



# WARRINGTON

## Borough Council

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## Environmental Impact Assessment Regulations 2017

### Regulation 15 Scoping Opinion

- Reference No.:** 2019/34768
- Location:** Land at Peel Hall; Land South of M62 bounded by, Elm Road: Birch Avenue; Poplars Avenue; Newhaven Road; Windermere Avenue, Grasmere Avenue; Merewood Close, Osprey Close Lockerbie Close, Ballater Drive and Mill Lane, Poplars & Hulme, Warrington
- “The Project”:** EIA Scoping Opinion – Proposed construction of up to 1200 residential properties; neighbourhood centre; ecological works; public open space; and new vehicular access from the local highway network from Mill Lane, Birch Avenue, Blackbrook Ave and Poplars Ave.

This scoping opinion is prepared in accordance with Regulation 15 (4) of Part 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and relates to the project set out in your Formal Scoping Report (FSR) dated 4<sup>th</sup> April 2019.

This letter comprises the adopted Scoping Opinion of the Council.

The site is a circa 69 hectare area of land. The proposal as set out above would be submitted as an outline planning application with all matters reserved for subsequent approval, except for access.



The project falls within part 10(b) of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and exceeds the indicative threshold of 5 ha for an urban development project and as such, in line with the EIA Regulations, the planning application will be accompanied by an Environmental Statement (ES).

Your FSR sets out some of the likely effects of the proposed development in relation to the topic headings, receptors and consideration of likely significant effects

The EIA should be prepared in accordance with Schedule 4 of the Regulations relating to alternative development options, as required to ensure compliance with the Regulations.

Part 7 of your FSR includes a summary of the matters to be scoped in to the EIA. Having regard to the matters identified in Part 7, certain matters are scoped out – primarily on the basis of the Secretary of State’s decision letter dated 20<sup>th</sup> December 2018 and the Inspector’s report regarding the appeal dismissed under PINS reference APP/M0655/W/17/3178530 and the pre-application discussions conducted in the light of that letter and report. We agree that Heritage and Socio Economic matters can be scoped out. It is also agreed that Landscape matters – insofar as these relate to matters of intrinsic landscape quality and value (which might otherwise form the basis of a protected or designated landscape) – should be scoped out.

I confirm that the topics set out in Part 7 of your FSR are considered to deal with some of the main areas of potential significant environmental effects to be assessed within the Environmental Statement (ES), based on the Secretary of State’s decision letter; the Inspector’s report and the submissions made by third parties at the public inquiry held in 2018 into the refusal of outline planning application 2016/28492.

The Local Planning Authority generally agrees with the EIA Scope you have set out, provided your ES would also establish the existing situation and then assess the impact of the project individually and cumulatively on the baseline situation. The EIA should undertake to do this in relation to the construction phase and in relation to the completed development – as required by the 2017 Regulations (as amended).

In the light of consultation responses received on your FSR, it is considered that Ecological/ Bio-diversity matters should also be scoped in to the ES. Whilst it continues to be acknowledged that the application site is not “sensitive” in biodiversity terms, the appeal inspector noted in IR 14.16 that the previous scheme would have resulted in “no significant biodiversity benefits” and that both main parties were agreed that “overall there would be adverse impacts”.

As set out in advice from the Environment Agency, Natural England, and the Council’s ecology advisers (GMEU), the project should demonstrate a net ecological gain. Moreover, where there is an adverse impact – it is not appropriate to rely on as-yet-unknown mitigation measures. In the light of this, and in the context of the consideration to secure a net biodiversity gain in the forthcoming Environment Act, it would be appropriate to include biodiversity/ ecology matters in the EIA.

At last year’s inquiry, extensive third party representations were made with regard to the loss of green space, and the inspector picked up on this in IR paras 13.85 and 14.11. Whilst the great majority of the site is privately-owned – so the public have no automatic right of access to or over it – the area is well-used in the ways described at the inquiry. Its loss in this way would therefore have impacts which should also be assessed in the Environmental Statement.

In terms of the 2017 EIA Regulations, the loss of green space used by local residents should be scoped in and considered under Schedule 3 of the EIA Regulations 2017:

- Schedule 3 1 (g) human health; ie mental and physical well-being and health effects
- Schedule 3 2 (1) and 1 (b) environmental sensitivity in terms of the relative abundance & availability of green space used by local residents, as referred to in para 14.16 of the Inspector's report
- The magnitude, nature, intensity, probability, reversibility of the impact as referred to in Schedule 3 (a); 3 (b); 3 (d); 3 (e) ; 3 (f) and the possibility of effectively reducing impact as set out in 3 (h)

A summary of individual statutory consultation responses is set out below – to which you should have full regard. Full copies of these responses are available on the Council's website:-

WBC Highways – The highways and transportation impacts of the project, and potential mitigation, has been the subject of very extensive exploration – latterly as part of formal pre-application discussions with the Council and Highways England. It is agreed that the cumulative effects in respect of highways should be scoped in to the EIA.

WBC Environmental Protection – The noise and air quality impacts of the project, and potential mitigation, has been the subject of very extensive exploration – latterly as part of formal pre-application discussions with the Council. It is agreed that the cumulative effects in respect of noise and air quality should be scoped into the EIA.

WBC Flood Risk Team (Local Lead Flood Authority) – There are unlikely to be particular impacts which would call for inclusion of flood impacts within the ES. As previously, the outline application should be well supported with an up-to-date Flood Risk Assessment in relation to surface water management, including sustainable drainage solutions.

Cheshire Archaeology Planning Advisory Service (APAS)– It is agreed that this impact can be scoped out of the ES.

Some archaeological mitigation is likely to be required.

The development of the land adjacent to Peel Hall has been subject to continuing archaeological research dating from 1999. The most recent undertaking from Nexus Heritage produced a thorough desk based assessment (DBA) which successfully combined all previous research based work at this site. Nexus included in their DBA, information from the 2001 Lancaster University Archaeological Unit (LUAU) evaluation which took place in response to archaeological recommendations from a previous pre application consultation with APAS. The results of the evaluation undertaken by LUAU during 2001 highlighted two areas of archaeological interest within the proposed site, a moated site in the centre of the site and potentially early ditch systems to the north east of the site.

The moated site is understood to be in an area which is not directly impacted by the proposed development and if this is the case, no further mitigation will be required in this area. However the ditches are in an area of the development where the archaeology will suffer direct impact. To this extent, further archaeological mitigation will be required for the ditch systems to the north east. It is anticipated that such mitigation could be secured by condition.

Ecology (GMEU) - The proposal may affect a Local Wildlife Site and may affect priority habitats and species. Taking into account the wording of the NPPF, the aspirations of the Warrington Local Plan

Submission draft and the “direction of travel” signalled by the government in the forthcoming Environment Act then Ecology matters should be scoped into the ES.

Since the 2016/28492 application, the NPPF has moved on, with strengthened wording around the need for developments to deliver net gain. Para. 170(d) now says that -

*‘planning decisions should contribute to an enhance the natural environment by minimising impacts on and **providing net gains for biodiversity**, including by establishing coherent ecological networks that are more resilient to current and future pressures’;*

In addition, the Chancellor announced in the 2019 Spring Statement that net gain would become mandatory (in a new Environment Bill).

The ES should include a metric calculation to demonstrate that net gain could be delivered, and this should be supported by updated habitat surveys and details of mitigation/compensation.

The inclusion of a biodiversity chapter within the ES is also bourn out in advice from the Environment Agency (see below).

Natural England (NE) – NE confirm that no “Impact Risk Zones” are triggered by the project, but that impacts from the project should be considered in the light of the Government’s policy for the protection of the best and most versatile agricultural land. The impact on soils should be considered under a more general heading of sustainable use of land and the ecosystem services they provide as a natural resource.

NE stop short of confirming whether any particular matters should be scoped in to the EIA process or not. NE do advise that the project would benefit from their pre-application advice with regard to potential green infrastructure gains and/ or potential for biodiversity enhancements.

Given the responses from the EA and from GMEU, the opportunity should be taken in the ES to also address these particular concerns expressed by Natural England, in terms of their likely impacts.

Highways England - The highways and transportation impacts of the project, and potential mitigation, has been the subject of very extensive exploration – latterly as part of formal pre-application discussions with the Council and Highways England.

Environment Agency (EA) – The EA would expect the project to meet high environmental standards and to adhere to NPPF para 170 (d) and to the Government’s 25 year Environment Plan:- [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/693158/25-year-environment-plan.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf)

In particular, the delivery of environmental net gain together with the minimisation of impacts on the natural environment shaped by ecological assessment, calls for the inclusion of a biodiversity chapter within the ES. Inclusion within the ES would also be the preferred means by which the proposed habitat enhancements, proposed in section 2.2 of the FSR, are guided and delivered, especially given that such measures would be integral to the project as a whole.

Health & Safety Executive (HSE) – The HSE stop short of confirming which if any matters should be scoped in to the ES.

HSE remind the applicant that it may be beneficial to undertake a risk assessment as early as possible to satisfy themselves that their design and operation will meet requirements of relevant health and safety legislation as the project progresses.

The HSE comment that the project is vulnerable to a major accident as it sits within a consultation

zone around a major accident hazard site or pipeline, and so would benefit from the HSE's land use planning advice service.

In summary, the following matters should be scoped in to the ES:

- Cumulative highways; noise and air quality matters
- Biodiversity/ Ecology matters, as set out above
- The impacts on human health as set out above – in particular relation to the loss of green space

It is agreed that all other matters – save for those required by Schedule 4 of the EIA Regulations (as set out in 6.2 of your FSR – should be scoped out of the ES.

As of 8<sup>th</sup> May 2019, I have not received responses from the following sources on your FSR:

The Woodland Trust

WBC Public Health

United Utilities -

Historic England

Poulton with Fearnhead Parish Council -

Winwick Parish Council

Ward Councillors

If and when received, I will forward any other responses to you, but I do not expect these to alter the substance of our Scoping Opinion, as set out in this letter.

DATE OF REQUEST FOR SCOPING

OPINION RECEIVED: 4th April 2019

DATE SCREENING OPINION ISSUED: 8<sup>th</sup> May 2019



Director  
Environment and Transport