

## Ecology Practice

# Summary of Proof of evidence of Mark Morgan (for the Applicants) on Ecology

Call-in by the Secretary of State of an application made by  
Omega St Helens Limited / TJ Morris Limited

Land To The West Of Omega South & South Of The M62, Bold,  
St Helens

LPA REF: P/2020/0061/HYBR

PINS REF: APP/H4315/V/20/3265899

**CD 38.6A**

**March 2021**

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- 1.1.1 There is Common ground between the Applicants, the Council, and Consultees with regard to European Protected Sites, European Protected Species, UK Protected Species, Priority and notable species, the appropriateness of ES Chapter 9: Biodiversity, and the Biodiversity Metrics and their findings.
  - 1.1.2 I provide clarification upon the observations made by the St Helens Countryside Development and Landscape Officer upon the 'appropriateness' and 'significance' of loss of woodlands and associated habitats. The officers' comments contended that the extent of biodiversity loss would not be appropriate. However, the officer also recognised the specific benefits that would arise under the section 106 agreement.
  - 1.1.3 The Application Site contains woodland blocks with TPOs, as such protected for their amenity value as opposed to their ecological merit. There are no ancient woodlands present at the Application Site. Priority habitat exists in the form of woodland, ponds and hedgerow. There are no statutory designated sites present and a single non-designated Local Wildlife Site (LWS) partially extends on-site from the western boundary, remaining largely unimpacted by the proposals.
  - 1.1.4 The biodiversity assessment has followed the mitigation hierarchy to avoid, mitigate and compensate. An unavoidable loss of priority woodland, ponds and hedgerow is initially realised, with significant losses of cropland and other habitats of low or lesser biodiversity value.
  - 1.1.5 Extensive on-site mitigation provides an increase in value and extent for priority pond, hedgerow, species-rich grassland and wetland habitat, providing a net gain for these habitats. The metric also results in a net gain for River Units in response to the proposed Whittle Brook diversion. Extensive planting of high-quality woodland is mitigated on-site. While there will be an increase of woodland on-site, planting falls short of the 2:1 ratio required by policy CQL 2, requiring additional off-site compensation of 0.13ha. Additional mitigation includes fish rescue strategies and the retention of deadwood to preserve identified fungi species. On-site enhancements to retained woodlands and the control of invasive species across the Applicant Site are proposed.
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- 1.1.6 Defra's Biodiversity Metric 2.0 realised an overall deficit of -113.12 Habitat Units (HUs) following on-site mitigation and enhancements. The unit deficit is overwhelmingly due to the loss of cropland, itself a low ecological value habitat which dominates the Application Site. Of the -113.12 HUs, -22.48 HUs are apportioned to woodland loss, with the remaining deficit overwhelming due to cropland loss, scattered trees, scrub, and bare ground, recognised as lesser value habitats.
- 1.1.7 The Council agree to a S106 financial payment to compensate for the remaining loss of biodiversity, providing a total of £1,696,800. A sum of £15,000 per Habitat Unit has been applied by SHBC, elevated to such to account for the priority woodland habitat being lost on site. The approach contained in the S106 agreement is compliant with the NPPF, local policy CQL 3 and emerging policy LPC06. To comply with policy CQL 2, off-site woodland planting to a minimum of 0.13ha must be achieved to satisfy policy CQL 2. The S106 is targeted to provide a minimum of 9.4ha to put woodland habitat in a net gain position by way of the metric, and in turn exceeding requirements within policy CQL 2 by multiple factors.
- 1.1.8 The Environment Bill, currently still before Parliament, is a material consideration for the proposals, and which when in force is expected to require developers to result in a measurable 10% biodiversity net gain. However, it is not yet law and may be several years before it is put into effect. It is considered that, at this stage, greater weight should be given to current adopted policy. This was the approach adopted by the Inspector at the recent Milton Keynes Public Inquiry.
- 1.1.9 The S106 prioritises the spending of monies on biodiversity projects and initiatives within the Bold Forest Park, considering the wider region or Borough, where considered necessary. The S106 targets local initiatives within the Bold Forest Park Action Plan and the Mersey Forest Plan that target habitats of local, regional, and national importance. Specifically, applying contribution payments towards the enactment of policies ENV1 and ENV2 within the BFPAAP and policies SH7, SH8 and 13 within the Mersey Forest Plan that will create habitat at least equal to and greater than that which currently exists or is being lost at the Application Site. It is my professional opinion and experience that these habitats may be sufficiently created or suitably enhanced effectively using the contribution payment, and to an extent to fully
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satisfy the deficit within the metric, with the likely outcome of a net gain being achieved.

1.1.10 Comments received by the Countryside Landscape and Development Officer have been addressed within my Proof.

1.1.11 To conclude, I consider that the proposals have undertaken a thorough and accurate assessment of the status of biodiversity at the Applicant Site. It is recognised that there is an impact to biodiversity, but those impacts are adequately addressed via on-site and off-site mitigation and compensation. With the spending of S106 monies targeting specific initiatives within the local area that focus on habitat creation and enhancement for high-value habitats, a benefit to biodiversity will be realised. It is my professional opinion that there will be no ecological reason to refuse the granting of permission for this scheme.

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