:-

If significant harm to biodiversity resulting from development cannot be avoided (through location on an alternative site with less harmful impact) adequately mitigated, or as a last resort, compensated for, then planning permission should be refused".

On a specific matter in relation to hares 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

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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).”

The fencing detail has now been provided to address the above comments and is detailed within the plan entitled “Fencing Details Unit 1 DWG14 No 6385-191H”

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. Details have now been added that include communication with the Council though this should be reinforced through condition to ensure there is clear communication between the developers and the Council, as well as evidence of ongoing monitoring and supervision being provided.

Landscape and Visual Impact Assessment

We previously stated:-

“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”.

*The applicant’s own documentation though still describes the development as having ‘**significant and adverse effects**’ on both landscape character and visual receptors (such as residential properties, public footpaths, public open space, Highways etc both during and after development*

St.Helens Local Plan 2020-2035 Submission Draft January 2019 / Greenbelt

Our previous comments on this subject still remain our position.

Bold Forest Park / Heritage / Access

Our previous comments still stand in relation to these subjects. There is very little reference to Bold Forest Park in the application (it is not referenced in the Environmental Statement?) and I would stress that the landscape and visual impact of the proposals will also be significant and adverse in terms of their impact on the Bold Forest Park area.

Sankey Catchment Plan

Previous comments still stand in relation to this document.

Phasing of work

Landscape plans have clarified the phasing of some of the operations such as the rhododendron removal and woodland under planting.

Summary

Many of the specific details that we raised have been addressed in relation to the plans and supporting information 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

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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.

Should we be made aware this application is being recommended for approval then we will provide information in relation to conditions (though our over-riding objection will remain).

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and

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