

Martha Hughes
 Warrington Borough Council
 Planning Department – Development Management
 26-30 Horsemarket Street
 Warrington
 WAI IXL

EMAIL ONLY

20 March 2020

Dear Martha,

RE: 2019/35726 - ENVIRONMENTAL ASSESSMENT APPLICATION, OUTLINE PLANNING PERMISSION (MAJOR) INCLUDING DETAILS OF ACCESS - PROPOSED ERECTION OF A MOTORWAY SERVICE AREA INCLUDING FACILITIES BUILDING, UP TO 100 BEDROOM HOTEL, SERVICE YARD, FUEL FILLING STATION, ELECTRIC CHARGING STATION, PARKING FACILITIES LANDSCAPING AND AMENITY AREAS AND ASSOCIATED INFRASTRUCTURE, ALL OTHER DETAILS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) RESERVED FOR SUBSEQUENT APPLICATIONS

We write on behalf of our client, Extra MSA Group, in respect of the above outline planning application to provide a response to further comments from the EA as a result of ongoing discussion with them, enclosing information where relevant.

As such, please find the following information sent to you electronically via email (please note that due to the current situation with COVID-19, this information is not sent as hard copies, which we trust is acceptable in this instance):

| Plan/Document Title | Plan/Document Reference | Scale / Paper size | Comment |
|---|-----------------------------|-------------------------------|---|
| Further Information in respect of the Environmental Statement: | | | |
| Revised Water Framework Directive Screening Assessment, March 2020 | SH11739, V.05 March 2020 | A4 (Drawings at A4 and A0) | EIA Included within EIA as a new document (to replace Appendix 3.3 (Water Framework Directive Screening Assessment) of Technical |

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| Plan/Document Title | Plan/Document Reference | Scale / Paper size | Comment |
|---------------------------|----------------------------|-----------------------------------|---|
| | | | Paper 3: Water Resources and Appendix 5.2 (Aquatic Ecology Assessment – Silver Lane Brook) of Technical Paper 5: Ecology and Nature Conservation, Environmental Statement Part 2) |
| Other information: | | | |
| Technical Note | SHI 1739, 20 March 2020 | A4 (Drawings at A3, A1 and A0) | Technical Note and Plans to clarify matters raised by Environment Agency's (EA) letter dated 14 February 2020 and 12 March 2020 |

Environment Agency

The Environment Agency has provided comments within consultation responses as follows:

- Letter dated 30 October 2019, Ref: SO/2019/119672/01-L01;
- Following our signposting of information within the submitted planning application and ES, the EA issued a letter dated 10 January 2020, Ref: SO/2019/119672/02-L01;
- Following receipt of the Further Information submitted on 17 January 2020, the EA issued a letter dated 14 February 2020, Ref: SO/2019/119672/03-L01; and
- Following a meeting with the Applicant's Consultant Team on 20 February 2020, the EA issued a letter dated 12 March 2020, Ref: SO/2019/119237/02-L01

The remaining comments the EA set out within their letter dated 12 March 2020 relate to the following areas:

- Ground Water Protection
- Water Framework Directive (WFD) Compliance
- Undeveloped Buffer Zone

Each of these is addressed in turn below:

Ground Water Protection

The information identified in the above table is submitted to address the EA's comments and concerns in respect of ground water protection. This detail is included within the Technical Note produced by Wardell Armstrong (Ref: SHI 1739, dated 20 March 2020).

The Technical Note provides the details requested by the EA in their letter dated 12 March 2020, as follows:

- Assurances around the landfill monitoring boreholes (access to them and their preservation)
- Location plan showing monitored boreholes
- Finished floor level data including expected level of brook
- Tank size and expected excavation levels for the tank farm and bunds in this area
- Confirmation of the redline planning boundary which the EA are concerned may encroach on the landfill site

On receipt of this information, the EA has confirmed that they are able to remove their objection on all matters associated with ground water protection.

Water Framework Directive (WFD) Compliance

In respect of the Water Framework Directive Screening Assessment, the EA indicate (in their letter dated 12 March 2020) that “the key change required to enable us to withdraw the objection with regard to WFD compliance is for the assessment to be revised to conclude that further work will be required at a detailed design stage”. We understand that the “detailed design stage” refers to a Stage 4 assessment as per the EA’s ‘Water Framework Directive Risk Assessment: How to Assess the Risk of your Activity’ (dated April 2016).

We consider that the enclosed ‘Revised Water Framework Directive Screening Assessment’ provides the additional information and clarity sought by the EA. It also allows this Screening Assessment to be read as a single standalone report, rather than within a number of documents (as also requested by the EA). Furthermore, it utilises information that has now been provided by the EA, in their Water Framework Documentation, to re-confirm the conclusions in the original Water Framework Directive Assessments submitted within the Environmental Statement for the planning application.

We believe this document now provides sufficient information for the EA to conclude that no further assessment (in respect of the Water Framework Directive) is required at detailed design stage. However, should the EA conclude that this is not the case, we want to ensure that this outline application can progress and hence that the need for any additional information requirements is controlled by a condition attached to any forthcoming planning permission. We consider that this is an effective way to address the EA concern if they conclude that further assessment is required.

“None of the development hereby permitted shall be commenced until further detail is submitted to and agreed in writing by the LPA, in liaison with the Environment Agency, in respect of the Water Framework Directive Screening Assessment. Should this conclude that a Water Framework Directive Stage 4 Assessment (in line with the Environment Agency’s ‘Water Framework Directive Risk Assessments: How to Assess the Risk of your Activity (April 2016)’ which requires demonstrating that the project meets the sustainability criteria set out within Article 4(7) of the Water Framework Directive (2000/60/EC)) is required, this should be submitted to and approved in writing by the Local Planning Authority, in liaison with the Environment Agency, prior to the commencement of development”.

“Reasons: To comply with the requirements of the Water Framework Directive”.

Undeveloped Buffer Zone

The EA is also requiring a suitable buffer to be provided between the diverted Silver Lane Brook and the Proposed Development. The EA have requested this buffer to be 8m wide. Through discussion with the EA we understand that this buffer is to ensure a suitable corridor, in biodiversity terms, is provided for the brook. Further discussion will be required at detailed design stage to ensure this buffer is suitable, balanced against the need to provide a suitable design for the water channel itself, by achieving some widened areas along its length. This will be shown through further detailed plans submitted at reserved matters, such as further cross and long sectional details of the brook to show the precise details of the brook design and to understand the ‘feel’ of the water corridor; and a length by length comparison with the existing Silver Lane Brook to ensure betterment from the current position.

The planning application is made in outline form with only means of access to be determined at this stage. The means of access element that is to be approved relates solely to the initial access off the motorway junction and not the internal road alignments. The application is controlled by a series of Parameter Plans that form part of the Environmental Statement (ES). They set the context and basis for environmental assessment and will set the Parameters for the detailed design at the reserved matters stage. Any forthcoming planning permission will be subject to these Parameters. The internal layout for the development is identified purely indicatively and these indicative plans therefore show how the scheme ‘could’ be developed in the future but have no status within the planning application.

The undeveloped buffer required by the EA is capable of being provided within the context of the Scheme Parameters shown within the Parameter Plans submitted with the outline planning application. The blue hatched area on the combined Parameter Plan (ref RMS-519-ZZ-XX-DR-A-0703) abuts the yellow hatched area of the “Corridor for Silver Lane Brook Diversion and associated ecological habitat and

landscaping”. The blue hatch is notated as “Landscaped vehicle parking and circulation zone including drainage and ecological features”. It’s clear from these Parameters descriptions that each allows for drainage, ecological features and landscaping within them and hence that the EA requirements can be met within the Parameters as currently proposed. Since the internal road alignments and car and lorry parking elements are solely identified on the indicative layout plans (which are not plans to be approved) then this allows the reserved matters submissions to be drawn up within the context of the current Parameter Plans whilst also meeting the EA buffer zone requirements.

The detailed design evolution of the MSA will occur as part of the reserved matters applications (not this outline application) and hence to enable these discussions to continue with the EA (and Warrington Council) to ensure the optimum water corridor is provided, we suggest the following planning condition is attached to an outline planning permission. We believe this will address the EA’s requirement for an undeveloped buffer for the diverted Silver Lane Brook.

“None of the development hereby permitted shall be commenced until details have been submitted to and agreed in writing by the Local Planning Authority, in liaison with the Environment Agency, to demonstrate that an undeveloped buffer can be provided for the diverted Silver Lane Brook”.

The development hereby approved shall not be implemented other than in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority in liaison with the EA”.

“Reasons: To provide betterment compared to the existing brook corridor in biodiversity terms”.

Environmental Impact Assessment

As you are aware, the Environmental Statement (ES) was prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The table above clarifies what details are submitted in respect of the ES as ‘Further Information’.

Whilst the originally submitted ES is considered to be robust and to contain sufficient detail for the environmental assessment of the proposals submitted in outline, the EA has requested further detail and clarification, in respect of the creation of the Water Framework Directive. To address these comments, we therefore submit the information enclosed, as detailed in the table above. This document does not change the basis of, or the outcome of the environmental assessment.

The EA also requested further clarification on matters associated with ground water protection, particularly in relation to the Fuel Filling Station and the associated fuel tanks and the ground water table. This is included with the enclosed Technical Note. This document provides matters of clarification and whilst it includes some additional detail, this expands on the information submitted as part of the application and relates to more detailed design as requested by the EA. It does not form part of the ES, but we can confirm that it does not change the basis of, or the outcome of the environmental assessment.

In conclusion, please note that the information submitted does not change the basis of, or the outcome of the environmental assessment undertaken within the original ES submitted (August 2019). However, for robustness we request that this information is considered as 'Further Information' as per the EIA Regulations (2017) as set out in the table above.

We confirm that we have not served a copy of this Additional Information on any consultation body. We understand that, in accordance with the EIA Regulations, Part 5, Regulation 25 (3), (4) and (5), the Local Planning Authority will be responsible for the consultation and advertising of this 'Further Information' in strict accordance with the details set out within the aforementioned sections of the EIA Regulations (2017).

Purchase of Additional Information Documentation

We can confirm that subsequent full copies of the Further Information enclosed within this letter are available from our Office and will be charged at the price of £50 per copy to Members of the Public and non-essential consultees due to the size of the submission. Electronic versions can also be made available on a CD at a cost of £20.00 per CD.

We trust that the submitted information is sufficient for the application to be progressed and we look forward to discussing this further with you shortly. Should you require anything further please do not hesitate to contact us.

Yours sincerely

Stephen Courcier BA (Hons), MSc, MRTPI
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(stephen.courcier@spawforths.co.uk)

Encs: As detailed above
Cc: Dennis Enuson, Extra MSA Group
File Ref: P0-TP-SPA-LT-P4151-0021-B