



Town and Country Planning Act 1990, Section 77

Town and Country Planning (Inquiries Procedure) (England) Rules 2000

Land to the West of Omega South and South of the M62 Bold, St Helens

## Statement of Case

Planning Application Reference  
P/2020/0061/HYBR

Planning Inspectorate Reference  
PCU/CONS/H4315/3262458

## **1. BACKGROUND**

- 1.1 The application is made by Omega St Helens Ltd and T.J.Morris Limited
- 1.2 This statement of case is submitted on behalf of St Helens Borough Council as local planning authority.

## **2. APPLICATION SITE & PROPOSAL**

- 2.1 The application site is located within St Helens although it lies to the west of Omega Business Park and Lingley Mere Business Park which are both within the administrative boundary of Warrington.
- 2.2 The site covers an area of 75 hectares (ha) of primarily arable farmland with blocks of woodland, which is greenfield land. The site falls within Green Belt and Bold Forest Area Action Plan boundary.
- 2.3 An overhead electricity distribution line runs into the site from the north east corner to a pylon before splitting into two sets of overhead lines. A designated main river, 'Whittle Brook', runs from the north-south of the application site and a second watercourse known as 'Barrow Brook' crosses the north east corner of the site.
- 2.4 A track runs north-south across the western sector of the site to a bridge that rises over the M62 to give access to fields on the north side of the motorway. This is a private access only for the farm owner. A public right of way (PRoW), number 102, crosses the application site in the north west and runs north to south via a footbridge over the M62.
- 2.5 The M62 runs to the north of the site between Junction 7 and 8. The main access to the application site is via Skyline Drive and Catalina Approach through the existing Omega Business Park, with direct access from the M62 Junction 8. Farmland borders the south and west boundaries of the site along with Booth's Wood, which has been designated as a Local Wildlife Site (LWS) and Duck Wood and Finch's Plantation to the south. There are several residential areas surrounding the application site, including Lingley Green (370 m south east), Clock Face (1 km north west), Bold Health (1.5 km south-west) and Westbrook (1.8 km east).
- 2.6 This application is a hybrid application. It seeks full planning permission for the construction of one logistics warehouse comprising 81,570 square metres with 77,084 square metres within use class B8 (storage and distribution) with ancillary B1(a) offices comprising 4,486 square metres along with associated serving and infrastructure. The site area is approximately 35 ha and the unit has an identified end user, TJMorris/Home Bargains.

- 2.7 The eastern end of the warehouse would be used for high bay racking and would have a height of 36 metres to the eaves and 41.6 metres to the top of the curved apex roof. The western end of the warehouse would be used for storage packing and would have a height of 24.8 metres to the eaves and 29.4 metres to the apex. The warehouse would have horizontal cladding in white, grey and blue.
- 2.8 A car park containing 576 parking spaces and a service yard with 360 HGV / trailer parking spaces would be provided.
- 2.9 A vehicle wash, fuel island, sprinkler tanks, hydrant tank and pump house, refrigeration and transformer units would be sited around the warehouse and a primary sub-station in the south west corner of the site.
- 2.10 A cut and fill operation would level the site. An area of approximately 7 ha of landscape and ecology mitigation would be provided in the north west corner of the application site which is referred to as the 'Green Wedge'. This area would contain trees and shrubs and sustainable drainage (SUDs) basins for the site drainage.
- 2.11 Access would be taken from the east via a new roundabout taken off Catalina Way. Catalina Way falls within Warrington Borough and connects to Skyline Drive (A5280) which then provides a direct link to Junction 8 of the M62. A pedestrian and cycle route would run through the centre of the site.
- 2.12 Barrow Brook is to be diverted to run adjacent to the M62.
- 2.13 The application seeks outline planning permission for the construction of up to 123,930 square metres of employment development within use class B8 (storage and distribution) and use class B2 (Light industry). All matters other than means of access are reserved. A number of layout and height parameter plans and a masterplan accompany the application that set out how the site would be developed.
- 2.14 An area of land within the north east of the site is identified for future expansion land for the warehouse which falls within the full application site.
- 2.15 Access would be taken from the roundabout off Catalina Way with the masterplan indicating three warehouse units. Layout is a reserved matter, however a minimum floorspace size for 27,870 square metres is proposed (and could be secured by condition).
- 2.16 Whittle Brook is to be diverted to run along the south west boundary of the site with a landscape parameter plan provided.
- 2.17 The proposal is schedule 2 development under the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 and an Environmental Statement (ES) accompanies the application. The Council considers that the environmental impact assessment undertaken in this case complies with the Regulations such that planning permission can be granted. The EIA is therefore considered to be lawfully adequate.

### **3. APPLICATION HISTORY**

- 3.1 The application was submitted and made valid on the 22nd January 2020. Officers presented a report to the Planning Committee meeting held on the 27<sup>th</sup> October 2020 recommending that planning permission be granted subject to conditions, a planning obligation and the Secretary of State not wishing to intervene. Members agreed the officer recommendation. The Council received notification that the Secretary of State had decided that the application be referred to him for a decision in a letter dated 18<sup>th</sup> December 2020.

### **4. POLICY CONTEXT**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

#### Development Plan

- 4.2 The adopted development plan for St Helens is the St Helens Local Plan Core Strategy (adopted 2012); saved policies in the St Helens Unitary Development Plan (adopted 1998); and the Joint Merseyside and Halton Waste Local Plan (adopted 2013). The relevant policies are set out below.

- CSS 1 - Overall Spatial Strategy
- CIN 1 - Meeting St. Helens' Infrastructure Needs
- CSD 1 - National Planning Policy Framework - Presumption in Favour of Sustainable Development
- CAS 3.1 – Newton and Earlestown Strategy
- CAS 3.2 – Development of a Strategic Rail Freight Interchange (SRFI)
- CP 1 - Ensuring Quality Development in St. Helens
- CP 2 - Creating an Accessible St. Helens
- CAS 4 – Haydock and Blackbrook
- CAS 5- Rural St Helens
- CE 1 - A Strong and Sustainable Economy
- CQL 2 - Trees and Woodlands
- CQL 3 - Biodiversity and Geological Conservation
- CQL4 – Heritage and Landscape

#### Saved Policies of the adopted St Helens Unitary Development Plan (1998)

- S 1 - Green Belt
- GEN12 – Lighting and Security Apparatus
- GB 1 - General Criteria for Development Control in the Green Belt
- GB 2 - General Criteria for Development Control in the Green Belt
- ENV 5 - Sites of Community Wildlife Interest and Local Nature Reserves
- ENV11 – Tree Surveys
- ENV12 – Development Affecting Trees
- ENV 13 - New Tree Planting on Development Sites
- ENV 23 – Archaeology
- ENV 25 – Listed Buildings
- ENV 26 - Contaminated Land

- ENV 30 - Drainage

#### Waste Local Plan (2013)

- WM8 – Waste Prevention and Resource Management
- WM9 – Sustainable Waste Management Design and Layout of New Development

#### Supplementary Planning Documents

- Local Economy
- Ensuring a Choice of Travel
- Biodiversity

#### Area Action Plans

- Bold Forest Area Action Plan July 2017

#### Local Plan Submission Draft

- 4.3 The Submission Draft of the St Helens Borough Local Plan 2020-2035 was published on 17<sup>th</sup> January 2019. The plan proposes to allocate 265 hectares of employment use up to 2035 with an additional 85.88 hectares of land safeguarded for employment use beyond the plan period. The Plan proposes to remove 31ha of land immediately to the west of the Omega employment area from the Green Belt and to allocate it as a strategic employment site. The application site includes the land proposed to be allocated. The plan was submitted to the Secretary of State for examination on 29 October 2020. Hearing sessions of the examination are scheduled to commence on 25 May 2021.

#### National Planning Policy Framework

- 4.4 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area. Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.5 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. Relevant parts of the NPPF are addressed further below.
- 4.6 Chapter 6 of the NPPF sets out policy to build a strong competitive economy. It encourages sustainable economic growth, it places emphasis on meeting identified

needs and states that policies and decisions should recognize and address the specific locational requirements of different sectors and reference is made to storage and logistics in this context.

- 4.7 Chapter 13 of the NPPF sets out policies for protecting the Green Belt. The proposed development is by definition, inappropriate within the Green Belt. NPPF paragraph 143 states that inappropriate development should not be approved except in very special circumstances. Paragraph 144 states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

#### Other Documents

- 4.8 The following documents form part of the Council's evidence base.

- Economic Evidence Base Paper, Aecom, September 2015 (EEBP)
- Employment Land Needs Study, BE Group, October 2015 (ELNS)
- Draft Strategic Housing and Employment Land Market Assessment, GL Hearn, January 2017 (SHELMA)
- Addendum Report to the ELNS, BE Group, October 2017 – Amended January 2019 (ARELNS)
- Strategic Housing and Employment Land Market Assessment (SHELMA) 2018
- Liverpool City Region Assessment of the Supply of Large-Scale B8 sites (ASLCB8) June 2018
- Liverpool City Region Assessment of the Supply of Large-Scale B8 sites (ASLCB8) June 2018 and Addendum Sheet, November 2019
- Employment Land Need and supply Background Paper (2020)
- Draft Statement of Common Ground with Warrington Borough (March 2019),
- St Helens Green Belt Review (2016)

## **5. STATEMENT OF CASE**

- 5.1 The application site relates to an area of land located to the west of Omega and south of the M62. The site is primarily greenfield land in the Green Belt. This application proposes a detailed application for a B8 logistics warehouse occupied by 'Home Bargains' and outline application B2/B8 warehouses accessed via Catalonia Way through Warrington.

#### Context

- 5.2 St Helens has been ranked 51<sup>st</sup> (2010), 36<sup>th</sup> (2015) and 26<sup>th</sup> (2019). The indices of multiple deprivation are therefore worsening over time;

- There are 29 LSOA's (neighbourhoods) in the 10% most deprived nationally;
- There are 50 neighbourhoods in the 20% most deprived nationally;
- 6 LSOA's are within the 1% most deprived nationally;
- The domains of greatest concern are health deprivation, employment deprivation and income deprivation;
- St Helens is the 8<sup>th</sup> most deprived (health), 9<sup>th</sup> most deprived (employment) and 34<sup>th</sup> most deprived (income);

- Nearly a quarter of the population of St Helens live in the most deprived neighbourhoods. That is 42,877 people (an increase of 26% from 33,926 in 2010).
- 5.3 The regeneration of the Borough has been the primary objective of the development plan and the emerging local plan. Meeting the need for land for employment uses is key to that objective.

#### Principle of the development

- 5.4 The application site is within the Green Belt. Saved Policy GB1 in the Unitary Development Plan applies. This Policy states that inappropriate development within the Green Belt will not be permitted, except in very special circumstances.
- 5.5 This hybrid application proposes the erection of 205,500 square metres of employment floorspace in the Green Belt. The Council considers that it is by definition inappropriate development within the Green Belt. Substantial weight should attach to the harm to the Green Belt by reason of inappropriateness.

#### Benefits of the application

- 5.6 The Council's case is that there is clear and compelling evidence of a significant need for new employment land in St Helens Borough, including large scale logistics and that St Helens can also support the delivery of Warrington's unmet need for employment land. The market for employment land has changed significantly since the adoption of the Core Strategy in 2012 and the more modest requirements of 37 hectares of land up until 2027 is out of date and of no material weight. The extent of change, as set out in the evidence base to the emerging Local Plan, effectively renders policies CSS1, and CE1 in the Core Strategy out of date. By contrast, the Council will demonstrate that up to date evidence prepared in accordance with National Planning Practice Guidance (NPPG) means that the need for more employment land, to assist in meeting the regeneration imperative contained in the Core Strategy, should be given significant weight when assessing the application.

#### *Whether the application site is attractive to the market and would help meet the need for employment land in the Borough*

- 5.7 The Council will present evidence that the proposed development is considered to be deliverable and attractive to the market and would assist in meeting the significant need for large scale logistics sites in the Borough and Warrington Borough. The application is also designed to meet the specific requirements of an end user (TJ Hughes/Home Bargains), which cannot be met elsewhere i.e. on a previously developed site and/or on a site inside the existing settlement boundaries or on a greenfield site outside the Green Belt.
- 5.8 There are no alternative sites which are not in the Green Belt where the need to accommodate logistics development can be met, and no alternative site where the specific needs TJ Hughes/Home Bargains can be met, which is not in the Green Belt.

*Whether there are significant economic benefits*

- 5.9 The Council will explain that the proposed development would result in a significant investment into the local economy and would create/support a number of jobs during the construction and operational phases. This should be given significant weight in favour of the proposed development.

*Social benefits*

- 5.10 The Council's case is that there is a reasonable prospect of the development making a contribution to tackling deprivation in the Borough and in Warrington (through either direct, indirect or catalytic economic impacts) and this should be given modest weight in favour of the proposals.

Harm to the Green Belt

Harm to openness

- 5.11 The Council considers the development would have a significant adverse impact on the openness of the Green Belt. Evidence will explain the potential physical and visual impacts of the Application,

Whether there is harm to the purposes of including land within the Green Belt

- 5.12 The Council will explain the role and significance of the Application Site against the purposes served by the Green Belt which are identified in NPPF paragraph 134. The purposes of checking the unrestricted sprawl of a large built-up area; preventing towns from merging into each other and safeguarding the countryside from encroachment are the most relevant. The Council's evidence will address the impact of the proposal on the relevant purposes. The LPA considers that the development would be contrary to three of the five purposes and would have a significant impact on the openness, contrary to saved policy GB2.

The Council maintain that in accordance with NPPF paragraph 144, substantial weight must be given to the harm arising from the Proposal by way of inappropriateness, together with substantial harm caused to the openness of the Green Belt and harm to the purposes of including land within the Green Belt.

Other Harm

Heritage Impacts

- 5.13 The Proposal would reduce the contribution of the Application Site to the setting of the 'Old Bold Hall' moated site (a scheduled monument) and the Grade II Listed buildings. The Council will explain that the potential harm is "less than substantial harm" as identified by paragraph 196 of the NPPF.
- 5.14 The harm caused to the setting of the listed buildings and the Old Moat would be contrary to policies ENV25 and CQL4. There is also conflict with Section 66 of the



Planning (Listed Building and Conservation Areas) Act 1990 because the development would fail to preserve the setting of two listed buildings. The harm caused to the setting of the listed buildings should be given great weight in accordance with NPPF 193.

#### Environmental Impacts

- 5.15 Significant areas of established and protected woodland would be lost and the diversions of water courses would impact significantly on ecology. Landscape mitigation is proposed and a contribution of £180,000 has been secured via a planning contribution to fund infrastructure projects within the Bold Forest Park Area, as well as £1,696,800 to carry out projects within St Helens for Biodiversity Net Gain to mitigate for the loss of habitat. Such contributions meet the CIL Regs and the tests in the NPPF on planning obligations. This will be addressed further in a CIL Compliance Statement.

#### Transport, Traffic and Highway Safety

- 5.16 A Transport Assessment (TA) has been submitted with the application which assesses the impacts of the development as a whole (full and outline) on the local highway network. Within the Omega site in Warrington, planning permission has been granted for a B1 employment land use at Zones 1-2, close to Junction 8 (application reference 2017/30371 and 2020/36381/S73). The Applicant's TA has derived the vehicle trips generated for the site from surveys of operational B2 and B8 sites within the wider Omega development as well as the removal of the consented B1 office use within zones 1-2 and replacement with residential development.
- 5.17 The proposed development would introduce additional vehicles onto the road network. However, it has been demonstrated that there is capacity within the network and junctions. The Council will explain that the acceptability of the Proposal in highway terms is dependent on mitigation measures for Junction 8 of the M62 and a planning obligation to prevent the implementation of application reference 2017/30371 and 2020/36381/S73 for the B1 use. The cumulative residual impact of the proposal is not severe and complies with the NPPF.

#### *Sustainable Location*

- 5.18 The location of the Application Site is not close to residential areas within St Helens, although it would be an extension to the Warrington urban area. The site is not close to an existing bus routes. However, the site can be made accessible. It will be noted that the applicant proposes to improve public transport provision by diverting the existing B52 Omega funded bus service into the Application Site. An extension to an existing bus service between St Helens to the application site would also be necessary. A contribution of £750,000 for this service will be secured through a planning obligation, which complies with the CIL Regs and NPPF.
- 5.19 The Council will say that whilst not straight forward, the site does lie within walking and cycling distance of areas of St Helens such that the option to gain access into the site via foot is available. The extension of an existing bus service could directly link the site with St Helens and is intended to be running on the opening day of unit 1. This would comply with policy CP2 of the Core Strategy and the NPPF.

5.20 The Council will say that the site is well located relative to the Strategic Road Network and whilst it will introduce additional vehicles onto the road network, there is capacity within the network and junctions, subject to conditions securing mitigation measures for Junction 8 of the M62 and a CEMP. Additional public transport commitments will be required to ensure appropriate access to and from St Helens to ensure that opportunities for improving sustainable transport to the site are enhanced such that the proposed development complies with the relevant parts of NPPF and policies CSS1 and CP2.

#### Air Quality

5.21 The Application Site is not situated within an Air Quality Management Area (AQMA) in St Helens, however, the north east corner is adjacent to the 'Motorway AQMA' in Warrington.

5.22 During the construction phase of the development, there is the potential for adverse impacts from dust and particulate emissions. Cumulative effects are deemed to be temporary in nature. Dust mitigation measures can be included in a Construction Environmental Management Plan ("CEMP"), to be secured by planning condition.

5.23 During the operational phase, the development is likely to have a negligible impact at all receptors in terms of particulate matter generated by the development proposals. The overall predicted local air quality effect associated with the operation of the proposed development is not significant and it is not necessary to specify any mitigation measures in order to reduce impacts on local air quality. However, the Council will identify the opportunities for enhancement through the provision of Electric Vehicle (EV) and improvements to cycling and walking infrastructure are to be secured through planning conditions. The proposed development would comply with the relevant sections of policy CP1 and the NPPF.

#### Noise and disturbance

5.24 Subject to the recommend conditions to set appropriate limits for noise from any future fixed/mechanical plant and mitigation for both chilled and ambient operations the noise effects of the proposed development would not have a significant effect on the amenity of the residents at the nearest residential properties and other sensitive noise receptors, in accordance with Policy CP1. However, it is acknowledged that some harm would be caused by additional noise and this should weigh against the proposed development.

#### Visual Amenity

5.25 A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the ES which analyses the visual impacts of the proposed development. Harm would be caused to the visual amenity of residents within the vicinity of the site both within St Helens and Warrington. The greatest visual impacts would be experienced by the occupants of Warrington Road, Old Bold Hall Farm, Lingley Green and Home Farm to the north.

- 5.26 There would be significant harm caused to over 20 properties at the construction phases and over 21 at the operation stage. The harm caused to amenity would be contrary to the requirements of policy CP1 and should weigh against the proposed development. There would be harm caused through construction although it would be temporary. The harm caused during the operational stage would be a permanent effect and the establishment of landscaping would only provide minimal impact in mitigating the harm caused. The Council consider that the harm caused should be given significant weight against the proposed development.

#### Impact on Landscape Character

- 5.27 The LVIA refers to the St. Helens Borough Landscape Character Assessment (LCA) which identifies the application site as being located within landscape character type number 5 'Wooded Former Estate' (WFE), specifically landscape area WFE 4 Bold Hall. Given the scale of the site it also falls within the landscape character area at Clock Face Farming (FF 3) and Bold Heath (FF 4). However, there has been a material change in circumstances since the LCA was undertaken because of the development of the Omega employment area immediately to the east of the application site, since the LCA was published in 2006.
- 5.28 The landscape analysis notes negative features that include the separation and fragmentation by the M62 and some degraded landscape structure with some loss of field boundaries. It also states that whilst the towers at Fiddlers Ferry form a series of dramatic features in views from the landscape, they do impose an industrial character on the rural landscape along with ribbon development sprawling along from small vernacular settlements. Overall, however, the area was considered to be rural, although since the LCA was undertaken the context of the site is more industrial with large logistics development immediately to the east and over the motorway to the north. There is no physical or landscape character barrier to the expansion of the Omega logistics park, to which this site forms a logical next phase of development.
- 5.29 This development will have a significant impact on the landscape of the Bold Forest Park area and therefore a financial contribution of £180,000 has been secured through a planning obligation to support and contribute to the wider enhancement of the Bold Forest Park Infrastructure.
- 5.30 The LPA considers the proposed development would result in a major change from the current condition/character of the site through the development of a large built industrial form. Mitigation planting, even once fully matured would have limited impact on mitigating the major/adverse effects of the development due to the sheer scale of the development for both full and outline elements for the scheme. The development would be a dominating feature that could not be mitigated by landscaping. The harm caused to the landscape character even after the proposed landscape is matured would be significant and contrary to policy CQL4 in the Core Strategy and Bold Forest Park Area Action Plan.

#### Design and Appearance

- 5.31 The Council will say that the warehouse within the full element would appear as a prominent feature, appearing significantly larger and higher than anything else in the surrounding area. Even with care consideration given to the design of the building it would still result in significant harm to the character of the area. The outline building(s) to a lesser degree would also appear incongruous due to the height and footprint within the rural setting upon which they would be sited and would cause a moderate harm to

the character and appearance. The development is of a typical industrial design and complies with the relevant elements of the NPPF and CP1, but would harm the character of the area. This weighs against the proposed development.

#### Effects of overshadowing/undue dominance/privacy/lighting on amenity

- 5.32 The Council will say that, subject to appropriate conditions, in principle a development could be delivered on the site that does not cause harm to residential amenity through overshadowing, undue dominance, privacy or the effects of light pollution. In this respect the proposed development complies with Policy CP1.

#### Ecology

- 5.33 The Council will say there is potential for Booths Wood Local Wildlife Site to be impacted during construction and operational phases and impacts to woodland from loss of the wider ecological network of woodland, ponds and hedgerows. The CEMP and tree protection plan for Booths Wood detail construction phase mitigation measures which will prevent impacts to Booths Wood during construction which will be secured through a condition.
- 5.34 The only protected species to be affected by the development are bats found to be roosting in trees on the site. The proposed development would result in the loss of these trees and consequently the bat roosts. Alternative bat roost provision is proposed in the form of bat boxes. By applying the mitigation/compensation recommended in the biodiversity chapter is implemented. The three tests of Regulation 53 of the Conservation of Habitats and Species Regulations 2010 would be satisfied.
- 5.35 The applicant has submitted DEFRA metric spreadsheets for both the full and outline element. The metric shows that a total of 22.49 woodland biodiversity units (BU) will need to be provided offsite. This equates to approximately 10 ha of woodland planting. Other habitats which will require off site compensation include scrub habitats (3.22 BU) and farmland habitats. The Biodiversity Net for the full element of the scheme would be - 39 Units and -74.12 Units for the outline.
- 5.36 The Council agrees that significant harm to biodiversity is being caused by this proposal. The applicant has agreed to off-site compensation. The amount is based on the DEFRA calculations and equates to £1,696,800.
- 5.37 A permanent loss of woodland and trees totalling an area of 56,339 m<sup>2</sup> would result. There is no good arboricultural reasons to fell the areas of woodland, it is only necessary to deliver the proposed development. The Council considers that the need for this development and the lack of alternatives would justify the loss of the trees, provided that suitable mitigation is provided. The loss of such trees is nonetheless a significant impact to weigh in the planning balance.
- 5.38 The Council will say the proposed development would cause a significant loss of natural habitat for both protected and Local and UK Priority Species which is harmful and does not accord with policies CQL2, CQL3 and BFP ENV2. The harm to ecology and biodiversity must be weighed as significant in the planning balance. Applicant has argued in their case for very special circumstances that this cannot be avoided, due to the identified need for the scale and location of the proposed development which will be considered in the planning balance.

#### Flooding and Drainage

- 5.39 The Council will say the application has demonstrated that the proposed development has been designed to be an appropriate use within the flood zones it falls within, and that it would not increase flood risk elsewhere, in accordance with the requirements of the NPPF and Policy CP1.. Subject to conditions recommended by the Environment Agency, the proposed development would comply with the relevant sections of NPPF and Policies CP1 and ENV30.

#### Contaminated Land, Stability and major hazards

- 5.40 The Council considers that subject to the conditions recommended by the Contaminated Land Officer, the proposed development could be delivered in a safe manner in accordance with the requirements of Policy CP1 and the NPPF.

#### *Ethylene Pipeline*

- 5.41 The Council will state that as no objections are raised to the development of the application site, the development can be delivered safely in line with the requirements of saved policy ENV28A and the NPPF.

#### *Electricity lines*

- 5.42 An overhead electricity distribution lines runs into the which applicant has applied to divert. This is assessed under a S37 of the Electricity Act 1989. Scottish Power have raised no objections to the proposal.

#### Agricultural Land

- 5.43 The proposed development would result in a permanent loss of 69.5 ha of agricultural land, of which 47.2 ha is Grade 3b (moderate quality land), 17.5 ha is BMV Subgrade 3a (good quality land) and the remaining area is Grade 4 (poor quality).
- 5.44 Natural England has reviewed the proposals and have raised no objections. It is not considered that the proposed development would cause significant harm to high quality soils. Nonetheless, the loss of agricultural land is still an adverse impact to weigh in the balance.

#### Climate Change

- 5.45 The proposal will incorporate some energy saving measures however there would nonetheless the impact on climate change is still adverse and has to be considered in the planning balance. To the extent that this issue is raised at the Inquiry, the LPA will make Legal Submissions at the close of the Inquiry, consistent with submissions made at the Parkside and PLR Inquiries.

#### Lighting

- 5.46 Policy CP1 and Paragraph 180 in the NPPF are relevant. The application proposes lighting for unit 1. Whilst it would be visible from the locality it would not cause an adverse glare. A condition will secure details.

Submission Draft of the St Helens Borough Local Plan 2020 – 2035

- 5.47 The Council is currently preparing a new local plan for the Borough. The Local Plan is currently at Submission Draft stage, it was submitted for examination in October 2020.
- 5.48 Policy LPA02 ‘Spatial Strategy’ states that the plan releases land from the Green Belt to enable the needs for housing and employment development to be met over the plan period in the most sustainable locations. It also identifies land safeguarded for development where planning permission for permanent development should only be granted after the plan period. It states that within the remaining areas of Green Belt new development shall be regarded as inappropriate unless it falls within one of the exceptions set out in the National Planning Policy Framework. Inappropriate development in the Green Belt shall not be approved except in very special circumstances. The policy goes on to state that substantial new employment development (set out in Policy LPA04 and excluding town centre uses) will take place on large sites that are capable of accommodating large employment buildings (over 9,000sq.m) and are close to the M6 and M62. High quality road, public transport and active travel links will be required between existing and proposed residential areas, particularly those with high deprivation levels, and areas of employment growth.
- 5.49 Policy LPA04 ‘A Strong and Sustainable Economy’ states that the Council will work to:
- a. help meet the Liverpool City Region’s needs for economic growth, job creation and skills development;
  - b. maximise the economic opportunities presented by St.Helens Borough’s location in relation to strategic road and rail routes; and
  - c. ensure the necessary infrastructure is provided to support business needs.
- 5.50 The Council will aim to deliver a minimum of 215.4 hectares of land for employment development to meet the needs of St.Helens Borough. The policy identifies sites that are allocated for development for employment uses, including part of the application site which is allocated for B2/B8 development as site 1E.
- 5.51 Policy LPA04.1 ‘Strategic Employment Sites’ identifies part of the application site as a Strategic Employment Site (1EA: Omega South Western Extension, Land north of Finches Plantation, Bold) and that any planning application for development within a Strategic Employment Site must be supported by a comprehensive masterplan covering the whole Site.
- 5.52 The Submission Draft has been out to consultation and a number of representations have been received regarding the removal of sites from the Green Belt. In particular, comments questioned the need for employment land justifies ‘exceptional circumstances’ required to remove the land from the Green Belt. These objections are considered to be unresolved and therefore in accordance with paragraph 48 of the NPPF only very limited weight can be given to the policies.
- 5.53 Comments have also been raised regarding the evidence base and the impact of COVID-19. The Planning Newsletter dated 1<sup>st</sup> October 2020, published by the Chief Planner at the Ministry of Housing, Communities and Local Government gives strong

encouragement to local authorities to continue in the preparation and adoption of local plans. The plan is due to be submitted at the end of October in accordance with the adopted Local Development Scheme.

- 5.54 Warrington Borough Council has notified St Helens Council that they are pausing work on Warrington's Local Plan, in response to the impact of COVID-19, along with the Government's proposed planning reforms and new housing calculation methodology.

#### Prematurity

- 5.55 In this case, granting planning permission would not undermine the plan-making process by pre-determining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan. The proposal complies with the relevant sections of the NPPF.

#### Conclusion

- 5.56 The Council will explain that on balance, the proposed development constitutes sustainable development that should be approved. The Proposal would by definition, be inappropriate development within the Green Belt, it would harm the openness of the Green Belt to a significant degree and it would harm the purposes of checking the sprawl of a large built-up area; preventing towns from merging and safeguarding the countryside from encroachment to varying degrees. Substantial weight must attach to this harm. Other harm arises to the landscape, ecology, visual amenity, the loss of agricultural land, noise, air quality and climate change to varying degrees. There would also be less than substantial harm to heritage assets. However, the benefits of the proposal in delivering economic and social benefits clearly outweigh the harm to the Green Belt and other harm, including the harm to heritage assets. The Council considers that the proposed development complies with the development plan, so in accordance with Paragraph 11 of the NPPF, it should be approved without delay.

## **6. MATTERS TO BE CONSIDERED BY THE SECRETARY OF STATE**

- 6.1 The Secretary of State wishes to be informed about the following for the purposes of his consideration of the applications:
- a) The extent to which the proposed development is consistent with Government policies for protecting Green Belt land (NPPF Chapter 13);
  - b) The extent to which the proposed development is consistent with Government policies for building a strong, competitive economy (NPPF Chapter 6);
  - c) The extent to which the proposed development is consistent with the development plan for the area, including any emerging plan;
  - d) and any other matters the Inspector considers relevant.

The Council will therefore state the following:

- 6.2 Saved Policy GB1(a) in the Unitary Development Plan does not permit the erection of new buildings in the Green Belt unless it is for certain purposes (as was previously set out under PPG2). A new industrial development such as this is considered inappropriate development in the Green Belt and does not meet any of the exceptions

in the policy. Saved Policy GB1(a) therefore states that such inappropriate development should not be permitted except in very special circumstances.

- 6.3 Saved Policy GB2 states that subject to the provisions of Saved Policy GB1, development in the Green Belt will be judged against (i) whether it is appropriate in terms of its siting, scale, design, materials and landscaping and does not detract from the appearance and openness of the Green Belt, (ii) it will not generate so much traffic as to cause nuisance or danger nor require any major improvements to rural roads, (iii) it does not conflict with the purposes of including land within the Green Belt and (iv) it will not conflict with other objectives for the use of land in the Green Belt, and wherever appropriate, will make a positive contribution to their achievement.
- 6.4 Paragraph 144 of the NPPF states that when considering any planning application, the Council should ensure that substantial weight is given to any harm caused to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.5 Paragraph 144 of the NPPF is considered to be consistent with both Saved Policy GB1(a) and Saved Policy GB2.
- 6.6 The Council will say that the proposed development would cause harm to the Green Belt by reason of its inappropriateness, it would have a significant impact on the openness of the Green Belt and would be contrary to three of the five purposes of including land within the Green Belt. Although the development's contribution to urban sprawl and any further encroachment into the countryside would be restricted by the existing boundaries and proposed boundaries of the site, it is noted that the boundaries proposed to the south and west have been created by the applicant and are landscaping and therefore only limited weight can be given to them. This makes the proposed development contrary to certain aspects of saved policy GB2. In accordance with saved policy GB1(a) and paragraph 144 of the NPPF, this harm should (individually and collectively) be given substantial weight against the proposed development.
- 6.7 The proposed development would cause harm to the setting of the listed buildings and the Old Moat which would be contrary to policies ENV25 and CQL4. It also means that there is conflict with Section 66 of the Planning (Listed Building and Conservation Areas) Act because the development would fail to preserve the setting of two listed buildings. Consequently, the harm caused to the setting of the listed buildings should be given significant weight against the proposed development.
- 6.8 The proposed development would introduce additional vehicles onto the road network, however it has been demonstrated that there is capacity within the network and junctions, subject to mitigation measures for J8 of the M62 and the removal of the consented B1 use at Omega Warrington will be secured through a S106. Additional public transport commitments will be required to ensure appropriate access to and from St Helens to ensure that opportunities for improving sustainable transport to the site are enhanced. The proposed development is considered to comply with the relevant parts of the NPPF and policy CP2 of the CS. There is considered to be limited harm caused.
- 6.9 The proposed development would cause some harm to air quality in certain locations, which must be weighed against the proposed development. However, the proposed development would not cause any exceedances of EU Limit Values in 2030 or have a significant effect overall. It is not considered that this materially conflicts with policy



CP1 in the Core Strategy or paragraph 181 of the NPPF because impacts have been minimised and mitigated. However, harm would be caused and this harm should be given very limited weight against the proposed development.

- 6.10 Harm would be caused to the visual amenity of over 20 properties at the construction phases and over 21 at the operation stage. The harm caused to amenity would be contrary to the requirements of policy CP1 and should weigh against the proposed development. There would be harm caused through construction although it would be temporary. The harm caused during the operational stage would be a permanent effect and the establishment of landscaping would only provide minimal impact in mitigating the harm caused. The harm caused should be given significant weight against the proposed development.
- 6.11 The proposed development would have a significant adverse impact on the landscape character of the site, which would be contrary to policies CP1, CQL3 and CQL4 in the Core Strategy and Bold Forest Area Action Plan.
- 6.12 The design of the proposed development when viewed in isolation within an industrial context and against the backdrop of the Omega industrial site, would have similarities with the character of the area. However, the height of unit 1 is significantly higher than elsewhere and therefore harm would be caused through short and long range views. In the design context, moderate harm is caused.
- 6.13 The noise effects of the proposed development would not have a significant effect on the amenity of the residents at the nearest residential properties in accordance with Policy CP1. However, it is acknowledged that some harm would be caused by additional noise and this should weigh against the proposed development. The harm should be given limited weight.
- 6.14 The site is agricultural land, and although not considered to be the 'best and most versatile' agricultural land and therefore there is no conflict with policy CP1 or paragraph 112 of the NPPF. However, its loss would still cause some limited harm.
- 6.15 Limited harm to land drainage would be caused as suitable mitigation have been proposed.
- 6.16 These impacts should weigh against the proposed development alongside the harm caused to the Green Belt.
- 6.17 The Council will say there is a significant need to deliver employment land in the Borough of St Helens, in particular for large scale logistics developments. The proposed development is deliverable, attractive to the market, and it would make a significant contribution to the employment land supply, in accordance with the requirements of policy CE1 and the increased requirement in the OAN contained in the AELNS, considered to be a robust evidence base for decision taking. There are no sites within the urban area that could accommodate the proposed development, the only possible alternatives are also in the Green Belt. This economic land position should be given significant weight in favour of the proposed development.
- 6.18 The Council will say there are also a number of economic benefits, of such a scale that they should be given significant weight in favour of the proposals in accordance with paragraph 80 of the NPPF. There are also some social benefits and very limited environmental benefits which should weigh in favour of the proposed development.

- 6.19 In terms of the planning balance, the contribution that the development would make to the Council's employment land position is significant and of particular importance, given that the need is of such a quantum and character that only Green Belt sites are likely to satisfy it. This and the other significant economic benefits would clearly outweigh the substantial harm caused to the Green Belt and the other harm identified in the report above. Consequently, it is considered that the proposed development complies with GB1 and the NPPF.
- 6.20 Section 66(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 places a duty on the decision maker to have special regard to preserving the setting of a listed building. NPPF Chapter 16 provides the approach to exercise this duty. The Proposal would cause less than substantial harm to the setting of listed buildings nearby. Great weight should be attached to this harm. However, the Council will explain that the public benefits arising from the Proposal would outweigh this harm.
- 6.21 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the development plan unless material considerations indicate otherwise. This is also emphasised in Paragraphs 11 to 12 and 47 of the NPPF.
- 6.22 The Council considers there is some conflict with policies CP1, CP2, CQL3, CQL4, ENV12a, ENV21b, ENV25 and GB2 so the proposed development does not accord with some elements of the development plan. However, there are 'very special circumstances' such that the proposed development complies with saved policy GB1 (a), taking on board such policy conflicts, and therefore on balance, it also complies with the development plan as a whole.
- 6.23 In terms of Green Belt policy, there is no material inconsistency or conflict between the Unitary Development Plan, the Core Strategy and the NPPF. On balance the proposed development constitutes sustainable development in terms of the NPPF because the 'very special circumstances' outweigh the substantial harm to the Green Belt and other harm.
- 6.24 The proposed development complies with the development plan overall, so in accordance with Paragraph 11 of the NPPF, it should be approved without delay. There are no material considerations which would require a determination other than in accordance with the development plan.
- 6.25 Accordingly, the LPA requests that the Inspector recommends that the Secretary of State grants planning permission subject to conditions and a planning obligation.

## **DRAFT CONDITIONS**

- 7.1 This is a set of draft conditions. A final draft will be produced in accordance with the Inspector's timetable.

### Condition which applies to Full and Outline

1. The development hereby approved permits a total of 205,500 sq.m (circa 2, 210, 500sq.ft) of floorspace within the red line application site. There will be a 30% B2 and 70% B8 split within this total floorspace in accordance with the Environmental Statement Volume 1 chapter 3 point 3.3.7.

### Conditions for the full application

2. The works hereby permitted must be begun within 3 years of the date of this decision notice.
3. The development shall be carried out in accordance with the following plans unless otherwise required by another condition.

#### Plans

- OPP DWG. 2 4150-00001-PL6 Site Location Plan
- OPP DWG. 3.1 4150-05105-PL4 Parameters Plan 1 - Outline and Detailed Application Boundaries
- UNIT 1 DWG. 1 6385 – 181 Rev. G Proposed Site Layout Plan
- INFRA DWG. 14.15969-Z8-BR-100 Rev. A Bold Hall Bridge South Ramp Works

#### Floorplans

- UNIT 1 DWG. 0 6385 - 180 Rev A Proposed Building Plan
- UNIT 1 DWG. 3 6385 – 183 Rev. C Ground Floor Office Layout Plan
- UNIT 1 DWG. 4 6385 – 184 Rev. C First Floor Office Layout Plan
- UNIT 1 DWG. 5 6385 – 185 Rev. C Second Floor Office Layout Plan
- UNIT 1 DWG. 6 6385 – 186 Rev. B Proposed Roof Plan

#### Elevations

- UNIT 1 DWG. 2a 6385 – 193 Rev. A Proposed Elevations No Hatch

#### Associated Infrastructure

- UNIT 1 DWG. 15 6385 - 192 Gate Details
- UNIT 1 DWG. 8, 9 & 10 6385 - 188 Rev. A Gatehouse, Smoking Shelter & Cycle Shelter Details
- UNIT 1 DWG. 28 CPW-190081-M-SK-03-P6 Mechanical and Electrical Plant

#### Locations Sketch

- INFRA DWG. 22 4150-CA-00-00-DR-A-P1 Primary Substation Elevations
- INFRA DWG. 23 4150-CA-00-00-DR-A-P2 Typical Customer Substation
- INFRA DWG. 24 4150-CA-00-00-DR-A-P2 Substation Fencing Plan
- INFRA DWG. 25 4150-CA-00-00-DR-A-P1 Typical Gas Governor
- UNIT 1 DWG. 16 190081-E-EXT--XX-01 P4 External Lighting Strategy Lux Levels / Light spill Rev. P4 Levels

### Levels

4. The site's levels shall be constructed in accordance with those shown on plan ref: UNIT 1 DWG. 26 131504 Rev. E Overland Flood Flow (Exceedance) Routing, INFRA DWG. 19 5969-Z8- EWK-200 Rev. C Full Proposed Levels and INFRA DWG. 20 5969-Z8-EWK-201 Rev. C Full Proposed Sections. Any change in levels shall be shown on existing and proposed plans and submitted and agreed in writing with the Local Planning Authority. Only the approved details shall be implemented.

### Removal of Permitted Development

5. Unit 1, hereby shown on plans identified in condition 3 falls within Use Class B8. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, and any Order revoking or re-enacting that order, no change of use shall take place within unit 1, as identified on the plans in condition 3. The unit shall remain Use Class B8, unless planning permission is sought from and granted by the Council as Local Planning Authority.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class I and P, Part 7, Class H or any Order revoking or re-enacting that order, no further development shall take place within the curtilage of Unit 1, as identified on the plans within condition 3 unless planning permission is sought from and granted by the Council as Local Planning Authority.

### Air Quality

7. Prior to the first occupation of unit 1 as identified on the plans in condition 3 or first use of the car park as shown on plan ref:16385-181 Rev. G hereby approved, electric car charging infrastructure comprising at least one electric car charging point for every 30 car parking spaces hereby approved shall be provided on the site. As a minimum, 4 charging points shall comprise a dedicated 32 amp radial circuit which is directly wired to an appropriate RCD at the consumer unit and terminates at a BS EN 62196 Type 2 electric vehicle charging point located where it is accessible from a dedicated off-street car parking bay. Additional 'active' spaces (up to a maximum of 39 as shown on the Proposed Site Plan) shall be provided subject to demand. The infrastructure shall remain in perpetuity.

### Noise

8. Construction work shall not take place outside the hours of 07.00-19.00 hours Monday to Friday, 07.00 - 14.00 hours Saturday and not at all on Sundays/Public Holidays without the prior written permission of the Local Planning Authority. The exception to this is activity which is outlined in Section 8.1 'Hours of Work and Appendix H ('Night-Time Construction Noise Technical Note', prepared by WSP) of document titled "Construction Environment Management Plan Unit 1 : Doc 7, Omega Zone 8, St Helens /TJ Morris Ltd dated April 2020." prepared by Quod on behalf of TJ Morris Ltd.
9. No temporary power plant shall be used outside the permitted hours of construction unless in accordance with details which have been submitted to an approved in writing by the Local Planning Authority prior to commencement of development. Any such plant shall only be operated in accordance with the approved details. The exception to this is activity which is outlined in Section 8.1 ('Hours of Work') and Appendix H

(‘Night-Time Construction Noise Technical Note’ prepared by WSP) of document titled "Construction Environment Management Plan Unit 1 : Doc 7, Omega Zone 8, St Helens /TJ Morris Ltd dated April 2020." prepared by Quod on behalf of TJ Morris Ltd.

10. No additional external plant or equipment shall be permitted on site, nor shall any additional openings be formed in the elevations or roof of unit 1, hereby permitted, which directly ventilates the building or which discharges from any internal plant or equipment, until a scheme has been submitted to and approved in writing with the Local Planning Authority. Only the approved details shall be implemented.
11. The rating level of noise emitted from the fixed plant and equipment serving Unit 1 shall not exceed those quoted in Table 7.7-4 "Fixed plant and equipment noise limits" of Appendix 7.7 Industrial/Commercial Noise Assessment - Environmental Statement Vol 2 – OPP DOC. 11.20 carried out by WSP dated Dec 2019 at the specific receptors identified. Any assessment to determine compliance with the quoted levels shall be made in accordance with the method provided in BS4142:2014 + A1:2019 "Methods for rating as assessing industrial and commercial sound" and shall be carried out by a suitably qualified acoustic consultant/competent person.
12. Unless otherwise agreed in writing with the Local Planning Authority, operational noise from the development associated within Unit 1, shall not exceed the levels quoted in Appendix 7.7 "Industrial and Commercial Noise Assessment" Environmental Statement Vol 2 – OPP DOC.11.20 – carried out by WSP dated Dec 2019. Any assessment to determine compliance with the quoted levels shall be made in accordance with the method provided in BS4142:2014 + A1:2019 "Methods for rating as assessing industrial and commercial sound" and shall be carried out by a suitably qualified acoustic consultant/competent person.
13. The Operation Noise Management of the site shall be carried out in accordance with the details provided in the document titled " Unit 1, Omega Zone 8, St. Helens, Operational Noise Management Plan, DOC.10 dated July 2020", prepared by WYG on behalf of TJ Morris Ltd - document ref A118153". Any changes to this shall be submitted to and approved in writing with the Local Planning Authority.
14. Full details of the acoustic noise barriers identified in Environmental Statement in Chapter 7 (Noise and Vibration) Document No. OPP DOC.11.7 dated Dec 2019 carried out by WSP shall be installed in accordance with a scheme/specification which has been submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented before the first use of unit 1 and retained thereafter. Any timber/acoustic fencing used in the boundary treatment shall be treated to give a minimum design service life of at least 15 years.

#### Highways

15. Prior to first occupation of unit 1, the proposed new bus stop / shelter infrastructure, as illustrated in Figure 4-2 of the Transport Assessment shall be implemented in accordance with precise scheme details that have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented.
16. A scheme for the design and construction of the site access point and roundabout at Catalina Way shall be submitted to and approved in writing by the Local Planning Authority. The access shall be designed in accordance with the principles set out in the approved site layout plan (ref: 6385-181 G). The approved scheme shall subsequently be constructed to binder course surfacing level and completed prior to occupation of unit 1. The access shall be kept available for use at all times.

17. Prior to the first occupation of Unit 1, the internal highway infrastructure, shall be constructed to binder course surfacing level (or block paved) and shall be available for use in accordance with the approved plans.
18. Prior to the first occupation or use of Unit 1, the areas indicated on the submitted plans to be set aside for parking and servicing shall be surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown in drawing number 6385-181 G. The parking and servicing areas shall be retained as such thereafter and shall not be used in a manner that prevents the parking of vehicles.
19. Prior to the first occupation Unit 1, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include immediate, continuing, and long-term measures to promote and encourage alternative modes of transport to the single-occupancy car. For the avoidance of doubt, the travel plan shall include but not be limited to:
  - Operational details of a shuttle bus service;
  - Involvement of employees;
  - Information on existing transport policies, services and facilities, travel behaviour and attitudes;
  - Updated information on access by all modes of transport;
  - Resource allocation including Travel Plan Coordinator and budget;
  - A parking management strategy;
  - A marketing and communications strategy
  - Promotion of car sharing initiatives
  - Provision of on-site cycle storage
  - An action plan including a timetable for the implementation of each such element of the above
  - Mechanisms for monitoring, reviewing and implementing the travel plan
  - The details (name, address, telephone number and email address) of the Travel Plan Coordinator.
  - An annual report shall be submitted to the Local Planning Authority no later than 1 month following the anniversary of the first occupation of the development for a period of 5 years. The annual report shall include a review of the travel plan measures, monitoring data and an updated action plan
  - The approved travel plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied and in use.
20. The roads shall be maintained in accordance with the management and maintenance details outlined in Infra Doc.6 Highways Management & Maintenance of Omega Roadways Document (July 2020) until such times as a private management and maintenance company has been established or until such time as an agreement has been entered into under the Highways Act 1980.
21. Prior to occupation of Unit 1 the Phase 1 roads as shown on WSP Drawing No. 5969-Z8-GA 117/B shall be built to the approved standards and available for use.
22. Prior to the first occupation of Unit 1, mitigation including the widening works between M62 J8 and Skyline Drive / Fairchild Road roundabout, and remarking of M62 exit slip

to provide two lanes to Skyline Drive (as outlined in drawing 11191042\_SK326/A) should be implemented, to ensure the junction lane use and exit geometry is consistent with traffic modelling submitted.

23. No construction work relating to the proposed mitigation in Condition (22) above shall commence until the developer has submitted full design & construction details of the required improvements between M62 J8 and Skyline Drive / Fairchild Road roundabout and remarking of M62 exit slip; such details to be agreed by the LPA, in consultation with the Secretary of State and shown in preliminary form on drawing 11191042\_SK326, including:
  - I. How the scheme interfaces with the existing highway alignment, carriageway,
  - II. markings and lane designations;
  - III. Full signing and lighting details;
  - IV. Confirmation of full compliance with current Departmental Standards (DMRB) and Policies (or approved relaxations / departures from standards);
  - V. Independent Stage 1 and Stage 2 Road Safety Audits carried out in accordance with current Departmental (DMRB) and Advice Notes.
24. Prior to the first occupation of unit 1, the 3 metre high fence as shown on plan ref: 6385-191 Rev H shall be erected along the northern boundary of the development site and shall not be within one metre from any part of the existing motorway fence. Thereafter, the fence shall remain in situ and only be repaired or replaced in accordance with the requirements of this condition.
25. No drainage from the proposed development shall connect into M62 motorway drainage system, nor shall any surface drainage from the site run-off towards the route.

#### Construction Management

26. The development shall be carried out in accordance with the following plans, unless otherwise agreed in writing with the Council as Local Planning Authority.
  - Amended Construction Environment Management Plan Unit 1: Doc 7, Omega Zone 8, St Helens /TJ Morris Ltd dated April 2020 prepared by Quod on behalf of TJ Morris Ltd. Received on 13/08/2020; and
  - Amended INFRA DOC. 1 Construction Environmental Management Plan –INFRA Parts 1 to 4. Received on 13/08/2020

For the avoidance of doubt the measures in the construction management plans includes ecological measures, which include, but are not limited to, pre-commencement checks, removal and protection of nesting and breeding birds, reptiles, badgers, pond clearance and purple ramping fumitory which shall all be implemented during the course of construction including landscaping.
27. Notwithstanding condition 26, wheel wash facilities must be provided in proximity of the application site egress location and shall remain in place during the course of construction.
28. Notwithstanding condition 26 a plan showing the location of containers, material delivery and storage area, any HGV parking areas shall be submitted to and approved in writing within 2 weeks of work commencing on the site. Only the approved details shall be implemented.

## Ecology

29. The removal and eradication of invasive species on the full and outline elements of the application site shall be carried out in accordance with the submitted method statement entitled '*Himalayan Balsam Control Method Statement, The Ecology Practice, 6 July 2020.*
30. The bat mitigation measures as set out within page 30 of the 'Environmental Statement Vol.1 Chapter 'Biodiversity' OPP DOC 11.9' and the 'Woodland, Tree and hedgerow clearance method statement' within Appendix F of Unit 1 Doc 0.7 Construction Environmental Management Plan (Detailed Application Area) (as amended and received on 07/08/2020) and INFRA DOC. 1 Construction Environmental Management Plan, which includes pre-commencement checks and the use of soft felling techniques following best practice at an appropriate time of year, are to be implemented in full during construction and landscaping.
31. Notwithstanding 'INFRA DWG. 12 16903-11ES Rev. C Bat Box Proposals'; prior to the first occupation of unit 1, details of bat boxes within the boundary of the full/detailed element of this application (as shown on OPP DWG. 3.1 4150-05105-PL4) shall be submitted to and approved in writing with the Local Planning Authority. For the avoidance of doubt the details shall be shown on a scaled plan and include the quantity, type, location and timing of installation. The approved details shall be implemented.
32. Notwithstanding 'INFRA DWG. 13 16903-12ES Rev. C Bird Box Proposals, prior to the first occupation of unit 1, details of bird boxes within the boundary of the full/detailed element of this application (as shown on ref:4150-05105-PL4) shall be submitted to and approved in writing with the Local Planning Authority. For the avoidance of doubt the details shall be shown on a scaled plan and include the quantity, type, location and timing of installation. The approved details shall be implemented.
33. Notwithstanding the proposed planting listed in condition 35 the field maple (*Acer campestre*), shall be with hawthorn or holly. *Viburnum opulus* shall be replaced in hedgerow planting with blackthorn and in woodland edge planting it should be replaced by an increase in other native species listed.
34. Prior to the installation of the SUDS attenuation ponds, details of how the SUDS ponds will be designed to benefit nature conservation shall be submitted to and agreed in writing with the Local Planning Authority. The details shall include profile plans and planting plans. Only the approved details shall be implemented.

## Landscaping

35. All landscaping and tree planting must be in accordance with the specifications and details within the documents:-

### Overall

- OPP DWG. 5 POE\_199\_001 Rev. H Landscape Strategy
- INFRA DWG. 17 POE\_199\_007 Rev. A Tree Planting Landscape Details
- INFRA DWG. 18 POE\_199\_009 Rev. G Full Landscape Proposals
- INFRA DWG. 21 POE\_199\_010 Rev. D Detailed Application Site Context

### Around Unit 1

- UNIT 1 DWG. 13a 2138 - PL001-1 Rev. G Preliminary Landscape Proposals (Sheet 1 of 3)



- UNIT 1 DWG. 13b 2138 - PL001-2 Rev. F Preliminary Landscape Proposals Sheet 2 of 3)
- UNIT 1 DWG. 13c 2138 - PL001-3 Rev. G Preliminary Landscape Proposals (Sheet 3 of 3)
- UNIT 1 DWG. 13d 2138-PL001-4 Rev A Omega Z8 Sitting area – Preliminary Hard

#### Landscape Proposals

- UNIT 1 DWG. 11 6385 – 189 Rev. G Proposed External Finishes Plan
- UNIT 1 DWG. 12 6385 – 190 Rev. E Dropped Kerb & Tactile Paving

#### North West Landscaping 'Green Wedge' and cycle path through site

- INFRA DWG. 14 POE\_199\_004 Rev. E Structural Landscape-Proposed & Existing Contours
- INFRA DWG. 15 POE\_199\_005a Rev. H Detailed Planting Plan Sheet 1 of 2
- INFRA DWG. 26 POE\_199\_005b Rev. F Detailed Planting Plan Sheet 2 of 2
- OPP DWG. 6 POE\_199\_002 Rev. D Indicative Landscape Sections

#### Boundaries

- UNIT 1 DWG. 14 6385 – 191 Rev. H Fencing Details

All specified landscaping works must be completed prior to any use of Unit 1 on site or the first planting season post-occupation (if occupation occurs outside of the planting season). Any trees or plants, or grassed areas, which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased, must be replaced in the next planting season with others of a similar size, species and quality unless the Local Planning Authority gives written consent to the variation.

36. All landscape planting works must be inspected annually during the month of August, each year for the first 5 years after planting. The inspections must record the health and condition of trees and plants planted and assess where trees and plants need to be replaced. This report must be submitted to the Council, as Local Planning Authority, prior to the planting season commencing in each year and the details and specifications of replacement trees and plants to be planted in that coming planting season provided in writing. The replacement trees and plants must then be planted in the period between the 1st December and 1st March and the Council as Local Planning Authority informed when all re-planting works are completed.
37. All ongoing landscape management must be in accordance with the details and specifications within the documents entitled: -
- Unit 1 Doc.8 Landscape and Ecology Management Plan (LEMP) Unit 1
  - Unit 1. Doc 9a May 2020 Landscape Management Plan Unit 1
  - INFRA DOC. 2 Landscape & Ecology Management Plan – INFRA
  - INFRA DOC. 3b Landscape Management Plan – INFRA also entitled The Landscape maintenance strategy – Omega Zone 8, St Helens, March 2020

submitted with this application and be associated with the landscape drawings submitted in condition 35 and the requirements of any other conditions. Progress, review and delivery of this management plans must be provided to the Council as Local Planning Authority annually for a period of 10 years. The Council should be provided contact details for the Management Companies appointed to implement these prior to any occupation of Unit 1 on site.

38. All tree work must be to BS3998 (2010) with any woodland, tree and hedgerow removal being in accordance with the details submitted within the following plans;

- Amended Construction Environment Management Plan Unit 1: Doc 7, Omega Zone 8, St Helens /TJ Morris Ltd dated April 2020 prepared by Quod on behalf of TJ Morris Ltd. Received on 13/08/2020
- Amended INFRA DOC. 1 Construction Environmental Management Plan –INFRA Parts 1 to 4. Received on 13/08/2020
- UNIT 1 DWG. 31 131504 Rev. B Head Wall Outfall and Tree Removal Plan
- “Method Statement Drainage Outfall Statement Unit 1 Doc.12

submitted with this application, with no felling taking place between the period 1<sup>st</sup> March to 1 September in accordance with the guidance in these submitted documents.

39. Temporary measures to provide physical protection of all trees, hedges and shrubs shown to be retained shall be in accordance with the tree protection plans in the document entitled ‘Tree Protection Fencing Document No OPP Doc. 11.22q submitted with this application:-

- Tree Protection Plan Drg No RSE\_3152\_TPPa Rev 9
- Tree Protection Plan Drg No RSE\_3152\_TPPb Rev 9
- Tree Protection Plan Drg No RSE\_3152\_TPPc Rev V9
- Drainage Outfall Statement Unit 1 Doc.12

The provision of total exclusion zones must be achieved by the erection of protective fencing as specified in the submitted plans which should not be to a standard less than that specified in British Standard BS5837 (2012). The areas so defined shall be kept free of machinery, stored materials of all kinds and any form of ground disturbance not specifically catered for in the agreed measures, for the duration of site, demolition and building works.

40. Arboricultural Supervision and provision of an Ecological Clerk of Works must be as specified in the documents submitted with this application.
- Amended Construction Environment Management Plan Unit 1: Doc 7, Omega Zone 8, St Helens /TJ Morris Ltd dated April 2020 prepared by Quod on behalf of TJ Morris Ltd. Received on 13/08/2020
  - Amended INFRA DOC. 1 Construction Environmental Management Plan –INFRA Parts 1 to 4. Received on 13/08/2020

The Ecological Clerk of Works, Site Biodiversity Champion and Site Biodiversity Manager deployed for the duration of the construction phase on site is Andrew Arnott from The Ecology Practice. A site meeting between Site Managers, Site Biodiversity Champion and the St. Helens Trees and Woodlands Officer (01744 676189), the Countryside Development and Woodlands Officer (01744 616221) must be arranged within 2 weeks of any development taking place on site. Once the initial meeting has been held the frequency of ongoing meetings must be established along with the reporting procedure to the Council as Local Planning Authority for the duration of development on site.

#### Drainage Lead Local Flood Authority

41. The drainage scheme for Unit 1 shall be implemented, retained and maintained in accordance with the following plans.
- OPP DOC. 8.1-4 Drainage Strategy Rev. 5
  - OPP DOC. 1.1 Flood Risk Assessment

- UNIT 1 DWG. 24 131504 Rev. F Surface Water Drainage Layout
- UNIT 1 DWG. 25 131504 Rev. E Foul Drainage Layout Rev. D
- UNIT 1 DWG. 26 131504 Rev. E Overland Flood Flow (Exceedance) Routing
- UNIT 1 DWG. 29 131504-2230 Rev. C Western Pond Sections and Northern and

#### Southern Swale Details

- UNIT 1 DWG. 30 131504-PC-2231 Rev. A Ordinary Watercourse Diversion
- UNIT 1 DWG. 31 131504 Rev. B Head Wall Outfall and Tree Removal Plan
- UNIT 1 DWG. 32 131504 2110 Rev. B Watercourse Diversion Works General

#### Arrangement

- UNIT 1 DWG. 33 131504 Watercourse Diversion Works Long-sections
- OPP DWG. 11 5969-Z8-GA-117 Drainage Maintenance Plan Rev. A

No further section of Barrow Brook shall be removed than has been shown on the plans.

#### Environment Agency

42. No development shall take place within the 8 metre wide buffer zone alongside Whittle Brook watercourse until the Construction Environmental Management Plan and Landscape Environmental Management Plan are updated to include details of maintenance regimes and details of treatment of site boundaries and/or buffers around water bodies. Any subsequent variations shall be agreed in writing by the local planning authority. Only the approved details shall be implemented.
43. 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.

#### United Utilities

44. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No. 70060349-FRA August 2020) which was prepared by WSP. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

#### Ground Conditions

45. Prior to the first occupation of unit 1, a verification report which confirms the successful decommissioning of boreholes within zones 2 and 3 as shown on plan ref: LA100018360 2020 (attached to the LPA Contaminated Land officers response) and in accordance with the submitted strategy (WSP, Omega Zone 8, Monitoring Well Decommissioning Strategy, 17<sup>th</sup> March 2020), shall be submitted to and agreed in writing with the Local Planning Authority.

#### Lighting

46. Prior to the first occupation of unit 1 a lighting scheme for the cycle pathway shall be submitted to and agreed in writing with the Local Planning Authority. The lighting scheme shall take into consideration and include measures to protect the ecology. The approved lighting shall be implemented.

#### Local Employment

47. The development hereby approved shall be implemented in accordance with INFRA DOC. 4 Local Employment Scheme (Construction) and INFRA DOC. 5 Local Suppliers of Services and Goods During the Construction Phase. The Local Planning Authority shall be notified in writing when the local recruitment process begins and the measures taken as identified within the statement.
48. Prior to the first use of Unit 1, a Local Employment Scheme for the operational phase of that building shall be submitted to, and approved in writing by, the local planning authority. The submitted Local Employment Scheme shall demonstrate how the development will use all reasonable endeavours to recruit at least 20% of labour from within the Borough of St Helens focusing on the most deprived Super Output Areas. The Scheme shall include the following:
- a) Details of how the initial staff/employment opportunities at the development will be advertised and how liaison with the Council and other local bodies such as the Local Chamber and job centres will take place in relation to maximising the access of the local workforce to information about employment opportunities;
  - b) Details of how sustainable training opportunities will be provided for those recruited to fulfil staff/employment requirements including the provision of apprenticeships;
  - c) A procedure setting out criteria for employment, and for matching of candidates to the vacancies;
  - d) Measures to be taken to offer and provide college and/or work placement opportunities at the Development to students within the locality;
  - e) A procedure for monitoring the Local Employment Scheme and reporting the results of such monitoring to the District Council including details of the origins qualifications numbers and other details of candidates; and,
  - f) A timetable for the implementation of the Local Employment Scheme.

The development shall be implemented in accordance with the approved Scheme.

49. Notwithstanding plan ref: UNIT 1 DWG. 27 6385 - 197 Indicative fuelling & Vehicle Wash Details and the site layout plan 6385 – 181 Rev. G, scaled drawings of the fuelling and vehicle wash, sprinkler house, tanks as cage storage as indicated on the layout plan shall be submitted to and approved in writing with the Local Planning Authority prior to installation. Only the approved details shall be implemented.

#### Conditions for Outline Application.

50. All applications for reserved matters must be made within three years of the date of this decision notice and development must be commenced before the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approve.
51. The sites levels shall be constructed in accordance with those shown on plans;
- OPP DWG. 8 5969-Z8-EWK-100 Rev. B Outline Proposed Levels
  - OPP DWG. 9 5969-Z8-EWK-101 Rev. B Outline Proposed Sections

Any change in levels shall be shown on existing and proposed plans and submitted and agreed in writing with the Local Planning Authority. Only the approved details shall be implemented.

52. No development shall take place until details of the following reserved matters relevant to that phase have been submitted to and approved in writing by the Council as Local Planning Authority; (i) appearance, (ii) landscaping, (iii) scale and (iv) layout. The development shall be carried out in accordance with the reserved matters as approved.
53. Reserved matters applications for layout, scale and appearance shall include full details of facing materials. The proposed facing materials shall be selected to minimise the visual bulk of the buildings and their effectiveness shall be demonstrated through a written justification and series of photomontages. The development shall be implemented in accordance with these details.
54. A phasing plan shall be submitted for approval with all reserved matters applications. The proposed development shall be implemented in accordance with the approved plan.
55. Reserved matters applications for layout shall take account of Whittle Brooke prior to and after diversion. Any layout shall demonstrate that there is no development within the 8 metre buffer either side of the bank top.
56. The gross external floor space area of any building in use class B8 or B2 (including any ancillary office B1a) submitted with any reserved matters application shall not be less than 27,870 sq.m (300,000 sq.ft).
57. The overall total gross floorspace within the outline application site shall not exceed 123,930 sq.m (1,333,971 sq.ft). Each reserved matters application(s) shall state the ground floor area dimensions and what element will be B8 and B2.

#### Lighting

58. Reserved matters applications shall include a lighting strategy for that phase, which includes details of light columns, lighting specifications, a light spillage plan showing the LUX levels in relation to the closest nearby properties/highways and details of baffels if required. The lighting scheme shall be designed to maintain the amenity of neighbouring residents, ensure highway safety and protect ecology by preventing excessive light spill onto sensitive habitats. The development shall be implemented in accordance with the agreed details.

#### Construction Environmental Management Plan

59. No development shall commence on any phase of the development or each reserved matters application until a Construction Environmental Management Plan (CEMP) for that phase/reserved matter has been submitted to and agreed in writing with the Local Planning Authority. The CEMP shall include but not be limited to;
  - Details of phasing
  - A dust management plan which includes details of the proposed dust monitoring programme, both before and during construction, with proposed locations and duration of monitoring

- Details of how pre-commencement checks for badgers and water voles will be undertaken.
- Method statement for the protection of English Bluebells present within Duck Wood and/or elsewhere on site
- Reasonable Avoidance Measures for protected species including bats and breeding birds
- Method statement for the felling of trees
- Construction traffic routes, which shall include a primary traffic route
- The local and number of parking spaces for contractors
- Temporary roads/areas of hard-standing
- A schedule for large vehicles delivering/exporting materials to and from site;
- A scheme of street sweeping/street cleansing;
- Details of lighting which is designed to minimise impacts on residential amenity and ecology.
- The identification of a minimum [8 metre] buffer zone from the west and southern boundary from in which no construction activity can take place.
- A surface water management plan
- Contact details of the principle contractor
- Confirmation that the principles of Best Practicable Means for the control of noise and vibration will be employed, as defined within the Control of Pollution Act 1975.
- Confirmation that the good practice noise mitigation measures detailed within BS528-1: 2009+A1:2014 shall be employed.

The development shall be carried out in accordance with the agreed CEMP.

60. Reserved Matters applications shall be in accordance with the following parameter plans and details;

- OPP DWG. 3.1 4150-05105-PL4 Parameters Plan 1 - Outline and Detailed Application Boundaries
- OPP DWG. 10 POE\_199\_011 Parameter Plan 3: Outline Landscape
- No building shall exceed the overall height of 19 metres.

#### Local Employment

61. Prior to the commencement of each phase or with any reserved matters application submission a Local Employment Scheme for the construction of that phase shall be submitted to and agreed in writing with the local planning authority. The submitted Local Employment Scheme shall demonstrate how the development will use all reasonable endeavours to recruit at least 20% of labour from within the Borough of St Helens focusing on the most deprived Super Output Areas. The Scheme shall include the following:

- a) Details of how the initial staff/employment opportunities at the development will be advertised and how liaison with the Council and other local bodies such as St Helens Chamber and Ways to Work will take place in relation to maximising the access of the local workforce to information about employment opportunities;
- b) Details of how sustainable training opportunities will be provided for those recruited to fulfil staff/employment requirements including the provision of apprenticeships or an agreed alternative;
- c) A procedure setting out criteria for employment, and for matching of candidates to the vacancies;
- d) Measures to be taken to offer and provide college and/or work placement opportunities at the Development to students within the locality;

- e) Details of the promotion of the Local Employment Scheme and liaison with contractors engaged in the construction of the Development to ensure that they also apply the Local Employment Scheme so far as practicable having due regard to the need and availability for specialist skills and trades and the programme for constructing the development;
- f) A commitment that the construction phase of the development will be undertaken in accordance with the Unite Construction Charter
- g) A procedure for monitoring the Local Employment Scheme and reporting the results of such monitoring to the Council including details of the origins qualifications numbers and other details of candidates; and,
- h) A timetable for the implementation of the Local Employment Scheme.

The development shall be implemented in accordance with the approved scheme.

62. Prior to the commencement of each phase of the development or each reserved matters application, a Scheme to promote the use of local suppliers of goods and services during the construction of that phase shall be submitted to and agreed in writing with the local planning authority. The development shall be implemented in accordance with the agreed Scheme.

63. Prior to the first use of any building, a Local Employment Scheme for the operational phase of that building shall be submitted to, and approved in writing by, the local planning authority. The submitted Local Employment Scheme shall demonstrate how the development will use all reasonable endeavours to recruit at least 20% of labour from within the Borough of St Helens focusing on the most deprived Super Output Areas. The Scheme shall include the following:

- a) Details of how the initial staff/employment opportunities at the development will be advertised and how liaison with the Council and other local bodies such as St Helens Chamber and Ways to Work, will take place in relation to maximising the access of the local workforce to information about employment opportunities;
- b) Details of how sustainable training opportunities will be provided for those recruited to fulfil staff/employment requirements including the provision of apprenticeships;
- c) A procedure setting out criteria for employment, and for matching of candidates to the vacancies;
- d) Measures to be taken to offer and provide college and/or work placement opportunities at the Development to students within the locality;
- e) A procedure for monitoring the Local Employment Scheme and reporting the results of such monitoring to the District Council including details of the origins qualifications numbers and other details of candidates; and,
- f) A timetable for the implementation of the Local Employment Scheme.

The development shall be implemented in accordance with the approved Scheme.

#### Ground Conditions

64. Prior to the commencement of development within zone 4 as shown on plan ref: LA100018360 2020;
- a) A Phase 2 site investigation and assessment shall be undertaken in accordance with the recommendations of the submitted Phase 1 Geo-environmental Assessment (WSP, ref 11158(002), May 2019). The results of the site investigation and assessment shall be submitted to and agreed in writing with the local planning authority.

- b) Should the Phase 2 investigation identify any requirements for remediation then a remedial strategy, including a validation methodology, shall be submitted to and agreed in writing with the local planning authority. The remedial strategy shall include a methodology and verification plan for the decommissioning of any deep boreholes.

All such reports shall be completed by a competent person in accordance with government and Environment Agency guidance, namely "Land Contamination: Risk Management" (<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>).

65. Prior to occupation/ commencement of use of any phase of the development within zone 4 as shown on plan ref: LA100018360 2020;

- a) The agreed remedial strategy (if required) will have been implemented, and a site validation/ completion report for each building within that phase shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt, the site validation/ completion report shall include, but will not necessarily be limited to; i) full details of all remediation works undertaken; ii) validation (in accordance with the validation methodology detailed within the agreed remedial strategy) of the adequacy of the remediation; iii) sampling, testing and assessment of the suitability of any imported or site won soils; iv) the fate of any excavated material removed from site; v) verification of the successful decommissioning of boreholes. The site validation/ completion report(s) shall be completed by a competent person in accordance with government and Environment Agency guidance, namely "Land Contamination: Risk Management" (<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>).

#### Landscaping

66. Any reserved matters application must include an up to date Arboricultural Impact Assessment, with Tree Constraints Plan and Tree Protection Plan with the temporary measures to provide physical protection of all trees, hedges and shrubs shown to be retained (which must retain, as a minimum the areas illustrated as "Existing Woodland / Trees / Vegetation to be retained and protected" in the plan entitled "Parameters Plan 3 Outline Landscape (OPP Planning) Drawing No. POE\_199\_011" submitted with this application). This information must detail tree protection measures which will be put in place to not only protect the existing retained trees, hedges and woodlands but also any new tree planting and landscaping delivered as part of any development on site. All tree protection measures must be to at least BS 5837 (2012) standard. Method statements must also be included; particularly where there are impacts to root protection areas and ground protection or special no dig surfacing is required. All measures must be in place prior to any demolition or development taking place on site. The provision of total exclusion zones so defined shall be kept free of machinery, stored materials of all kinds and any form of ground disturbance not specifically catered for in the agreed measures, for the duration of all site and building works (including works that may be carried out within the adjacent outline area of the site).
67. Any reserved matters application must include an Arborist Clerk of Works Method Statement and Ecological Clerk Works Method Statement. All tree work and hedgerow removal specified in these documents must be to BS3998 (2010), with no felling taking place between the period 1<sup>st</sup> March to 1<sup>st</sup> September, unless otherwise clearly specified methodologies for Arboricultural and ecological supervision and inspection aimed at avoiding disturbance to breeding birds and protected species, which must be detailed and specified within these documents. All tree work must also be supervised by the Arboricultural Supervisor for the site and the details of the provision of a Biodiversity Champion for the site must also be included within these documents. The contact



details for the Arboricultural Supervisor / Ecological Clerk of Works and Site Biodiversity Champion, along with the dates of initial site meetings between Site Managers, Site Biodiversity Champion and the St. Helens Trees and Woodlands Officer (01744 676189), the Countryside Development and Woodlands Officer (01744 616221) must be provided prior to any development taking place on site. In addition to the contact details for the Site Biodiversity Champion. Once the initial meeting has site been held the frequency of ongoing meetings must be established along with the reporting procedure to the Council as Local Planning Authority for the duration of development on site.

68. Any reserved matters application must provide fully specified landscape plans and all plans must include and provide supporting information and :-
- be in accordance with the species recommendations, principles and standards detailed in the document “Omega Zone 8: Landscape Strategy December 2019 (Rev C 05.08.20)”, “Landscape Strategy : Omega Zone 8 (OPP Dwg 5) Drawing No. POE\_199\_001 Dated 12/19 Revision H and the “Parameters Plan 3 Outline Landscape (OPP Planning) Drawing No. POE\_199\_011 Dated 04/20 Revision A”, OPP DWG. 12 5969-Z8-SK-015 Rev. D Parameter Plan 4: Watercourse Diversion and OPP DWG.13 5969-Z8-SK-09 Rev. D Watercourses Diversion Route and Sections, submitted with this application.
  - Include detailed designs and planting specifications, including cross sections, for all water bodies, including river diversions, being created on site.
  - Include the removal of rhododendron and under planting of existing retained woodlands using appropriate native woodland species.
  - Include specifications for all other soft and hard landscape details for ‘ecological’ areas as well as within the developed areas of the site.
  - Include the design and specification of any paths and tracks to be constructed, which must provide a route that is surfaced and at least 1.5 metres in width, preferably using a bound recycled stone surface e.g Hoppath and incorporate “Access for All” principles e.g. maximum gradients of 1 in 20 (1:12 for short sections).
  - Include a timescale for the delivery of landscaping, which must be completed prior to use of the development unless otherwise first agreed in writing with the Council as Local Planning Authority.
  - Include a detailed maintenance programme and schedule for all landscaping completed on site.

All specified landscaping works must be completed prior to any use of any buildings on site or the first planting season post-occupation (if occupation occurs outside of the planting season). unless otherwise first agreed in writing with the council as Local Planning Authority. Any trees, shrubs and plants and meadow areas planted / sown, which within a period of 5 years from the date of planting / sowing die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size, species and quality unless the Local Planning Authority gives written consent to the variation.

69. All landscape planting works must be inspected annually during the month of August, each year for the first 5 years after planting. The inspections must record the health and condition of trees and plants planted and assess where trees and plants need to be replaced. This report must be submitted to the Council. as Local Planning Authority, prior to the planting season commencing in each year and the details and specifications of replacement trees and plants to be planted in that coming planting

season provided in writing. The replacement trees and plants must then be planted in the period between the 1st December and 1st March and the Council as Local Planning Authority informed when all re-planting works are completed.

70. Any reserved matters application must include a detailed Ecological and Landscape Management Plans updated for areas that are illustrated as being retained and created in the plan entitled “Parameters Plan 3 Outline Landscape (OPP Planning) Drawing No. POE\_199\_011” submitted with this application and separately for the developed areas within the rest of the site. The plans must include: -

- Detailed maintenance and management schedules / programmes for the landscape areas illustrated as being retained and created within the “Parameters Plan 3 Outline Landscape (OPP Planning) Drawing No. POE\_199\_011” submitted with this application.
- Use the principles identified within the documents “Omega Zone 8: Landscape Strategy December 2019 (Rev C 05.08.20) and Omega Zone 8: Landscape Maintenance Strategy March 2020 Rev D Issued 05.08.20.
- Include the management of ponds, wetlands and rivers / streams being created on site.
- Provide methodologies for the control of invasive species such as Himalayan balsam and rhododendron.
- Provide details of nest box specification and locations for bird and bat species on site, which must include provision of barn owl boxes.

Progress, review and delivery of this management plans must be provided to the Council as Local Planning Authority annually. The Council should be provided contact details for the Management Companies appointed to implement these management companies prior to any use of any buildings onsite. The approved details shall be implemented.

#### Ecology

71. The removal and eradication of invasive species on the outline elements of the application site, as identified on plan ref:4150-05105-PL4 shall be carried out in accordance with the submitted method statement entitled ‘*Himalayan Balsam Control Method Statement, The Ecology Practice, 6 July 2020.*
72. Reserved matters applications shall be supported by updated bat surveys.
73. The bat mitigation measures as set out within page 30 of the ‘Environmental Statement Vol.1 Chapter ‘Biodiversity’ OPP DOC 11.9’ and the ‘Woodland, Tree and hedgerow clearance method statement’ within Appendix F of Unit 1 Doc 0.7 Construction Environmental Management Plan (Detailed Application Area) (as amended and received on 07/08/2020), which includes pre-commencement checks and the use of soft felling techniques following best practice at an appropriate time of year, are to be implemented in full.
74. Notwithstanding ‘INFRA DWG. 12 16903-11ES Rev. C Bat Box Proposals’; reserved matters applications shall provide details of bat boxes within the boundary of the outline element of this application (as shown on plan ref:4150-05105-PL4). The details shall be submitted to and approved in writing with the Local Planning Authority. For the avoidance of doubt the details shall be shown on a scaled plan and include the quantity, type, location and timing of installation. The approved details shall be implemented.

75. Should two years elapse from the date of the water vole survey (*Amended Appendix 9.13 Water Vole survey, dated June 2020*), submitted with the application then updated water vole surveys will be required to be carried out with any reserved matters application [this trigger needs considering] and the details and findings submitted to agreed in writing with the Local Planning Authority.
76. No grassland clearance or tree or hedgerow felling, lopping or pruning shall take place between 1st March and 31st August, unless a survey for breeding birds together with a scheme of necessary mitigation and protection measures, undertaken by a suitably qualified person, has been submitted to and approved in writing by the Council as Local Planning Authority. Should grassland clearance, tree or hedgerow felling, lopping or pruning take place between the dates stated above, any agreed mitigation and protection measures shall be implemented and retained throughout the period.
77. Prior to the installation of the SUDS attenuation ponds, details of how the Suds ponds will be designed to benefit nature conservation shall be submitted to and agreed in writing with the Local Planning Authority. The details shall include profile plans and planting plans. Only the approved details shall be implemented.

#### Drainage

78. No development shall take place in a phase until a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance and LLFA Guidance with evidence of an assessment of the site conditions has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) and LLFA Guidance. This will include the need for a full Drainage Strategy, Flood modelling and detailed construction level drawings for all surface water aspects, in line with the drainage strategy (OPP DOC. 8.1 Drainage Strategy Rev. 5) supplied in application P/2020/0061/HYBR. The agreed scheme shall be implemented before the first use of any building hereby permitted in that phase and managed/maintained as agreed thereafter.
79. Prior to occupation of the development in a phase a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum: identification of the responsible/adopting authority / undertaker / management company and the inspection and ongoing maintenance regime throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

#### Environment Agency

80. No development shall take place until a scheme for the provision and management of an 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.

81. 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:

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

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.

#### Highways

82. Access into the site shall be delivered in accordance with the general arrangements shown on Plan UNIT 1 DWG. 1 6385 – 181 Rev. G Proposed Site Layout Plan and shall be provided prior to the first use of any building hereby permitted.
83. The roads shall be maintained in accordance with the management and maintenance details outlined in Infra Doc.6 Highways Management & Maintenance of Omega Roadways Document (July 2020) until such times as a private management and maintenance company has been established or until such time as an agreement has been entered into under the Highways Act 1980.
84. The development shall provide internal connected pedestrian/cycle links north to the M62 overbridge of PRow 102, east to Catalina Way and east to Omega Boulevard/Orion Boulevard to the principles of Chetwoods Drawing No.4150-05100-SK15 Indicative Masterplan in accordance with a timetable for implementation to be submitted and approved in writing by the Local Planning Authority.
85. Within 6 months of a building being occupied, a Travel Plan for that building shall be submitted to and approved in writing by the Council as Local Planning Authority. The plan shall include immediate, continuing and long-term measures to promote and encourage alternative modes of transport to the single-occupancy car. For the avoidance of doubt, the travel plan shall include but not be limited to:
- Operational details of a shuttle bus service;

- Involvement of employees;
  - Information on existing transport policies, services and facilities, travel behaviour and attitudes;
  - Updated information on access by all modes of transport;
  - Resource allocation including Travel Plan Coordinator and budget;
  - A parking management strategy;
  - A marketing and communications strategy;
  - An action plan including a timetable for the implementation of each such element of the above; and
  - Mechanisms for monitoring, reviewing and implementing the travel plan.
86. The approved travel plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied and in use. An annual report shall be submitted to the Council no later than 1 month following the anniversary of the first occupation of the development for a period of 5 years. The annual report shall include a review of the travel plan measures, monitoring data and an updated action plan.
87. Reserved Matters applications shall include precise details of car, motorbike and cycle parking. The details shall include a justification for the level of spaces proposed, a layout plan, details of surfacing and any facilities such as lockers, showers etc. The parking provision should include 1 electric vehicle charge point and 1 priority parking space for hybrid and electric vehicles for 30 spaces. These spaces shall be provided prior to the first use of the building approved under that reserved matters application and retained as such thereafter.
88. Reserved matters applications shall include provision for overnight lorry accommodation and shall include evidence to demonstrate that the level of provision is adequate for that phase of the development. The development shall be implemented in accordance with the agreed details and those areas shall be retained as such thereafter.

#### Noise

89. Construction work shall not take place outside the hours of 07.00-19.00 hours Monday to Friday, 07.00 - 14.00 hours Saturday and not at all on Sundays/Public Holidays without the prior written permission of the Local Planning Authority
90. No temporary power plant shall be used outside the permitted hours of construction unless in accordance with details which have been submitted to an approved in writing by the Local Planning Authority prior to commencement of development. Any such plant shall only be operated in accordance with the approved details.
91. No additional external plant or equipment shall be permitted nor shall any additional openings be formed in the elevations or roof of the units hereby permitted which directly ventilate the building or which discharge from any internal plant or equipment, without the prior written permission of the local planning authority. Only the approved details shall be implemented.
92. The rating level of noise emitted from the fixed plant and equipment serving units shall not exceed those quoted in Table 7.7-4 "Fixed plant and equipment noise limits" of Appendix 7.7 Industrial/Commercial Noise Assessment - Environmental Statement Vol 2 – OPP DOC. 11.20 carried out by WSP dated Dec 2019 at the specific receptors identified . Any assessment to determine compliance with the quoted levels shall be made in accordance with the method provided in BS4142:2014 + A1:2019 "Methods

for rating as assessing industrial and commercial sound” and shall be carried out by a suitably qualified acoustic consultant/competent person.

93. Unless otherwise agreed with the Local Planning Authority, operational noise from the development shall not exceed the levels quoted in Appendix 7.7 “Industrial and Commercial Noise Assessment” Environmental Statement Vol 2 – OPP DOC.11.20 – carried out by WSP dated Dec 2019. Any assessment to determine compliance with the quoted levels shall be made in accordance with the method provided in BS4142:2014 + A1:2019 “Methods for rating as assessing industrial and commercial sound” and shall be carried out by a suitably qualified acoustic consultant/competent person.
94. As part of any phase or reserved matters application an updated noise and vibration assessment shall be submitted which builds on the findings of those presented in in Environmental Statement in Chapter 7 (Noise and Vibration) Document No. OPP DOC.11.7 dated Dec 2019. The updated assessment shall seek to minimise noise emanating from the development and detail any mitigation required.
95. Prior to the commencement of development on each phase or with the submission of a reserved matters application the developer shall submit a piling method statement, to be approved by the Local Planning Authority. The piling work shall be undertaken in accordance with the approved method statement: The method statement shall include the following details:
  - Details of the method of piling
  - Days / hours of work
  - Duration of the pile driving operations (expected starting date and completion date)
  - Prior notification to the occupiers of potentially affected properties
  - Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint.
96. All floor floating operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. In addition, prior to the commencement of any floor floating activities, the developer shall submit, in writing, a method statement, to be approved by the Local Planning Authority prior to the commencement of floor floating activities. The floor floating work shall be undertaken in accordance with the approved method statement:

The method statement shall include the following details:

  - Details of the method of floor floating
  - Days / hours of work
  - Duration of the floor floating operations (expected starting date and completion date)
  - Prior notification to the occupiers of potentially affected properties
  - Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint
97. Prior to the commencement of any B2 use hereby permitted on any individual plot, the operator shall submit a scheme to the LPA detailing any sources of vibration which may be detectable at other nearby premises. The scheme shall detail any mitigation measures proposed to minimise such vibration to levels that will not cause alarm or distress at neighbouring premises in accordance with British Standards. Once approved in writing by the LPA, all agreed mitigation measures shall be implemented prior to the commencement of use. 98. As part of any reserved matters application, full details of the acoustic noise barriers for any units shall be submitted to and agreed in writing with the Local Planning Authority. It should be based on the details identified in

the Environmental Statement in Chapter 7 (Noise and Vibration) Document No. OPP DOC.11.7 dated Dec 2019 carried out by WSP. The barriers shall be installed in accordance with a scheme/specification which has been submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented before the first use of the relevant unit and retained thereafter. Any timber/acoustic fencing used in the boundary treatment shall be treated to give a minimum design service life of at least 15 years.

99. Prior to the first use of each phase or reserved matters, the unit(s) hereby approved, an Operational Noise Management Strategy for each individual unit shall be submitted to and agreed in writing with the Local Planning Authority. The agreed Strategy shall be implemented thereafter.
100. As part of any reserved matters submission, notwithstanding the layout may change, chilled goods shall be prohibited within the dashed orange area as shown on plan ref:Omega 7.7 residual noise contour/chilled goods operation plan ref:UK RA B600 dated 19/12/2019.

#### Drainage

101. Notwithstanding the requirements of condition 78 and 79, 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 15,495 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

## CONTACT

A copy of the documents will be made available on the Councils website. Any questions should be sent to [planning@sthelens.gov.uk](mailto:planning@sthelens.gov.uk)

## APPENDIX ONE

LIST OF DOCUMENTS – To follow



