

Warrington Local Plan Examination

Hearing Session Note

Matter 3b

Agenda Item 1 (Inclusion of 31.80ha of land from Omega extension in St Helens and potential to include additional consented land - 75ha in total)

Omega Extension Appeal Decision:
APP/H4315/V/20/3265899 and Deed of
Agreement

16th September 2022

Introduction

1.1 This note has been prepared to address the request from the Inspectors, raised in respect of Matter 3b, agenda item 1, to provide a copy of the Planning Inspectors appeal decision into the Omega extension.

2. Submitted material

2.1 Further to request outlined above the following information is attached:

- Copy of the Call-in decision of the Secretary of State, pursuant to Section 77 of the Town and Country Planning Act 1990 and the Inspectors Appeal Decision: APP/H4315/V/20/3265899 - Omega Zone 8, West of Omega South and South of the M62, St Helens, Merseyside;
- DEED OF AGREEMENT - pursuant to Section 106 of the Town and Country Planning Act 1990 in relation to land to the west of Omega South and South of the M62, Bold, St Helens.



Department for Levelling Up,
Housing & Communities

Colin Graham
Miller Developments
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Our ref: APP/H4315/V/20/3265899
Your ref: P/2020/0061/HYBR

11 November 2021

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION MADE BY OMEGA ST HELENS LTD & TJ MORRIS LTD
LAND AT OMEGA ZONE 8, WEST OF OMEGA SOUTH AND SOUTH OF THE M62, ST
HELENS, MERSEYSIDE
APPLICATION REF: P/2020/0061/HYBR**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Mike Worden BA (Hons) DipTP MRTPI, who held a public local inquiry on 27-30 April 2021 and 5-6 May 2021, which closed in writing on 17 May 2021, into your client's application for planning permission for full planning permission for the erection of a B8 logistics warehouse with ancillary offices, associated car parking, infrastructure and landscaping; and outline planning permission for manufacturing B2 and logistics (B8) development with ancillary offices and associated access infrastructure works, in accordance with application Ref P/2020/0061/HYBR, dated 21 January 2020.
2. On 18 December 2020, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the local planning authority.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that planning permission be granted subject to conditions and planning obligations of the Section 106 Agreement.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation. He has decided to grant planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement (ES) which was submitted under the Town and Country Planning

(Environmental Impact Assessment) Regulations 2017. Having taken account of the Inspector's comments at IR1.6, the Secretary of State is satisfied that the Environmental Statement and other additional information provided complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal. For the reasons given at IR1.7 the Secretary of State agrees that an Appropriate Assessment is not required, and that the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) are met.

Matters arising since the close of the inquiry

6. An updated Framework was published in July 2021, after the close of the Inquiry. The Secretary of State is satisfied that as the updated Framework has not changed as regards the main material considerations in this case, the update does not affect his decision and does not warrant a referral back to the parties.
7. A list of representations which have been received since the inquiry is at Annex A. Copies of these letters may be obtained on request to the email address at the foot of the first page of this letter. The Secretary of State is satisfied that the issues raised do not affect his decision, and no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties.

Policy and statutory considerations

8. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
9. In this case the development plan consists of St Helens Core Strategy 2012 (CS), the St Helens Unitary Development Plan 1998 (the UDP) (Saved Policies), and the Bold Forest Park Area Action Plan (BFPAAP). The Secretary of State considers that relevant development plan policies include those set out at IR4.1-4.2.
10. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the Community Infrastructure Levy Regulations 2010 ('the CIL regulations') and the Warrington Local Plan Core Strategy (WLPCS) (IR4.4).
11. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.

Emerging plan

12. The emerging plan comprises the draft St Helens Borough Local Plan 2020-2035 Submission Draft 2019 (SHLP) (IR4.3).
13. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the

Framework. For the reasons given at IR12.31 the Secretary of State considers that the relevant policies in the SHLP carry little weight given that the plan is still in examination. However, the Secretary of State agrees with the Inspector for the reasons given at IR12.21 & IR12.31, that the SHLP's up-to-date evidence base is highly relevant to the proposal and carries considerable weight as a material consideration.

Main issues

14. The Secretary of State agrees that the main issues are those set out by the Inspector at IR12.2.

Green Belt

15. The Secretary of State notes that the entire application site is located within the Green Belt. As such, the Secretary of State has given careful consideration to the Inspector's analysis at IR12.6-12.16.
16. For the reasons given at IR12.6-12.8, the Secretary of State agrees with the Inspector's analysis of Green Belt policy and concurs that Policy CSS1 of the CS and Policies GB1, GB2 and S1 of the UDP can be accorded significant weight in the determination of this application.
17. For the reasons given at IR12.9-12.10, the Secretary of State notes that it is not disputed that the proposed development constitutes inappropriate development in the Green Belt and would cause significant harm to the openness of the Green Belt. Furthermore, he agrees with the Inspector that the proposed buildings would have a significant adverse impact on the spatial and visual openness of the Green Belt and its effect would be permanent and generate significant activity (IR12.10).
18. For the reasons given at IR12.11 the Secretary of State agrees that there would be no conflict with the Green Belt purpose of preserving the setting of historic towns. He further agrees with the Inspector at IR12.12 that as the application site is of a significant size and would be primarily of built and developed form there would be conflict with the purpose of assisting in safeguarding the countryside from encroachment.
19. For the reasons given at IR12.13, the Secretary of State agrees that while there would still be significant separation between the towns, the proposal would compromise the degree of separation resulting in the built up area of Warrington being closer to the built-up area of Clock Face. As such, the Secretary of State agrees this would be harmful to the purpose of preventing neighbouring towns from merging.
20. The Secretary of State notes at IR12.14 that it is concluded by the Inspector that the proposal could not be accommodated on derelict or other urban land. He therefore agrees for the reasons given at IR12.14 that there is no conflict with the Green Belt purpose to assist in urban regeneration. The Secretary of State agrees for the reasons given at IR12.15 that he is unable to consider potential cumulative harm as a result of other proposals.
21. Overall, the Secretary of State agrees with the Inspector at IR12.16 that the proposed development is inappropriate development in the Green Belt, he further agrees that it would cause significant harm to openness and would conflict with some of the purposes of including land in the Green Belt. Overall, he considers that these harms must carry substantial weight against the application in the overall Green Belt balance in accordance with paragraph 148 of the Framework.

Building a strong, competitive economy

Employment Need and Supply

22. For the reasons given at IR12.20-12.22, the Secretary of State agrees that St Helens has an important role to play in the economic growth and regeneration of the Liverpool City Region (LCR) (IR12.22), and that relying on previously developed land alone will not deliver the wider regeneration which the CS itself seeks to secure for St Helens (IR12.21). For the reasons given at IR12.23-12.25 the Secretary of State agrees with the Inspector's findings that St Helens has fallen behind its immediate neighbours and other areas in the LCR and beyond in its employment opportunities and deprivation scores, and that a major shift to bring forward new attractive employment sites is needed to halt or reverse this position (IR12.37).
23. For the reasons given at IR12.26-12.29, the Secretary of State agrees that it is clear from the evidence that there is a shortage in the supply of readily available sites to meet the needs of major logistics operators in the North West (IR12.29). He further agrees with the Inspector's analysis of the employment evidence at IR12.30-12.33 and given this evident need for development of the type proposed, the Secretary of State considers the supply of employment land carries significant weight in the planning balance.

Socio-Economic Benefits

24. The Secretary of State has taken into account that the development is forecast to generate around 1,207 FTE jobs for the TJM scheme and around 2,679 FTE jobs for the outline development, that the TJM element can be delivered in the short term and that the proposal would contribute around £141.5M in GVA to the St Helens economy (IR12.34-35). He agrees with the Inspector that this is a significant number of jobs which would have a tangible benefit to the local economy and would provide an early opportunity to help address the deprivation issues highlighted (IR12.34).
25. For the reasons given at IR12.25, IR12.34-12.39, and IR12.76-77 and IR13.3, the Secretary of State agrees with the Inspector that the proposal would provide a critical boost to the St Helens economy and support the regeneration objectives of the Council as set out in the CS (IR12.76). He has taken into account the locational benefits of the site, and the fact that provisions in conditions and planning obligations can be used to secure opportunities for the most deprived communities in St Helens. He agrees that overall the socio-economic benefits delivered by the proposal attract very significant weight (IR13.3). He further agrees with the Inspector at IR12.76 that the construction jobs carry moderate weight.

Whether there is other harm

Character and appearance

26. For the reasons given at IR12.40-12.43 the Secretary of State concurs with the Inspector's conclusions at IR12.44 that the proposed development includes a substantial amount of additional landscaping on and off site, nevertheless the proposal is of a significant size, scale, height, form and extent. As such, agrees with the Inspector that it would cause significant harm to the landscape character of the area and would be contrary to Policies CQL4, CP1 (i) and CAS 5 2 (iii) of the CS and contrary to the AAP. Overall, the Secretary of State agrees that the proposed development would cause

significant harm to the landscape character of the area and carries significant weight against the application in the overall planning balance (IR13.1).

Heritage

27. For the reasons given at IR12.46, in respect of Old Bold Hall site, the Secretary of State agrees that the proposed buildings would be visible, and there would be harm notwithstanding the presence of additional landscaping. In line with paragraph 199 of the Framework he gives great weight to the preservation of this heritage asset.
28. For the reasons given at IR12.47, the Secretary of State agrees with the findings of the Inspector for the reasons given that in respect of the listed buildings of the Bold Hall Estate the proposal would cause further adverse harm to the setting as the height and the scale of the buildings will dominate the view.
29. The Secretary of State agrees for the reasons given at IR12.50-12.51 that there is no compelling evidence that there would be any material harm to the medieval deer park or to any other non designated heritage asset.
30. The Secretary of State agrees with the Inspector at IR12.48 that the proposal would be contrary to Policies CLQ4 of the CS, Policy ENV25 of the UDP and Policy ENV3 of the AAP. He further agrees that the harm to the listed buildings would be less than substantial. He agrees that in accordance with paragraph 202 of the Framework the harm will need to be weighed against the public benefits of the proposal (IR12.49). In line with policy and statute the Secretary of State considers that the heritage harm carries great weight against the development in the planning balance.

Ecology

31. The Secretary of State agrees with the Inspector that, for the reasons given at IR12.52-12.56, taking into account the on-site and off-site provision for mitigation and the scheme detail, that overall there would be no harm to ecology as a result of the proposal and that it would accord with policies CQL1, CQL2 and CQL3 of the CS and policies BFP ENV1 and BFP ENV2 of the AAP.

Air Quality

32. For the reasons set out at IR12.57-12.59, the Secretary of State agrees with the Inspector that subject to the inclusion of mitigation measures at IR12.58 the proposal accords with Policy CP1 (3i or 3ii) of the CS and with paragraph 186 of the Framework.

Noise and Vibration

33. For the reasons given at IR12.60-IR12.63, overall the Secretary of State agrees with the Inspector at IR12.63 that subject to conditions, the proposed development would not have a materially harmful effect on the living conditions of nearby residents or occupants of other sensitive receptors. He therefore agrees with the Inspector that the proposal would accord with Policy CP1 of the CS.

Agricultural Land

34. The Secretary of State notes at IR12.64 that the proposal would result in the loss of around 69.5ha of agricultural land of which 17.5ha of the site is classed as Grade 3a and above. Overall, the Secretary of State agrees that there would be no conflict with either

Policy CP1 of the CS or paragraph 174 of the Framework. He further agrees with the Inspector at IR12.65 that this would result in some minor harm given its scale in relation to the overall site which carries limited weight against the application in the overall planning balance (IR13.1).

Transport

35. The Secretary of State agrees with the Inspector's analysis of transport evidence at IR12.66-12.69. Overall, he agrees that the proposal is acceptable in transport terms and accords with Policy CP2 of the CS and paragraphs 110 and 111 of the Framework (IR12.69).

Climate Change

36. For the reasons given at IR12.70-12.72 the Secretary of State agrees with the Inspector's conclusions on climate change. He further agrees that the proposal accords with Policy CP1 of the CS (IR12.72).

Other matters

37. For the reasons given at IR12.73, the Secretary of State agrees that with the appropriate conditions imposed the proposal will minimise the potential for flood risk. Similarly, for the reasons given at IR12.74, he agrees that with the imposition of conditions the proposal will not have a harmful effect on the living conditions of the occupants of residential properties in the area.

38. The Secretary of State agrees for the reasons given at IR12.75 that the proposal would not have a harmful effect on the ability of the wider area to accommodate equestrian activities or any other recreation activities.

Planning conditions

39. The Secretary of State has given consideration to the Inspector's analysis at IR14.1-14.18, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 56 of the Framework and that the conditions set out at Annex B should form part of his decision.

Planning obligations

40. Having had regard to the Inspector's analysis at IR15.1-15.7, the planning obligation dated 17 May 2021, paragraph 57 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR15.6 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework.

Planning balance and overall conclusion

41. For the reasons given above, the Secretary of State considers that the application is in accordance with Policies CQL1, CQL2, CQL3, CP1, CP2 of the CS and policies BFP ENV1 and BFP ENV2 of the AAP of the development plan. Given his conclusions at paragraph 45 below he further considers that the proposal accords with Policies S1, GB1

and GB2 of the UDP. While the Secretary of State finds conflict with certain policies of the CS and AAP specifically Policies CQL4, CP1 (i) and CAS 5 2 (iii) of the CS and Policy ENV25 of the UDP and Policy ENV3 of the AAP in respect of landscape character and heritage, he has taken into account that there is compliance with the strategy and objectives of those plans, and concludes that the application is in line with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

42. Weighing in favour of the proposals are the supply of employment land which carries significant weight, the socioeconomic benefits which also attract very significant weight and the construction jobs which carry moderate weight.
43. Weighing against the proposals are the Green Belt harm which carries substantial weight, the harm to character and appearance which carries significant weight and the loss of agricultural land which carries limited weight. Also weighing against the proposal is the 'less than substantial' harm to heritage assets which carries great weight.
44. The Secretary of State has considered whether the identified 'less than substantial' harm to the heritage assets is outweighed by the public benefits of the proposal. He agrees with the Inspector at IR13.4a that they do, and considers that the balancing exercise under paragraph 202 of the Framework is therefore favourable to the proposal.
45. The Secretary of State has considered whether the harm to the Green Belt by reason of inappropriateness, and the other harms he has identified, are clearly outweighed by other considerations. He considers that they are, and therefore very special circumstances exist to justify permitting the development. As such, the proposed development accords with Policies S1, GB1 and GB2 of the UDP, and national planning policy on Green Belt.
46. Overall, the Secretary of State considers that the material considerations in this case indicate a decision which is in line with the development plan – i.e. a grant of permission.
47. The Secretary of State therefore concludes that planning permission should be granted.

Formal decision

48. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants planning permission subject to the conditions set out in Annex B of this decision letter for full planning permission for the erection of a B8 logistics warehouse with ancillary offices, associated car parking, infrastructure and landscaping; and outline planning permission for manufacturing B2 and logistics (B8) development with ancillary offices and associated access infrastructure works in accordance with application ref: P/2020/0061/HYBR, dated 21 January 2020.
49. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

50. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for

leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

51. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
52. A copy of this letter has been sent to St Helens Metropolitan Borough Council and the Bold and Clock Face Action Group, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Phil Barber

This decision was made by the Minister of State for Building Safety and Fire, and signed on his behalf

Annex A - SCHEDULE OF REPRESENTATIONS

General representations

Party	Date
T Morris	12 October 2021
S Rotheram	13 October 2021

Annex B – LIST OF CONDITIONS

SCHEDULE OF CONDITIONS

Conditions which apply to all parts of the development

- 1) The development hereby approved permits a total of 205,500 sq.m (approximately 2,212,002 sq.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

Highways

- Plan ref: 5969-Z8-GA-115 Rev A entitled 'Infrastructure Works Visibility Assessment' and
- Plan ref: 5969-Z8-GA-100 Rev A entitled 'Infrastructure Works Swept Path Analysis' both within Appendix D 'External Works Assessment'.
- INFRA DWG. 1.1 5969-Z8-GA-100 Rev A entitled 'Highways Works General Arrangement Sheet 1 of 2'
- Plan ref: 11191042_SK326/A entitled '
- Plan ref: 11191042_SK326

Levels Plans

- 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

Overall landscaping plans

- 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
- UNIT 1 DWG. 31 131504 Rev. B Head Wall Outfall and Tree Removal Plan
- 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; and

Around Unit 1 landscaping plans

- 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

Ecology

- INFRA DWG. 12 16903-11ES Rev. C Bat Box Proposals'
- INFRA DWG. 13 16903-12ES Rev. C Bird Box Proposals

Drainage

- 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
- 4) 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, along with a timetable of implementation, shall be submitted to and approved in writing with the Local Planning Authority prior to installation. Only the approved details shall be implemented.
 - 5) 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.
 - 6) Unit 1, hereby shown on the 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 with ancillary offices, unless planning permission is sought from and granted by the Local Planning Authority.

- 7) 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 Local Planning Authority.
- 8) Construction work shall not take place outside 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. 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) 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.
- 11) Prior to the 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.
- 12) 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.
- 13) 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.
- 14) Prior to occupation of Unit 1 the Phase 1 roads as shown on INFRA DWG. 1.1 5969-Z8-GA-100 Rev A entitled 'Highways Works General Arrangement Sheet 1 of 2' shall

be built to the approved standards and available for use. 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.

- 15) 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) shall be implemented, to ensure the junction lane use and exit geometry is consistent with traffic modelling submitted.
- 16) 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.
- 17) 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 officer’s response) and in accordance with the submitted strategy (WSP, Omega Zone 8, Monitoring Well Decommissioning Strategy, 17th March 2020), shall be submitted to and agreed in writing with the Local Planning Authority.
- 18) Prior to the first occupation of Unit 1, a lighting scheme for the cycle pathway as shown plan ref:1 6385 – 181 Rev. G 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. Only the approved lighting shall be implemented.
- 19) 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 St Helens Borough 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.

- 20) 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 detailed element of this application (as shown on OPP DWG. 3.1 4150-05105-PL4) shall be submitted to and approved in writing by 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. Only the approved details shall be implemented.
- 21) 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 detailed element of this application (as shown on ref:4150-05105-PL4) shall be submitted to and approved in writing by 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. Only the approved details shall be implemented.
- 22) 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 by the Local Planning Authority. Only the approved details shall be implemented.
- 23) 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 prepared by WSP and 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.
- 24) The 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 – prepared by WSP and 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.
- 25) 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 by the Local Planning Authority.
- 26) 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 prepared 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.

- 27) The site access shall be constructed in accordance with the approved site layout plan (ref: 6385-181 G) and drawings (5969-Z8-GA-115 Rev A entitled 'Infrastructure Works Visibility Assessment' and '5969-Z8-GA-100 Rev A entitled 'Infrastructure Works Swept Path Analysis') within Appendix D 'External Works Assessment' to binder course surfacing level prior to occupation of Unit 1. The access shall be kept available for use at all times.
- 28) Within 3 months of occupation a Travel plan shall be submitted to the Local Planning Authority. It shall be approved in writing by the Local Planning Authority. The Travel 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 Co-ordinator 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; and
 - The details (name, address, telephone number and email address) of the Travel Plan Co-ordinator.

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.

- 29) No construction work relating to the proposed mitigation in Condition (15) 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; to the Local Planning Authority and such details have been approved in writing by the Local Planning Authority in consultation with Highways England 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.

- 30) 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.
- 31) The internal connected pedestrian/cycle links north to the M62 overbridge of PRoW 102 and east to Catalina Approach to the principles of Chetwoods Drawing No.4150-05100-SK15 Indicative Masterplan shall be completed prior to the occupation of Unit 1.
- 32) 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 include 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. The provision of wheel wash facilities shall also be provided.
- 33) The removal and eradication of invasive species on the full 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.*
- 34) 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.
- 35) Notwithstanding the proposed planting listed in condition 37 the field maple (*Acer campestre*), shall be replaced with hawthorn or holly. *Viburnum opulus* shall be replaced in hedgerow planting with blackthorn and in woodland edge planting it shall be replaced by an increase in other native species listed.

36) 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.

37) 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 shall 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 or 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.

- 38) All landscape planting works shall be inspected annually during the month of August, each year for the first 5 years after planting. The inspections shall record the health and condition of trees and plants planted and assess where trees and plants need to be replaced. This report shall be submitted to the 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 shall then be planted in the period between the 1st December and 1st March and the Local Planning Authority informed when all re-planting works are completed.
- 39) All ongoing landscape management shall 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 36 and the requirements of any other conditions. A, review of the delivery of these management plans must be provided to the Local Planning Authority annually for a period of 10 years. The Council should be provided with contact details for the Management Company(s) appointed to implement the approved Management Plans prior to any occupation of Unit 1.

- 40) All tree work shall 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 1st March to 1st September in accordance with the guidance in these submitted documents.

- 41) 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; and
- 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.

42) Arboricultural Supervision and provision of an Ecological Clerk of Works shall be as specified in the following approved documents:

- 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

The Ecological Clerk of Works, Site Biodiversity Champion and Site Biodiversity Manager shall be deployed for the duration of the construction phase on site.

A site meeting between the Site Manager(s), the Ecological Clerk of Works / Site Biodiversity Champion / Site Biodiversity Manager, the St. Helens Trees and Woodlands Officer and the Countryside Development and Woodlands Officer shall take place within 2 weeks of development commencing. The frequency of further meetings, and the reporting procedure to the Local Planning Authority, is to be agreed at the initial site meeting.

43) 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 (Ref No. 70060349-FRA August 2020)
- 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. No surface water will be permitted to drain directly or indirectly into the public sewer and 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.

- 44) 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.
- 45) Within 6 months of works commencing on site, a scheme providing details of management responsibilities for the undeveloped 8m buffer to Whittle Brook, shall be submitted and approved in writing by the Local Planning Authority. Any subsequent variations shall be agreed in writing with the Local Planning Authority, in which case the development shall be carried out in accordance with the amended scheme.
- 46) 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.

Conditions for the Outline application

- 47) All applications for reserved matters shall 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.
- 48) 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 Local Planning Authority;
 - a. Appearance
 - b. Landscaping
 - c. Scale and
 - d. Layout

The development shall be carried out in accordance with the reserved matters as approved.

- 49) Reserved matters applications for 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.

50) 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; and
- 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.

51) 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.

52) Reserved matters applications for layout shall take account of Whittle Brook prior to and after its diversion. Any layout shall demonstrate that there is no development within the 8 metre buffer either side of the bank top.

53) The gross external floor space area of any building in use class B8 or B2 (including any ancillary B1a offices) submitted with any reserved matters application shall not be less than 27,870 sq.m (300,000 sq.ft).

54) 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 shall state the ground floor area dimensions and what element will be B8 and/or B2.

55) 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 baffles 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.

56) 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 principal 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; and
- 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.

- 57) 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
- 58) 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. Any such plant shall only be operated in accordance with the approved details.
- 59) Reserved Matters applications shall be in accordance with the Environmental Statement (January 2020) and Environmental Statement Addendum (August 2020), and 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.
- 60) 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 St Helens Borough 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.

- 61) 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, and 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.
- 62) No development shall take place until a scheme for the provision and management of an 8 metre wide buffer zone alongside the Whittle Brook 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); and

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 plans.

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.

- 63) 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, 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); and
- Geomorphology surveys to inform detailed design proposal to be provided to the Environment Agency, including data on the reference reach.

- 64) Prior to the commencement of each phase of the development, or 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.
- 65) 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; and
- Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint.

- 66) 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 Local Planning Authority, all agreed mitigation measures shall be implemented prior to the commencement of use.
- 67) 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 St Helens Borough 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.

- 68) Prior to the commencement of development within zone 4 as shown on plan ref: LA100018360 2020, 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.

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>).

- 69) Prior to occupation/ commencement of use of any phase of the development within zone 4 as shown on plan ref: LA100018360 2020, 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; and
- 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>).

- 70) Prior to the first use of each phase or reserved matters, the unit 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.
- 71) Prior to the occupation of any unit, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and agreed in writing with the Local Planning Authority. 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.

- 72) Any reserved matters application shall 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 shall 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 shall be to at least BS 5837 (2012) standard. Method statements shall also be included, particularly where there are impacts to root protection areas and ground protection or special 'no dig' surfacing is required. All measures shall 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).

- 73) Any reserved matters application shall include an Arborist Clerk of Works Method Statement and Ecological Clerk Works Method Statement. These Statements must include details of the Site Biodiversity Champion. All tree work and hedgerow removal specified in these documents shall be to BS3998 (2010), with no felling taking place between the period 1st March to 31st August, unless otherwise clearly specified methodologies for arboricultural and ecological supervision and inspection aimed at avoiding disturbance to breeding birds and protected species are detailed within these documents.

All tree work must be supervised by the Arboricultural Supervisor for the site. The contact details for the Arboricultural Supervisor / Ecological Clerk of Works and Site Biodiversity Champion, along with the dates of an initial site meeting between Site Managers, Site Biodiversity Champion, the St. Helens Trees and Woodlands Officer and the Countryside Development and Woodlands Officer shall be provided prior to commencement of development. The frequency of further meetings, and the reporting procedure to the Local Planning Authority, is to be agreed at the initial site meeting.

- 74) Any reserved matters application for landscaping shall provide fully specified landscape plans. All plans shall 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.

In addition, all plans shall provide the following supporting information:-

- detailed designs and planting specifications, including cross sections, for all water bodies, including river diversions, being created on site;
- the removal of rhododendron and under planting of existing retained woodlands using appropriate native woodland species;
- specifications for all other soft and hard landscape details for 'ecological' areas as well as within the developed areas of the site;
- the design and specification of any paths and tracks to be constructed, which shall 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);

- 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 Local Planning Authority; and a detailed maintenance programme and schedule for all landscaping completed on site.

All specified landscaping works shall 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 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.

75) All landscape planting works shall be inspected annually during the month of August, each year for the first 5 years after planting. The inspections shall record the health and condition of trees and plants planted and assess where trees and plants need to be replaced. This report shall be submitted to the 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 shall then be planted in the period between the 1 December and 1 March and the Local Planning Authority informed when all re-planting works are completed.

76) Any reserved matters application shall 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 shall:-

- 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 shall include provision of barn owl boxes.

Progress, review and delivery of the management plans must be provided to the Local Planning Authority annually. The Council should be provided with contact details for the Management Company(s) appointed to implement these management plans prior to any use of any buildings onsite. Only the approved details shall be implemented.

- 77) 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.*
- 78) Reserved matters applications shall be supported by updated bat surveys.
- 79) 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.
- 80) 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 by 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.
- 81) 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 for any reserved matters application and the details and findings submitted to and agreed in writing with the Local Planning Authority.
- 82) 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 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.
- 83) 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.
- 84) Notwithstanding the requirements of Conditions 62 and 63, 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; and
- 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.

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.

- 85) 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.
- 86) 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.
- 87) The development shall provide internal connected pedestrian/cycle links north to the M62 overbridge of PRow 102, east to Catalina Approach and east to Omega Boulevard/Orion Boulevard to the principles of Chetwoods Drawing No.4150-05100-SK15 Indicative Masterplan. The Omega Boulevard/Orion Boulevard link (which is intended to double as an emergency access route) shall be operational prior to the opening of the first unit within the outline area of the site unless otherwise agreed in writing with the Local Planning Authority.
- 88) 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 Co-ordinator 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.
- 89) 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 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.
- 90) 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 priority parking space (each equipped with 1 electric vehicle charge point) per 30 parking 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.
- 91) 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.
- 92) 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.
- 93) 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.
- 94) 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.
- 95) 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.

- 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 a written 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; and
- Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint

- 97) 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.
- 98) 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.



Report to the Secretary of State for Housing, Communities and Local Government

by Mike Worden BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Date 15 July 2021

The Town and Country Planning Act 1990 (as amended)

Application by

Omega St Helens Ltd and TJ Morris Ltd

Made to

St Helens Metropolitan Council

Inquiry Held on 27, 28, 29, 30 April and 5 and 6 May 2021

Omega Zone 8, West of Omega South and South of the M62, St Helens, Merseyside

File Ref(s): APP/H4315/V/20/3265899

File Ref: APP/H4315/V/20/3265899

Omega Zone 8, West of Omega South and South of the M62, St Helens, Merseyside

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 18 December 2020.
- The application is made by Omega St Helens Ltd and TJ Morris Ltd to St Helens Metropolitan Council
- The application Ref P/2020/0061/HYBR is dated 21 January 2020.
- The development proposed is full planning permission for the erection of a B8 logistics warehouse with ancillary offices, associated car parking, infrastructure and landscaping; and outline planning permission for manufacturing B2 and logistics (B8) development with ancillary offices and associated access infrastructure works (detailed matters of appearance, landscaping, layout and scale are reserved for subsequent approval).
- The reason given for making the direction was that, having regard to policy relating to the power to call-in planning applications, the Secretary of State concluded on the facts of this case that it was appropriate to do so.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application:
 - 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: and,
 - d) Any other matters which the Inspector considers relevant.

Summary of Recommendation:

That planning permission for the development is granted subject to the conditions outlined and with the benefit of the obligations in the section 106 agreement

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Background and Procedural Matters

- 1.1 A case management conference was held on 8 March 2021¹ to discuss administrative and procedural matters. In addition to the three main considerations set out by the Secretary of State on which he particularly wished to be informed about, I identified a number of other matters which I considered to be relevant. These were the effect of the proposal on: the character and appearance of the area; air quality; ecology; heritage and landscape assets; climate change; the living conditions of neighbouring residents with particular regard to noise; and the highway network and how the development could contribute to meeting sustainable transport objectives.
- 1.2 The Inquiry sat for 6 days, on 27-30 April and 5-6 May 2021. I closed the Inquiry in writing on 17 May 2021 following receipt of the executed section 106 agreement.
- 1.3 I undertook unaccompanied site visits on 19 April and 10 May 2021. The first of these visits was a detailed visit where I walked onto and around the site, walked the public right of way from Warrington Road to Hall Lane and visited various viewpoints to inspect the site and its wider surroundings. I also visited the existing Omega development, the residential area of Bembridge Close to the south, and various locations within the Bold Forest Park. I also drove along the M62 in both directions past the site.
- 1.4 The Council considered the proposal at a committee meeting on 27 October 2020. In accordance with the recommendation of its professional officers², the committee resolved³ to approve the application subject to conditions and the completion of a section 106 agreement and referral to the Secretary of State.
- 1.5 In light of its resolution to grant planning permission for the development, St Helens Council appeared at the Inquiry in support of the applicant. There were no Rule 6 parties but representatives of the Bold and Clock Face Action Group and Bold Parish Council appeared at the Inquiry.
- 1.6 The application is accompanied by an Environmental Statement⁴ (ES). I am satisfied that that the ES together with all other additional information, complies with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations 2017).

¹ CD 36.3 Post CMC note

² CD35.1 Report to St Helens Planning Committee 27 October 2020

³ CD 35.2 Minutes of St Helens Planning Committee 27 October 2020

⁴ CD 33.146

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- 1.7 The application is accompanied by a Habitats Regulation Assessment: Stage One Likely Significant Effects⁵. It identifies that no likely significant effects of the proposals on the conservation objectives of the Mersey Estuary Special Protection Area (SPA) or any other European Site are envisaged. It concludes that the Habitats Regulations Assessment (HRA) process does not therefore have to progress to stage two and that an Appropriate Assessment is not required in this case. This has been accepted by the Council and I am satisfied that the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) are met.
- 1.8 Three Statements of Common Ground (SoCG) were provided to the Inquiry. These covered Planning⁶, Transport⁷ and Need⁸. A number of topic papers were produced by St Helens Council which were aimed at assisting the Inquiry primarily in respect of the other considerations which I identified that the Secretary of State should be informed about.
- 1.9 Warrington Borough Council considered the proposal at its development management committee⁹ on 5 August 2020. It also submitted a position statement¹⁰ and some of its officers took part in the round table session on the section 106 agreement.
- 1.10 A draft planning obligation was submitted at the outset of the Inquiry. A further draft was submitted during the Inquiry and a final executed agreement was submitted shortly after the end of the oral sessions. Thereafter the Inquiry closed in writing.
- 1.11 The final executed agreement under section 106 of the Act (the s106 agreement) was made between the applicants, the land owners, St Helens Council and Warrington Borough Council.
- 1.12 The Inquiry Library of Core Documents was held online prior to and during the course of the Inquiry. All documents referred to in my report can be found in the library. This can be accessed via:
<https://www.omegawestdocuments.com/>

The Site and Surroundings

- 2.1 The application site consists of around 75 hectares of predominantly arable farmland. It lies to the south of the M62 between junctions 7 and 8, and immediately west of the existing Omega development. To the south and west

⁵ CD 43.43 HRA Stage 1 Final

⁶ CD 37.1

⁷ CD 37.2

⁸ CD 37.3

⁹ CD 35.5 Minutes of meeting of Warrington Borough Council development management committee 5 August 2020

¹⁰ CD 43.73

of the site is farmland. Further to the south across fields, is the Mersey Valley Golf Course and the residential area of Lingley Green.

- 2.2 Booths Wood, an established woodland and a local wildlife site lies immediately to the south west of the application site whilst there are also other woodlands on an around the southern fringes of the site. There are also smaller pockets of woodland on the application site, linked by hedgerows along with ditches and small ponds. There is a tall hedgerow which runs along much of the eastern boundary of the site. The northern boundary with the M62 is a post and rail fence and there are also some trees along the motorway verge.
- 2.3 The application site is fairly flat. A public right of way runs from Warrington Road in the south and crosses the north western corner of the site, before crossing a footbridge over the M62 and linking to Hall Lane. Another bridge across the M62 provides private access to the site from the north side of the motorway for farm vehicles.
- 2.4 The existing Omega site straddles the M62. On the north side there are a number of commercial units. The development on the south side is much more extensive and is a substantially complete strategic employment site within the administrative boundary of Warrington Borough Council. The access to the proposed development is through the existing Omega south site.

The Proposal

- 3.1 The proposed development is summarised in the Planning Statement update¹¹, the Design and Access Statement¹² and the Statement of Common Ground on Planning¹³.
- 3.2 The proposed development is the subject of a single hybrid planning application which seeks:
- Detailed planning permission for the erection of a B8 use class logistics building referred to as Unit 1. This would have a total floorspace of 81,570 sqm comprising a 77,084 sqm warehouse with an ancillary office development. The warehouse building would include a high bay area at its eastern end with a maximum height to ridge of around 41m.
 - Outline planning permission for a combination of B2 manufacturing and B8 logistics capable of accommodating up to 123,930 sqm of development. This will comprise an expansion area next to Unit 1 and three separate units to the south of the application site. All matters are reserved for subsequent approval, with the exception of access. Access to

¹¹ CD 33.36

¹² CD 33.35

¹³ CD 37.1

the whole site would be taken off Catalina Way which serves the existing Omega development to the east.

- 3.3 The north western tip of the application site would be retained as a green area and would be planted. This green triangle would also incorporate new pond creation and recreational open space. A new cycleway and footpath would run east west through the site and link with the existing public footpath and footbridge over the M62.

Planning Policy

- 4.1 The development plan for the purposes of section 38 (6) of the Planning and Compulsory Purchase Act 2004, includes the St Helens Core Strategy¹⁴ (CS) which was adopted in 2012, the saved St Helens Unitary Development Plan¹⁵ (UDP) adopted in 1998, and the Bold Forest Park Area Action Plan¹⁶ (BFPAAP) adopted in 2017.

- 4.2 The most relevant policies within the development plan are:

- Policy CSS1 of the CS which sets out the overall spatial strategy for St Helens. This includes an overarching objective of distributing development across the borough and supporting regeneration activity.
- Policy CE1 of the CS which seeks to ensure that sufficient land and premises are provided to strengthen and diversify the Borough's economic base and support economic regeneration. Amongst other things it seeks to identify a minimum of 37 ha of employment land to 2027.
- Policy CAS5 of the CS which is concerned with Rural St Helens, in which the application site lies. It states that outside of existing rural settlements, development will comply with Green Belt policy.
- Policy CQL2 of the CS which seeks to protect and enhance the multi-purpose value of trees, woodlands and hedgerows.
- Policy CQL3 of the CS which seeks to protect and manage species and habitats.
- Policy CQL4 of the CS which is concerned with the protection, conservation, preservation and enhancement of the historic built environment of the borough.
- Policy CIN1 of the CS which sets out how infrastructure to meet St Helens needs will be provided including steering development to locations already well served by infrastructure.

¹⁴ CD 2.1

¹⁵ CD 2.2

¹⁶ CD 43.1

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- Policy CP1 of the CS which requires all development to meet defined quality standards.
 - Policy CP2 of the CS which requires all development proposals to meet certain criteria in order to help create an accessible St Helens, including locating development where the site can be served by public transport and facilities.
 - Policy S1 of the UDP sets out an approach for the Green Belt and states that the Green Belt boundary for the Borough is defined on the Proposals Map.
 - Policies GB1 and GB2 of the UDP sets out general criteria for development in the Green Belt including new buildings.
 - Policy BFP1 of the BFPAAP which sets out the strategic development approach for the creation of a sustainable forest park. Amongst other things the policy seeks to ensure that the Bold Forest Park contributes to meeting the Borough's needs for housing, employment, open space, sport and recreation. The justification to the policy recognises that a Green Belt review is being undertaken and that the Forest Park could have a role to play in helping to meet the objectively assessed housing and employment needs of the Borough.
 - Policy BFP ENV1 seeks to enhance landscape character in the Forest Park including increasing rates of tree cover to up to 30% of the park area.
 - Policy BFP ENV3 seeks to protect the heritage assets of the Bold Forest Park
 - Policy BFP ECON 1 supports proposals which can contribute to the Forest Park economy or enhance economic opportunities in the area where it can be demonstrated that they deliver Forest Park objectives and comply with national and local planning policies including Green Belt.
- 4.3. Emerging policy appears in the form of the draft St Helens Local Plan (SHLP) . This plan was submitted for examination in October 2020. Policy LPA04 sets out the approach to developing a strong and stable economy including the delivery of a minimum of 215 hectares of employment land 2018-2035. Policy LPA04.1 proposes to allocate part of the application site, around 31 ha, for employment development for B2 and B8 uses. At the Inquiry the Council stated that this was to meet the employment land needs of Warrington. That proposed allocation is referred to as Site 1EA, Omega South Western Extension, Land north of Finches Plantation, Bold. The policy also sets out a list of requirements for supporting documents for any application within the allocated sites.
- 4.4. The Warrington Local Plan Core Strategy (WLPCS) was adopted by Warrington Borough Council in 2014. Policy CS8 of the WLPCS identifies the now existing Omega site as a strategic proposal which can contribute to the employment land needs of Warrington and the wider sub region.

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- 4.5. Relevant national policy is to be found in the National Planning Policy Framework (the Framework) with supporting guidance in national Planning Policy Guidance (PPG).

Matters Agreed Between the Council and the Applicant

- 5.1 Three SoCG were agreed between the Council and the Applicant and these are referenced in paragraph 1.7 above.
- 5.2. Both parties agree that there is a significant need for new employment land in St Helens, of which the need for large scale logistics/industrial development is a major component. It is also agreed that need for additional employment land arises from Warrington too. It is agreed that the application site is well placed to meet this need having regard to the form of the development proposed and the locational characteristics of the site.
- 5.3. The main parties agree on the evidence base relating to deprivation and in particular to the Index of Multiple Deprivation scores and trends for St Helens.
- 5.4. The Need SoCG sets out the main parties agreed position on employment need. They both consider the 37 ha employment land requirement set out in the CS to be out of date and that the evidence underpinning the SHLP indicates a residual requirement of 165ha between 2020 and 2035. They agree that there are no sites available within the St Helens administrative area which can accommodate a unit of around 27,870 sqm.
- 5.5. The main parties agree on the evidence base supporting the Liverpool City Region (LCR) areas of search assessment. They also agree that the proposed allocation on the site in the SHLP cannot provide for LCR needs as it is proposed to meet Warrington's employment land needs. They agree on the build out rates at Omega north and south over the last 10 years.
- 5.6. Both the Council and the applicant agree that land needs to be released from the Green Belt to meet the SHLP requirement, especially in the case of large scale logistics development. They both agree that there are no suitable and viable alternative sites outside of the Green Belt which can accommodate the proposed development.
- 5.7. A Transport SoCG has been prepared. The parties agree the Transport Assessment, that access can be taken from Catalina Way and that it is appropriate for derived demand. They agree the number 52 bus service can be diverted into the site and have agreed the costs of this provision.
- 5.8. Both parties agree that the proposed development is inappropriate development in the Green Belt, and that substantial weight should be given to the harm by reason of inappropriateness in accordance with paragraph 144 of the Framework. They agree that the proposal would have a significant impact on the openness of the Green Belt although its impact is mitigated by

factors such as the existence of the existing Omega development, structural landscaping and controls over design and activity.

- 5.9. The Council and the applicant agree that there would be harm to, and conflict with the Green Belt purposes of checking the sprawl of a large built up area and safeguarding the countryside from encroachment.
- 5.10. The Council's position, as given by its planning witness, on the purpose of preventing neighbouring towns from merging is that there would be slight harm as the proposal would compromise the degree of separation between the western part of the Warrington built up area and the southern part of the St Helens to a small extent. The applicant considers that there would no harm or conflict in respect of this purpose.
- 5.11. Both parties agree that there would be no harm or conflict with the purpose of protecting the character of historic towns or to the purpose of assisting with urban regeneration although there is a very slight difference on the relationship of the proposal and this purpose between the Council's planning witness and the officer's report to Planning Committee.
- 5.12. The parties agree that there is a degree of other harm on some matters which needs to be considered alongside Green Belt harm. In most cases the main parties agree that this harm is negligible and that proposed mitigations need to be taken into account in the overall planning balance.
- 5.13. There is agreement in respect of the economic and social benefits which would arise out of the proposed development. Job numbers in respect of the Unit 1 development are agreed between the Council and the applicant.
- 5.14. Both the Council and the applicant agree that very special circumstances exist, so as to justify the grant of planning permission.

The Case for the Applicant

- 6.1 This summary contains all of the material points in relation to the applicant's case and is substantially based upon the closing submissions of the applicant. It is also taken from the evidence given on behalf of the applicant and from other documents submitted to the Inquiry. The Secretary of State is also referred to the applicant's closing submissions¹⁷ which contain a full exposition of the applicant's case.
- 6.2 The proposal aligns squarely with the socio-economic objectives of the CS which are continued into the SHLP. To date, St Helens has not been able to deliver upon that regeneration imperative to its most deprived residents the opportunities they deserve. This proposal will provide those opportunities. It will provide a range of jobs in the TJ Morris element, a range of new jobs in the outline element and importantly through the provision of new bus links will open up the entirety of the Omega development to those in most need of

¹⁷ 44.14 (ID14)

employment opportunities. The immediate deliverability of the scheme is not in doubt.

- 6.3 The proposal represents an opportunity to build upon the success of Omega and build upon the particular locational advantages of St Helens for logistics development. The proposal accords with paragraphs 80 and 82 of the Framework and critically it is exactly the type of economic development which is the focus of the Government's 'levelling up' agenda. It provides a rare chance to deliver real, tangible opportunities for those in most need who have been 'left behind'.

The site and background

- 6.4 RAF Burtonwood closed in 1991 and its redevelopment was originally envisaged as a strategic office park. A new junction to the M62 was created, but before development commenced it was planned to reduce the office (B1) element and introduce B2/B8 manufacturing and distribution uses, given market changes away from out of town office parks. Omega Warrington Limited is Home England's development partner and it was acquired by M2 Limited. The applicant, Omega St Helens Limited is a subsidiary of M2 Group.
- 6.5 Since 2012/13 over 5.2 million sq feet of logistics/manufacturing space has been delivered at Omega and occupied by national businesses such as Royal Mail, ASDA, Travis Perkins and The Hut Group. Omega is now established as a leading regional strategic logistics and manufacturing location. It has now however reached its full development potential in terms of B2/B8 uses. Its final phase is under construction and so the applicant engaged in the emerging SHLP to promote land for the westward expansion of Omega.
- 6.6 TJ Morris Ltd (TJM) were looking for a location within Omega but were unable to find a site given a number of factors such as scale; the need for cross-docking within its unit and conflict with the acoustic conditions of the consents recognising the proximity of residential properties adjacent to Omega East.
- 6.7 TJM is one of the UKs fastest growing discount retailers and one of the largest privately held companies in the UK. From a single shop in 1976 in Liverpool, the company now employs over 25,000 people and is the largest private sector employer on Merseyside. Its primary business focus is the delivery of household items to consumers through its network of stores. Its planned growth is to expand the store network. It plans to expand from its 545 stores to 800 within the next five years and 1200 in the next ten years. Such expansion requires support functions in terms of warehousing, delivery, etc.
- 6.8 TJM has two delivery centres. One in Liverpool (Axis) serving the northern half the country and one in Salisbury (Solstice), serving the southern half. Axis houses the TJM headquarters and opened in 2005. Solstice is more recent and been operation since 2013.
- 6.9 The proposed development would incorporate a £150 million automation system, the first of its kind in the UK. It would benefit from a location close to

TJM headquarters in Liverpool for managerial and technical support. It would relieve pressure on the distribution centre at Axis. TJMs locational requirements include the need to incorporate high bay facilities within an internal height of 38m to enable high technology stock holding, available power, service yard space, parking and accommodation for back office staff.

- 6.10 TJM have undertaken a site search for a third distribution centre across the whole of the M62 corridor from Liverpool to Hull. TJM have acquired a site for a fourth distribution centre, in Doncaster, but this is to enable the expansion of the store network in the future to 1200. The Doncaster site is not an alternative to the application site as was made clear by Mr Clarke in his evidence to the Inquiry. The application site is required now, to deliver the third distribution centre to enable the company to expand to 800 stores. The early acquisition of land at Doncaster is a recognition by the company that supply is very tight and learning lessons from the experience of trying to secure the site for the third distribution centre. Doncaster is necessary to enable expansion from 800 stores to 1200 stores in the longer term.
- 6.11 TJM's site search concluded that only Omega West can meet the minimum site operational requirements in the required timeframe. There is no alternative configuration of Unit 1 which would meet the minimum operating requirements. TJM's anticipated investment in the proposed development would total around £300 million, all met from capital reserves demonstrating the company's commitment to the local economy and the region.
- 6.12 The new distribution centre would create around 1,207 FTE jobs directly which translates to around total annual salaries of around £19 million at opening and around £38 million at full operational capacity. Job opportunities will also provide flexible working and training.
- 6.13 The proposal is 'oven ready'. The M2 group has contractual control of the site, TJM are under contract for Unit 1 subject to planning consent¹⁸, access is available, off site highway works are complete or underway, the power lines are being diverted, utility services are available and all other statutory consents have been obtained.

Deprivation in St Helens

- 6.14 St Helens is one of the most deprived places in the country. By reference to the Government's Indices of Multiple Deprivation (IMD), large parts of the borough are in the top 5% and 10% of the most deprived areas. St Helens was ranked 51st worst authority area in 2010, 36th in 2015 and 26th in 2019. This is a clear picture of a disturbingly worsening trend.
- 6.15 Twenty nine Lower Super Output Areas (LSOA) in St Helens are within the 10% most deprived nationally. 50 are within the most deprived 20% nationally. 6 are within the most deprived 1% nationally. The Lower Super

¹⁸ CD 44.8 Inquiry Document 8

Output Area in which the application site falls lies within the 20% most deprived nationally and the surrounding ones are within the most deprived 10%.

- 6.16 A more detailed look at the specific domains, the types of deprivation, indicates that St Helens is the 9th worst most deprived local authority in the country in respect of the employment domain. It is 8th worst in respect of health and 36th worst in respect of income.
- 6.17 Nearly one quarter of the St Helen's population live in the most deprived neighbourhoods. This is 42,877 people, a figure which has increased by 26% since 2010.
- 6.18 There is a hugely significant skills gap in St Helens with 40% of economically active residents having no qualifications. 25% of St Helen's unemployed people have no qualifications.
- 6.19 The number of jobs in St Helens is broadly the same as it was in 1984, yet in neighbouring Warrington, the number of jobs has doubled in the same time. Job density increased in Warrington from 0.95 in 2001 to 1.18 now. In St Helen's job density in the same period has remained unchanged. Future job growth in St Helens is dependent upon strategic sites such as Omega West.
- 6.20 Given the above, it is not surprising that St Helens is in the highest priority group of local authorities for the new Levelling Up Fund. It is one of 101 locations successful in bidding for the Towns Fund and is a constituent part of the successful Liverpool Freeport Bid. There is a fundamental need for urgent economic investment in St Helens.
- 6.21 In Warrington the delivery of large floorplate B2/B8 accommodation stands in stark contrast to St Helens. For the period 2009/10 -2018/19 the take up in Warrington stood at 195ha but in St Helens it was just 17ha.
- 6.22 There is no reason why that story can't be changed. St Helens benefits from all of the advantages that Warrington has such as immediate access to communications infrastructure including the motorway network, a large labour base and pent up demand for employment space.

Green Belt

- 6.23 The proposed development lies entirely in the Green Belt. St Helens is particularly constrained with some 65% of the Borough designated as Green Belt, the highest of any of the Merseyside districts. The Green Belt boundaries have remained unaltered since 1983.
- 6.24 The proposal is inappropriate development within the Green Belt. Paragraph 144 of the Framework requires that substantial weight should be given to any harm to the Green Belt. The proposal will have a significant impact on the openness of the Green Belt although that impact is ameliorated to an extent by the proposed structural landscaping and the site context adjacent to Omega and the M62.

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- 6.25 The St Helens Green Belt Review (GBR) records that the CS did not need to release Green Belt land but that circumstances have changed markedly since the CS was adopted. It notes that a slow take up of employment land in St Helens has been due to restrictions on the availability of suitable sites rather than a lack of market demand and this is supported by the success of Omega.
- 6.26 The GBR sub-divided and assessed Green Belt parcels. The application site lies within parcel _076 which is large and extends to around 570ha. The site overlaps two sub parcels, a and b. It is likely that this division was arrived at as a result of the extent of the Homes England land ownership which is consistent with area c of the parcel _076. That area is considered in the review, to have a medium contribution to the purposes of the Green Belt. The review has informed the proposed allocation of that area for employment in the SHLP. A different division of the parcels could have come to similar conclusions about the whole of the application site rather than considering as part of the much wider area of Green Belt to the west.
- 6.27 The proposed development would be a significant change in both visual and spatial terms from the existing undeveloped nature of the site in respect of openness. However, it must be considered in its locational context of the dominant edge of Omega and the M62. The loss of openness will be permanent and the degree of activity significant. Landscaping will help provide mitigation but also the buildings would be seen within the context of the existing Omega development. While harm to openness would be significant, the entirety of the site represents less than 1% of the St Helens Green Belt.
- 6.28 Of the five purposes of the Green Belt, the proposal does not conflict with three. This leaves checking the sprawl of a large built up area, and to assist in safeguarding the countryside from encroachment.
- 6.29 In respect of the first of these two, the site is well contained to the north by the M62 and to the east by Omega. To the west the proposed green triangle would provide mitigation and the site is well contained and capable of providing a strong defensible boundary to the Green Belt. The edge of the Omega site would be replaced by a carefully constructed landscaped western boundary. A finer grained approach than the GBR would lead to a moderate impact on the Green Belt in respect of this purpose.
- 6.30 In terms of the second of those two purposes, the proposed development would encroach into the countryside and the impact is moderate to major. However, the proposal would be appreciated in the context of the existing Omega site and design and landscaping will help to break up the massing of the TJM building.

Building a strong and competitive economy

- 6.31 The proposed development would: provide a very substantial number of jobs across a range of disciplines; meet the urgent need of a highly successful business to continue its journey of organic growth; support and contribute towards St Helen's Council's regeneration imperative to provide jobs and

deliver socio economic improvements to one of the most deprived communities in the country and assist in meeting the urgent and specific needs for modern, high quality logistics and industrial accommodation.

- 6.32 The proposal fits hand in glove with the Government's levelling up agenda and indeed is exactly the type of development envisaged as part of it. St Helens is in the highest priority group for the new Levelling Up Fund. It is supported by local partners and decision makers. It will deliver around 3,886 jobs in total when fully operational. Furthermore, provisions within the planning obligation will direct job opportunities to those most in need and that training opportunities as part of the TJM programme will enable the development of skills and career progression.
- 6.33 The Objectively Assessed Need (OAN) for employment land in St Helens is identified as around 219.5 ha for the period 2015-2035 which equates to a net residual requirement of around 165ha 2020-2035. Through the process of developing the SHLP the Council has identified a requirement to allocate 265ha to employment land of which around 31.2 ha will be to meet Warrington's needs. Of the residual amount of 234 ha, around 52ha has already been delivered and some 43ha is expected to be delivered after the end of the plan period.
- 6.34 Of the SHLP proposed allocation of 265ha some 251 ha of it is also identified by the Liverpool City Region (LCR) to meet regional need. The LCR employment land assessments (LCR SHELMA) identify a need for specialist employment uses including port related storage and additional B2 and B8 land. Furthermore, the successful bid by LCR for Freeport status is likely to add to the identified need for employment land in the LCR.
- 6.35 The critical conclusion is that the need for employment land identified in LCR is likely to be higher than that currently planned and that St Helens may need to take a share of additional growth. Likewise the need identified in the SHLP can only be considered as a minimum baseline which in reality is considerably higher.
- 6.36 Market demand for grade A industrial and logistics premises in 2020/21 has been strong nationally and regionally. The present supply of grade 1 space in the North West is 13 buildings of which six are complete, six under construction and one available. Six of these are under offer yet there are 27 identified requirements. Across the North West there are 15 sites with planning permission or a development plan allocation capable of accommodating a unit of 27,280 sqm but all are unsuitable for the proposed development in terms of location, deliverability and timescale.
- 6.37 The need for the TJM development is immediate and for the outline element time is pressing given the short-term supply position. The second proposed unit within the outline already has board approved heads of terms with a major national employer. Employment land supply in St Helens is, and will be for a considerable period of time, tightly constrained. St Helens cannot begin to level up without suitable job opportunities. In the longer-term Parkside

West and East may comprise a substantial portion of anticipated supply but the former will not be complete until 2035 and the latter not operational until 2030 and complete until 2045. The shortfall of new jobs in St Helens is staggering and will have real world negative consequences. St Helens and the LCR will continue to fall behind. Regeneration is top priority for the St Helens Council as Councillor Richard McCauley, St Helens Council's Cabinet Member for Planning and Regeneration makes clear in his evidence.

- 6.38 Paragraph 80 of the National Planning Policy Framework (the Framework) is almost written for this proposal. It is totally aligned. The proposal will allow for TJM and others to invest, expand and adapt. It will drive economic growth and productivity and it builds on the strength of locational advantages. It counters the identified weaknesses in the local area and it addresses the challenges of the future through the provision of efficient and modern development using next generation technology.
- 6.39 The proposal also accords with Paragraph 83 of the Framework. It builds on the success of Omega and in a suitably accessible location provides storage and distribution operations at a scale to meet requirements of TJM and others. It also accords with PPG on Housing and Economic Development Needs Assessments which is very clear on the supply of land for logistics. Not approving the scheme would be inconsistent with the Framework and the PPG.

The Development Plan

- 6.40 The adopted development plan comprises: The St Helens Local Plan Core Strategy (CS); the St Helens Unitary Development Plan (UDP); the joint Merseyside and Halton Waste Local Plan and the Bold Forest Area Action Plan (AAP). The St Helens Local Plan (SHLP) was submitted for examination on 20 October 2020 with examination hearings commencing on 25 May 2021. The proposal is consistent with the Warrington Core Strategy (WLPCS) which is a material consideration.
- 6.41 The CS has a focus on regeneration, sustainable growth, reducing deprivation and prioritising the development of derelict and vacant sites. Policy CSS.1 of the CS sets out the overall spatial strategy which states amongst other things that development in the Green Belt (outside the Parkside area) would be restricted to existing settlement boundaries outside of which development will comply with Green Belt policy. The CS identifies a minimum employment land need of 37ha to 2027.
- 6.42 This is now out of date and is in sharp contrast to the SHLP which takes a more strategic approach and seeks to allocate more than six times this amount based upon review of employment land evidence post adoption of the CS. This was one of the factors which led the Council to prepare a new local plan. The evidence base for the SHLP is highly relevant to the case for the current proposal. The SHLP is a step change. It seeks to deliver a minimum of 215 ha of employment land which will help the LCR need for economic

growth, job creation and skills development and maximise the opportunities presented by St Helens location.

- 6.43 The TJM requirement was not known at the time of identifying the need for employment land. It is additional to the proposed allocation of part of the site in the SHLP for employment to meet Warrington's employment land needs. However, the proposal is of the type envisaged by the SHLP in the location envisaged and served by transport links to deprived areas.
- 6.44 The proposal lies within the Bold Forest. The AAP recognises that the Forest Park has a role to play in helping to meet objectively assessed housing and employment needs of the borough.
- 6.45 The proposal accords with the vast majority of the relevant policies of the statutory development plan although there are some minor areas of conflict. When assessed against the plan as a whole and given that very special circumstances exist, the proposal accords with the development plan.

Other considerations

- 6.46 One of the main points made by objectors was cynicism as to the number of jobs that the proposal would deliver. The only evidence before the inquiry however is that of the applicants and this evidence is very robust. TJM have working knowledge of two distribution centres and figures are supported by the HCA employment density guide. These will not be just low skilled jobs but a wide range of which a proportion will be very highly skilled. TJM provide ongoing training and career progression opportunities and the public transport fund will ensure that there will be transport links to the most deprived areas of St Helens. Automation technology does not equate to fewer jobs. The jobs are real and will deliver a step change in the livelihoods of local residents.
- 6.47 Representations that alternative sites exist are misplaced as is the view that existing B2/B8 accommodation is only half full. These are not borne out by the market or by looking at Omega.
- 6.48 The effect of Omega built form reduces the magnitude of change to the character and appearance of the area which would result from the proposal. This is supported by landscape evidence. The proposal must be seen in the context of Omega. The SHLP allocation would extend the built form of Omega westwards in any case. From the M62 the application site is seen in the context of Omega. The landscape strategy will not obscure the new buildings but will obscure the service yards. The experience for Bold Forest Park users will be enhanced given that the site is currently inaccessible and a featureless arable field.
- 6.49 No Air Quality Management Areas cover the site, but one bounds the north eastern corner along the M62. The air quality objectives are met and the likely adverse impact on air quality as a consequence of the permanent operation of the proposal will be negligible and the effect insignificant. Such harm should be given very limited weight.

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- 6.50 The site has been subject to thorough and accurate surveys in terms of protected species and the quality of existing habitats, as agreed by the Merseyside Environmental Advisory Service. The impact of the proposal has been rigorously assessed and these impacts are entirely addressed through both on and off- site mitigation secured by planning conditions and obligations. Evidence indicates this would be a net benefit in bio-diversity terms. The proposal complies with all development plan policies in respect of ecology.
- 6.51 There will be impacts on designated heritage assets but only low level of harm to their significance and which is slight within the spectrum of less than substantial harm. There is no evidence that there are any remains of a mediaeval deer park on the site.
- 6.52 There would be a minor adverse residual effect on climate as a result of negligible magnitude of change relating to embodied carbon, construction transport, operational building and operational transport. The proposal is compliant with the relevant development plan policy CP1 of the CS.
- 6.53 The evidence shows that there will be so significant adverse effects on the living conditions of neighbouring residents. The closest receptor, the nursery in Omega is relocating.
- 6.54 Vehicular access to the site will be taken off Catalina Way. The application is supported by transport assessments and mitigation required on Skyline Drive and widening of the M62 westbound off slip at j8. The Skyline Drive works are now complete and the M62 works due to be completed by Highways England by end of May 2021. Subject to conditions there are no objections to the application from highway authorities at Warrington and St Helens or from Highways England.
- 6.55 The S106 provides for significant sums to St Helens and Warrington Councils to support bus services to serve the site and which will enable the whole of the Omega site to be opened up to St Helens residents in the most deprived wards. The proposal is acceptable in highways and sustainable transport objectives.

Very Special Circumstances

- 6.56 The proposed development will result in major harm to the openness of the Green Belt. There is no conflict with three of the five purposes of the Green Belt and for those that are conflicted the impacts are only moderate.
- 6.57 The Framework requires substantial weight to be given to Green Belt harm and also harm by reason of inappropriateness must be considered along with other harm. The additional harms include air quality, heritage, landscape and character, noise and lighting.
- 6.58 Other considerations must outweigh these harms for very special circumstances to be demonstrated. In this proposal they are very significant considerations. Both the applicants and St Helens Council consider that very

special circumstances exist as the proposal and the benefits are in the best interests of Warrington and St Helens boroughs and clearly outweigh the harm likely to arise from the development.

Applicants conclusion

- 6.59 The proposal aligns with the socio-economic objectives of the CS and which are continued into the SHLP. The proposal will deliver the regeneration imperative to give the opportunities that the deprived residents deserve. The proposal will bring immediate jobs and build on success of Omega. The benefits are formidable and outweigh the harm to the Green Belt such that very special circumstances exist.
- 6.60 Permission should be granted without delay so that the benefits can be delivered in accordance with the Government's national policies for economic growth in those areas which have been left behind.

The case for the Council

Background

- 7.1 This summary contains all the material points in relation to the Council's case. It is taken substantially from the Council's closing submission but also from evidence given on behalf of the Council and from other documents submitted to the Inquiry. The Secretary of State is also referred to the Council's closing submissions at Inquiry Document 44.14 (ID14) which sets out the Council's position.
- 7.2 This is the fourth in a series of Inquiries concerning logistics and related development in St Helens. Three have been called in and one recovered. The first one concerned the construction of up to 92,000 sqm of B8 employment floorspace with ancillary B1 at the former Parkside Colliery. The second considered an application for a link road to enable phase 2 of the Parkside Scheme and a Strategic Rail Interchange. Both of these were strongly supported by St Helens Council.
- 7.3 The third concerned an appeal against non-determination for 167,225 sqm of B2/B8 floorspace at Haydock Point. The Council resolved that it would have refused planning permission.
- 7.4 It follows that the Secretary of State has already heard a great deal of evidence which is relevant to the issues for determination in this appeal, in particular in relation to the need for road based logistics and the economic and regeneration benefits which the proposal could bring.
- 7.5 The application site lies in St Helens but adjoins the Omega employment area in Warrington Borough Council's area. The St Helens statutory development plan applies but Warrington's development plan is a material consideration of significant weight. Both Councils support the grant of consent, subject to conditions and the section 106 agreement. The most important policies for determining the application are not out of date, with the exception of the

37ha employment land requirement. The CS post-dates the Framework and is consistent with it.

- 7.6 Regeneration is the heart of the CS. St Helens has a legacy of derelict land affected by contamination, poor health, high unemployment rates and low educational attainment. It has suffered from years of population decline (1988-2001). It has a legacy of poor health.
- 7.7 St Helens has levels of multiple deprivation amongst the highest in the country. Its deprivation ranking is getting progressively worse and has gone from the 51st most deprived local authority area in the country in 2010 to the 26th in 2019. 50 of the borough's neighbourhoods are in the 20% most deprived nationally. It is the 8th most deprived place for health in the country, 9th for employment and 36th for income. The application site lies in a lower super output area (LSOA) which is within the 20% most deprived areas nationally.
- 7.8 These figures are grim reading and it is unanswerable that deprivation has materially worsened since the adoption of the CS in 2012 and the imperative for regeneration has increased.

The Spatial Strategy

- 7.9 Policy CSS1 of the CS sets out the overall spatial strategy. The main focus for economic development is previously developed land within the M62 Link Road Corridor and the Haydock industrial estate. The re-use of previously developed land was prioritised because of the availability of such sites in 2012. It is now agreed that there are no suitable, viable and available sites to meet the employment land requirements set out in the SHLP.
- 7.10 The CS spatial strategy seeks to maintain the Green Belt in the short to medium term. Green Belt boundaries have not changed since 1983. It follows that the proposal will comply with the spatial strategy if it meets the Green Belt tests.

Economic Growth

- 7.11 Within the CS, strategic objective 5.1 seeks to provide for local employment needs and this term is wide enough to include the need for Omega to expand into St Helens.
- 7.12 The Framework sets out national policy and its economic objective is to help build a strong, responsive and competitive economy by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity. The Framework also requires planning decisions to create the conditions in which businesses can invest, expand and adapt and this means ensuring sufficient supply of land and range of sites. Areas need to build on their strengths and counter weaknesses, addressing challenges of the future.
- 7.13 St Helens strengths are no longer coal, glass and heavy engineering. Its economic strengths now lie in its location, its proximity to regional ports and

airports and its access to transport connections. Its strength is now as a base for logistics. Its weaknesses are its deprivation, the poor skill levels of its residents, its loss of manufacturing and the lack of readily available developable sites at the largest scale. The Framework requires that significant weight should be placed upon the need to support economic growth.

- 7.14 The PPG Housing and Economic Development Needs Assessments considers that logistics plays a critical role in enabling the effective supply of goods and services to customers and that logistics development has specific locational requirements.

Location

- 7.15 The application site is in an attractive location for logistics development, adjacent to one of the prime logistics locations in the North West. Over the last 10 years 5.2M sq ft of manufacturing and logistics floorspace has been delivered at Omega and it is an undoubted success with over almost 10,000 new jobs created. Omega though is now at capacity and constrained to the south, east and north, it can only logically expand westwards. It has the necessary infrastructure to do so and access to the M62 easily gained through an existing road.
- 7.16 The proposal is deliverable and will be very attractive to the market.

Employment Land Requirement

- 7.17 The Framework requires sufficient provision to be made for employment land and infrastructure for transport looking over 15 years. Policies should therefore assess and plan to meet the OAN for employment land in accordance with a clear economic vision and strategy which encourages economic growth.
- 7.18 All parties agree that that CS Policy CE1 (Part 1), the requirement to deliver 37ha by 2027, is out of date. No material weight should be attached to it. The SHLP was submitted for examination in October 2020 and whilst limited weight only can be attached to the policy, the evidence base behind it should be afforded significant weight. The Council is planning for a minimum of 219 ha of land for employment 2018-2035 in the SHLP.
- 7.19 Sufficient land has been identified to deliver 265 ha to 2035. 31 ha of the 265 ha is on part of the application site and is to meet the needs of Warrington. St Helens Council considers that there is a specific need for employment land to meet the particular requirements of TJM and a general need for employment land to meet market needs to 2035 to which significant weight should attach.

Warrington Core Strategy

- 7.20 The WLPCS is a material consideration of significant weight. It post dates the Framework and runs to 2027. The WLPCS highlights the excellence of Warrington's strategic connectivity. It states that it lies at the hub of the region's communications network.

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- 7.21 Though not as disadvantaged as St Helens, there are significant pockets of deprivation in Warrington including areas close to the application site. The WLPCS seeks to deliver around 277 ha of employment land 2006-2027, primarily reliant on Omega. However Omega is now at capacity and it is vital that further land is made available to 2027 and beyond.
- 7.22 Whilst work on the replacement Core Strategy for Warrington has been paused its evidence base should be given significant weight. Warrington BC will have to release very significant amounts of green belt land to meet the minimum requirement for employment land in the next Plan period. This would be at least 215 ha and consistent with the extant and emerging plans in Warrington releases should take place at Omega given its success as strategic location and existing infrastructure.
- 7.23 It follows that land should be released in St Helens to meet employment land need in Warrington and this is a matter of agreement between the two Councils. This is a significant need.

Economic Benefits

- 7.24 Paragraphs 80-82 of the Framework place significant weight on the need to support economic growth and productivity taking into account local business needs.
- 7.25 There are key economic benefits of the proposal. These include: 849 gross on site construction jobs; 980 gross FTE operational jobs on site for the full application; 2,679 gross FTE jobs for the outline application; net employment around 1,103 FTE jobs for the full application and 3,104 FTE jobs for the outline; and which would result in around £188M GVA to the regional economy of which £141M GVA would be in St Helens. Warrington has grown its employment from 119,000 in 2001 to 154,000 now whereas St Helens has reduced employment from 70,000 to 69,000 in the same period.
- 7.26 The local planning authority considers that significant weight should attach to this level of job creation and benefits and that the application complies with the objectives of the development plan to secure multiple deprivation by providing economic opportunities to areas in need.

Local character and distinctiveness

- 7.27 Policies in the CS seek to protect and enhance landscape character in the rural areas. The CS explains that rural St Helens coincides with the Green Belt, where the Green Belt policy will apply and 'any development will be informed by the Landscape Character Assessment'. The landscape character assessment of 2006 is out of date in respect of this site as the whole of Omega has been developed since then. It is of limited relevance to the determination of this application. The site now forms the only natural and logical extension to Omega and therefore this a key point of distinction to the Haydock Point proposal.

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- 7.28 Nevertheless there is conflict with some policies of the CS and notwithstanding the location of the full application building next to the M62 and the existing Omega development, the Council accepts that the proposals will not preserve or enhance the character of the landscape. Significant weight should be attached to the conflict with the CS policies in this regard and this must be weighed in the Green Belt policy balance.
- 7.29 In weighing up the balance it must be recognised that the need for logistics development cannot be met within the existing settlement boundaries. Such development must inevitably take place on greenfield Green Belt sites. Given the footprint and nature of logistics proposals there will be a significant impact on landscape character wherever they are placed in St Helens. It is the logical extension of the existing and successful employment site and such factors must temper the weight to be attached to the conflict with the development plan in the planning balance.

Bold Forest Park Area Action Plan (AAP)

- 7.30 The AAP was adopted in 2017 and forms part of the development plan. It stresses that the development plan should be applied as a whole. There is conflict with policies BFP1 and BFP SN1 of the AAP because the proposal does not enhance landscape character. However, the AAP recognises that the Bold Forest Park is a managed and engineered landscape.
- 7.31 The reasoned justification to Policy BFP1 of the APP recognises that the Bold Forest Park could have a role to play in meeting OAN for employment. It follows that limited weight should be afforded to conflict with the AAP policies. The Council considers that the mitigation and enhancement secured by conditions and the Section 106 agreement will ensure that the residual impact is no more than that envisaged by the AAP in meeting the need for more employment land as an extension to Omega.

Green Belt policy

- 7.32 It is agreed that the proposal is inappropriate development in the Green Belt and that substantial weight should attach to the harm by reason of inappropriateness.
- 7.33 The Green Belt west of Omega is open and free from development. The mitigating factors such as the Omega development and the M62 do not alter the open character of the site itself. The proposal would have a significant adverse impact of the spatial and visual openness of the Green Belt. It would be permanent and generate substantial activity. However, it must be recognised that any logistics development in the Green Belt would impact on openness.
- 7.34 The proposal would lead to the expansion of the Warrington urban area into the Green Belt of St Helens, although there would be some mitigation. It would nonetheless compromise substantially the Green Belt purpose of checking unrestricted urban sprawl.

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- 7.35 The proposal would reduce the strategic gap between Halton and St Helens and between Warrington and St Helens. There would though still be clear separation and St Helens is offset from Warrington across the M62. It is the view of the Council's planning witness that the degree of separation between the western part of the Warrington built up area and the southern part of St Helens would be comprised to a small extent. There would therefore be slight harm to the Green Belt purpose of preventing neighbouring towns from merging.
- 7.36 The Green Belt review found that the sub area 076C had a medium role to play in safeguarding the countryside from encroachment. This was due to the presence of the large scale built development at Omega South and the M62 which results in moderate countryside character. Sub area 076B has a high role. The Council considers that the proposal would result in significant encroachment into the countryside, the scale of which is significant.
- 7.37 Whilst the Council in its committee report concluded that there was conflict with the purpose of assisting in urban regeneration because the proposal did not assist with it, the Council's planning witness concludes that because there are no suitable alternative sites in the urban area, the application site cannot serve this purpose.
- 7.38 Substantial weight should be attached to the harm by reason of inappropriateness, the harm to openness and harm to two of the Green Belt purposes. However it must be recognised that such harm is the inevitable impact of the requirement of national policy and guidance to meet the critical need for employment land for logistics which in St Helen's case must take place on previously undeveloped land outside settlement boundaries in the Green Belt.

Other harm

- 7.39 It is agreed that there are aspects of other harm and the Council recognises that there are different judgements about the level of impact and the weight to be attached to those impacts. There is however no disagreement on the planning merits.
- 7.40 Significant harm would be caused to landscape character and visual amenity. There would be a significant loss of natural habitat and whilst this is to be mitigated it would take time to mature. There would be harm to the setting of two listed buildings and the Old Moat which would need weighing against the public benefits of the proposal. This harm would be less than substantial and the harm the two listed buildings would be at the lower end of the spectrum to harm. Nevertheless, having regard to caselaw¹⁹, it be given significant weight against the proposed development.

¹⁹ CD 6.8 Barnwell Manor v East Northants 2014, CD6.9 Forge Field v Sevenoaks 2014, CD 6.5 Jones v Mordue 2015, CD 6.13 Bramshill v SSHCLG 2021

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- 7.41 There would be no harm to the amenity of local residents in respect of noise effects, subject to conditions. There would be no harm to residential amenity by virtue of overshadowing, dominance, privacy or light pollution.
- 7.42 There would be some harm to air quality but the proposal would be policy compliant and the harm should be given only limited weight against the proposed development.
- 7.43 The proposed development would add additional traffic onto local roads and any limited harm needs to be weighed against the proposal. However this needs to be considered in the light of the sites ability to access the M6 without requiring any additional road infrastructure and without having to pass through residential areas. This is a locational advantage of the proposal.

Other Considerations

- 7.44 The local planning authority firmly submit that there are other considerations which very clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and other harm such that very special circumstances exist. These very special circumstances are formidable and are clearly set out in the Council's evidence.
- 7.45 These include the significant need to address some of the most deprived wards in the country; the need to address the employment land requirements of TJM for a northern logistics hub, the need to address OAN for more employment land next to the highly successful Omega; the lack of supply of urban sites on previously developed land, there is no alternative to Green Belt development in St Helens or Warrington, the location of the site and its attractiveness to the market; no infrastructure constraints and the social and environmental benefits.
- 7.46 The Committee on Climate Change has not suggested a moratorium on road-based logistics and neither has it been suggested by the Secretary of State. The Department for Transport recognises the benefits of international trade through shipping. The answer to meeting the challenges of climate change is not the refusal of road-based logistics which are critical to the economy and which will result in more efficient movements of freight. There is no in principle objection to the proposal on climate change grounds and that was the conclusion of the Secretary of State on the recent Eddie Stobart appeal²⁰.

Council's conclusion

- 7.47 The proposal complies with the development plan and the Framework. It is sustainable development which should be approved without delay subject to conditions and the S106 planning obligations.

²⁰ CD 3.6 SofS DL 40 and 44. MR 401/402 and AR 160-162

Other Oral Representations

Bold and Clock Face Action Group

- 8.1 A number of representatives gave statements to the Inquiry on behalf of the Bold and Clock Face Action Group (BCFAG). Chairman Mr Christopher Hughes explained that BCFAG was established in 2018 by local residents to engage with St Helens Council on local plan matters. The group is committed to ensuring a sustainable future for the area.
- 8.2. The planning representative for BCFAG, Ms Jackie Copley argued²¹ that the site has a rural, open and green character and that it is home to an abundance of wildlife. The area is used for equestrian activities too which would be restricted if the proposal was allowed.
- 8.3. Ms Copley stated that the site makes a high contribution in keeping the land open. She considered that there is conflict with all but one of the five purposes of land in the Green Belt, that one being to preserve the setting and special character of historic towns. BCFAG considers that there is cumulative Green Belt harm when developments at Florida Farm, at Omega, and major residential schemes to the south of Omega are combined.
- 8.4. Ms Copley said that BCFAG is concerned about the over dominance of the warehousing sector and that to support a robust economy a diverse mix of business is needed. It is argued that the number of jobs proposed would not be achieved in reality and that the logistics sector is based upon low skilled and low paid employment. It claims that recent warehouse and distribution developments such as Florida Farm in St Helens have achieved very low job numbers and that only 320FTE out of a promised 2,500 FTE have materialised in the Florida Farm scheme.
- 8.5. In BCFAG's view the proposal is contrary to the development plan in particular the AAP.
- 8.6. Other representatives from BCFAG addressed the Inquiry in relation to ecology and heritage including the medieval deer park. Representatives also highlighted the impact that the proposal would have on local residents and users of the Bold Forest Park. Mrs Elizabeth Lloyd²² was concerned about the impact that the proposal would have on the health and wellbeing of local people and visitors who all enjoy using Bold Forest Park. A local farmer, Mr Hilton, considered that the proposal would be harmful to the ecology of the local area and to Booths Wood in particular.
- 8.7. Evidence was presented about the value of the recreational aspects of the Bold Forest Park and how BCFAG considered that the proposal would harm that value. Mr Gary Conley²³, a former miner who was heavily involved in the

²¹ CD 41.8

²² CD 44.5 Inquiry Document 5

²³ CD 41.14

establishment of the 'Dream' sculpture at the Sutton Manor Community Woodland felt that the proposal would detract from the value and importance of the art work and the enjoyment of the Park.

Bold Parish Council

8.8 Councillors O'Keefe and Makin addressed the Inquiry on behalf of Bold Parish Council. They considered that the proposal would be harmful to the Bold Forest Park, contrary to the AAP and that the socio- economic benefits have been overstated. They felt that St Helens should not be focussing on logistics which they argue would not address the weaknesses of the St Helens economy. They refer to the jobs created at the Florida Farm scheme as a case in point.

Councillor McCauley

8.9 The Cabinet Member for Regeneration and Planning at St Helens Council and ward councillor for Thatto Heath addressed²⁴ the Inquiry to support the proposal. He considered that the proposal would be harmful to the Green Belt but that significant weight should be placed upon the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. He said that regeneration was the top priority for the Council and that the jobs proposed would benefit the most deprived communities of St Helens and accord with national Building Back Better and levelling up priorities as the country emerges from the pandemic.

Written Representations

- 9.1 There have been other written representations objecting to the proposal at both the planning application stage and subsequent to call in. The representations at planning application stage are summarised in the St Helens Council Planning Committee report²⁵. Those made at call in stage can be found in section 41 of the online Inquiry Library. Many of the representations make similar points to BCFAG and Bold Parish Council in objecting to the proposal.
- 9.2 The grounds include impact on the Green Belt; impact on the Bold Forest Park; loss of farmland; harmful impact on visual amenity; impact on local infrastructure in Warrington; local warehouses are empty and more are not needed; detrimental impact on the equestrian community; harmful to ecology; increase in noise pollution; and loss of woodland.
- 9.3 Objections have also been made by Rainhill Parish Council, Culcheth and Glazebury Parish Council, and Great Sankey Parish Council which collectively are mainly based on Green Belt, cumulative impact, air quality and traffic grounds.

²⁴ CD 44.4 Inquiry Document 4

²⁵ CD 35.1

Planning Conditions

- 10.1 A list of suggested agreed conditions was submitted by the main parties and was the subject of a round table session at the Inquiry. The conditions were discussed on a without prejudice basis and were considered in the light of the tests set out at paragraph 55 of the Framework and the advice in Planning Practice Guidance (PPG). There was no dissent from any interested party to the list of suggested conditions.
- 10.2 A revised list²⁶ of suggested conditions was submitted following that session at my request.
- 10.3 I shall comment on conditions later in my report.

Planning Obligations

- 11.1 The executed agreement (the S106 agreement) made in accordance with Section 106 of the Town and Country Planning Act 1990 secures financial contributions and other provisions. These relate to contributions to St Helens Council in respect of Bold Forest Park Infrastructure; Biodiversity; Public Transport; and monitoring. Contributions are to be made also to Warrington Borough Council in respect of Highways, and Travel Plan. Provision is also made for the revocation of the Omega South planning permission.
- 11.2 St Helens Council and Warrington Borough Council have both submitted a Statement of Compliance with CIL Regulations. These set out the justification for each of the relevant contributions sought in accordance with the policy tests set out in the Framework and statutory test in regulation 122 of the Community Infrastructure (CIL) Regulations 2010. I shall deal with the planning obligations in more detail later in my report.

²⁶ CD 43.71a

Inspector's Conclusions

12.1 *The numbers in [] refer back to earlier paragraphs in this report which are relevant to my conclusions.*

Main considerations

- 12.2 Taking into account those matters upon which the Secretary of State particularly wished to be informed and having regard to the evidence, the main considerations in this case are:
1. The extent to which the proposal is consistent with Government Policies for the Green Belt (NPPF Chapter 13) including whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.
 2. The extent to which the proposal is consistent with Government Policies for building a strong and competitive economy.
 3. The effect of the proposal on: the character and appearance of the area; heritage assets; air quality; ecology; the living conditions of neighbouring residents with regard to noise and vibration; agricultural land; the transport network and climate change.
- 12.3 My report will address each of these considerations in the context of local and national policies and come to an overall conclusion on the proposal's consistency with the development plan.
- 12.4 Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with the proposals for planning permission, regard must be had to the development plan so far as material to the application, and to any other material considerations. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 provides that 'If regard is 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 dictate otherwise'.
- 12.5 The development plan comprises the CS, the saved UDP, and the AAP. I have set this out earlier in the report. [paragraphs 4.1-4.2]. The Framework is a material consideration of significant weight. Paragraph 11 of the Framework sets out the presumption in favour of sustainable development and contains a decision-making framework in relation to development proposals.

Green Belt

- 12.6 Paragraph 143 of the Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that substantial weight should be given to any harm 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 resulting from the proposal is clearly outweighed by other considerations.

- 12.7 Policy CSS1 of the CS sets out the Spatial Strategy for St Helens and part 1 ix states that outside of existing settlement boundaries development will comply with Green Belt Policy.
- 12.8 Policy GB1 of the saved UDP sets out general criteria for development control in the Green Belt and Policy GB2 sets out more detailed criteria. Policy S1 sets out the general approach to the Green Belt in St Helens. Although predating the Framework, the general principles in respect of inappropriate development and very special circumstances needing to exist are set out in those policies and they are broadly consistent with the Framework. Having regard to paragraph 213 of the Framework I therefore accord significant weight to these policies in the determination of this application.
- 12.9 It is not disputed that the proposed development is inappropriate development in the Green Belt [5.8] It is also not disputed that the proposed development would cause significant harm to the openness of the Green Belt [5.8]. The site is open countryside. The M62 and the presence of the existing Omega development do not alter the open character of the site itself.
- 12.10 The applicants argue that the Council's Green Belt Review²⁷ (GBR) has overstated the value of the full application part of the site by including it within the much wider and extensive area of countryside to the west [6.26-6.27]. Having regard to the NPPG on Green Belts²⁸, I consider that the proposed buildings would have a significant adverse impact on the spatial and visual openness of the Green Belt and its effect would be permanent and generate significant activity. I consider this to be the case irrespective of how the parcels were delineated within the GBR.
- 12.11 Paragraph 134 of the Framework sets out the five purposes which Green Belts serve. It is not disputed by any party that there would not be conflict with the purpose of preserving the setting of historic towns.
- 12.12 The application site of around 75 hectares is a significant size and the proposed development would be primarily of built and developed form. It would conflict with the purpose of assisting in safeguarding the countryside from encroachment.
- 12.13 In terms of the purpose of preventing neighbouring towns from merging, I agree with the applicant that there would still be significant separation between the towns. However, I concur with Mr Nicholls who considers that the proposal would compromise the degree of this separation between the western part of Warrington and the southern part of St Helens [7.35]. Whilst in absolute terms this is to a small extent it would as a matter of fact extend

²⁷ CD 3.5 St Helens Local Plan Green Belt Review 2016-2018

²⁸ 001 Reference ID: 64-001-20190722

the built-up area of Warrington closer to the built-up area of Clock Face in St Helens. I consider this would be harmful to this purpose. In reaching this view I take no account of the land lying in different local authority areas as I consider it is the nature and extent of the gap between the towns not where the administrative boundaries lie.

- 12.14 The final purpose is to assist in urban regeneration by encouraging the recycling of derelict and other urban land. The proposal is not on land in this category. The Council in its Committee report concluded that there would be conflict with this purpose. However, that assumes that the proposal could go on to derelict or other urban land, or otherwise prevented its recycling. If it is the case that the proposal could not be accommodated on such land, my view is that there is no conflict with this purpose.
- 12.15 Only this proposal is before me and I am not able to consider the issue raised in representations in respect of potential cumulative harm as a result of other proposals.
- 12.16 I conclude that the proposed development is inappropriate development in the Green Belt, that it would cause significant harm to openness and would conflict with some of the purposes of including land in the Green Belt. In accordance with the Framework and with the CS, I will go on to consider other harm, other considerations and then whether very special circumstances exist.

Building a strong, competitive economy

- 12.17 Chapter 6 of the Framework sets out national planning policy in respect of building a strong, competitive economy. Paragraph 80 makes it clear that planning decisions should help create the conditions in which businesses can invest, expand and adapt; that significant weight should be placed on the need to support economic growth and productivity taking account both local business needs and wider opportunities for development; and that each area should be allowed to build on its strengths, counter any weaknesses and address the challenges of the future.
- 12.18 Paragraph 82 of the Framework makes it clear that planning decisions should recognise and address the specific locational requirements of different sections and specifically references storage and distribution operations at a variety of scales and in suitably accessible locations.
- 12.19 PPG Housing and Economic Development Needs Assessments is a material consideration. Paragraph 31 clearly highlights the importance of the logistics industry in enabling an efficient, sustainable and effective supply of goods and contributing to local employment opportunities. It references that strategic facilities serving national or regional markets are likely to require significant amounts of land, good access to strategic transport networks amongst other things.
- 12.20 The CS has regeneration at the heart of its spatial strategy. From the evidence given at the Inquiry it is clear that this strategy has not altered

although some of the means of how it can be achieved nearly a decade on from its adoption has. The significant need for large amount of new employment land leading into the preparation of the SHLP is in stark contrast to the 37 ha which the CS identified for the plan period.

- 12.21 Furthermore, the emphasis in the CS that regeneration could be prioritised through a focus on previously developed land must now be seen in the context of the evidence base for the SHLP to which I attach considerable weight. It is up to date and I have no demonstrable evidence that it is not robust or credible. It is clear that relying on previously developed land alone will not deliver the wider regeneration which the CS itself seeks to secure for St Helens.
- 12.22 St Helens has an important role to play in the economic growth of the LCR. The evidence shows that there is a need and opportunity for St Helens use its locational strengths to help support growth and regeneration in the LCR. The LCR SHELMA and evidence around the Freeport status show how this could be achieved.
- 12.23 St Helens has historically not been a borough to really look to capitalise on its strategic location and its locational assets. It is clear that Warrington for example has and the evidence presented in relation to the success of Omega is unquestionable. Omega has boosted the Warrington economy and the evidence presented by both Mr Hunt²⁹ and Mr Milloy³⁰ demonstrates the contrast between the two boroughs in recent years [7.25]. This is not all due to Omega but it is clear the site has played a major part in boosting employment in Warrington. And yet the two boroughs sit side by side along the M62.
- 12.24 It is however not just Warrington. Figures 3.4 and 3.5 of Mr Hunts proof of evidence are startling. St Helens has flatlined since 1984 and from 2009 to the present day. Every other borough in the LCR and Wigan has gone up and St Helens has been left behind. In the ten years to 2019 St Helens neighbouring authorities of Halton and Knowsley saw job numbers rise by over 30% and 25% respectively.
- 12.25 In terms of multiple deprivation and domains other than employment, St Helens is poor and getting worse [6.14-6.17]. I do not disagree with Mr Cannock's view in his closing submission that this makes for grim reading.
- 12.26 The employment land case for the proposal is in two parts. The TJM element is for a specific development following a search of potential sites for a third national distribution centre. The outline element largely seeks to provide more employment land and opportunities based upon employment land supply needs in Warrington and capitalising on the success and critical mass of Omega.

²⁹ CD38.3 Evidence of Andy Hunt

³⁰ CD 38.8 Evidence of David Milloy

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- 12.27 TJMs need for a distribution centre to serve its northern stores and future shop roll out is immediate. The application site was chosen after a site search and considerable work has been undertaken to ensure that a start on site could be made as soon as possible if planning permission was granted. For example, advance works to divert power cables was being undertaken on my site visit and the parties have worked to ensure that there are no pre-commencement conditions on the suggested list.
- 12.28 TJM is a successful local business and its ability to deliver a third distribution centre is not disputed. At the Inquiry Mr Clarke for the applicant gave evidence in relation to a potential fourth distribution centre at Doncaster. Mr Clarke stressed that the Doncaster site was not an alternative to Omega and that it was on a longer delivery timescale and was likely to serve a further roll out of stores beyond the planned phases. Mr Clarke said that there was no Plan B if the planning application for Omega was not successful.
- 12.29 It is clear from the evidence presented that there is shortage in the supply of readily available sites to meet the needs of major logistics operators in the North West. The evidence presented by both parties on this is not disputed. TJM has a particular site configuration requirement relating to the high tech and high bay system used which limits the potential pool of sites available in any case. The evidence on site availability and the logistics site market is not disputed.
- 12.30 I can understand the concerns of BCFAG, Bold Parish Council and others who question the potential numbers of jobs which could be delivered on the application site, particularly given their view of how job numbers on other sites may have been fewer than they believed would be the case at the planning stage. However, I have no demonstrable evidence that the numbers proposed will not be delivered and believe that they have been calculated on a credible evidence base which has been accepted by the Council.
- 12.31 The SHLP proposes that the outline part of the application site be allocated for employment, to meet the employment land needs of Warrington. I give little weight to this proposed allocation given that the plan is not adopted and is still in examination. I am however able to give weight to the evidence behind it, the evidence which is before me.
- 12.32 Omega is reaching capacity with the Mountpark phase 2 part of the development being marketed and expected to be occupied this year. Warrington Borough Council gave planning permission in December 2020 for residential development on land which had been previously identified for employment within Omega on the basis that it was unlikely to come forward for the expected office use and that alternative B2/B8 uses would be unsuitable due to the proximity of housing³¹. Warrington Borough Council did not present evidence on employment land supply to the Inquiry but its

³¹ CD 38.4 Evidence of Sean Bashforth 5.22

position statement³² sets out that it agrees with St Helens Council that the 31 ha of land would contribute to Warrington's employment land needs.

- 12.33 The Warrington Economic Development Needs Assessment (EDNA)³³ identified an OAN of around 361.71 ha 2017-2037. Mr Meulman's evidence³⁴ references that Warrington Borough Council intended to meet this 362ha need through an existing supply of around 81ha plus Green Belt releases and allocations including the 31ha on the application site. The Green Belt releases and allocations in Warrington were identified within Policy DEV 4 of the Warrington Proposed Submission Version Local Plan. Work on that Plan has paused, and it can only be afforded very limited weight in any case. Nevertheless, I can place more weight on the evidence supporting employment need and options which underpins it especially since that evidence is up to date and is not disputed. The evidence would tend to support the justification for the outline element of proposed development as an extension to Omega.
- 12.34 Around 1207³⁵ FTE jobs for the TJM scheme and around 2679³⁶ FTE jobs for the outline development is a significant number of jobs which would have a tangible benefit to the local economy. With measures such as the local employment scheme and bus service provision support set out in conditions and planning obligations this benefit is likely to be felt in the most deprived communities of St Helens. Furthermore, the evidence presented by Mr Clarke³⁷ demonstrates that the jobs associated with the TJM element can be delivered in the short term thereby providing an early opportunity to help address the deprivation issues highlighted. The absence of site constraints adds to this case.
- 12.35 The proposal would contribute around £141.5M in GVA to the St Helens economy as presented in evidence by the Council's witness Mr Meulman³⁸. This is a very significant uplift.
- 12.36 St Helens is in the highest priority group for the new Levelling Up Fund and has also been identified as a recipient of the Towns Fund. It also part of the Freeport bid. All these fit within the Build Back Better strategy in which more details were set out in the March 2021 budget. That St Helens is a priority for such initiatives illustrates how its regeneration challenges and opportunities align with the Government 'Levelling Up' agenda.

³² CD 43.73 Warrington Borough Council Position Statement

³³ CD 5.155.7

³⁴ CD Evidence of Anthony Meulman Section 3, Table 10.

³⁵ CD 44.14 Inquiry Document 14 Closing Submission of Applicant

³⁶ CD 44.14 Inquiry Document 14 Closing Submission of Applicant

³⁷ CD 38.7 Proof of Evidence of Mr Clarke (section 7)

³⁸ CD 39.2 Proof of Evidence of Mr Meulman (section 7)

Conclusion on Building a strong and competitive economy

- 12.37 The proposed development would deliver a significant number of jobs and provide a tangible boost to the local economy. St Helens has fallen well behind its immediate neighbours and other areas in the LCR and beyond in employment opportunities and deprivation scores. The evidence indicates that a major shift to bring forward new attractive employment sites is needed to halt or reverse this position.
- 12.38 The proposed development accords with the regeneration objectives of the CS. It accords fully with paragraphs 80 and 82 of the Framework and is supported by PPG. It aligns with and would complement recent Government initiatives to help level up deprived areas.
- 12.39 In conclusion the proposed development would accord with local and national policies for building a strong and competitive economy.

Whether there is other harm

Character and appearance

- 12.40 The site has an open countryside character although that is affected by the presence of both the M62 and the existing Omega development. The 2006 landscape character assessment³⁹ predates the Omega development. I consider that is of limited weight as the character of the application site, particularly the eastern part of it, has changed as a result.
- 12.41 The large warehouse units at Omega are visible across much of the site in views to the east and their presence does have an influence on character. In parts of the site and away from the M62 the character has a more open countryside feel especially in looking south and west.
- 12.42 The woodlands on the site and in particular Booths Wood contribute greatly to this countryside character. Booths Wood is a dense and established woodland. It is prominent in views from the south and west from the public right of way and from the M62. The proposed development would harm the contribution that Booths Wood makes to the character of the landscape.
- 12.43 Further away from the site the impact of the proposed development on the character of the Bold Forest Park as a whole would be less although the TJM building would still be visible above the treeline in certain views. It would result in the permanent loss of open land and woodland features and bring built form further into the Forest Park.
- 12.44 The proposed development includes a substantial amount of additional landscaping on and off site. Nevertheless the proposal is of a significant size, scale, height, form and extent. It would for the reasons set out above, cause significant harm to landscape character of the area and would be contrary to

³⁹ CD 4.134 Landscape Character Assessment for St Helens 2006

Policies CQL4, CP1 (i) and CAS 5 2 (iii) of the CS. It would also be contrary to the AAP which amongst other things seeks to enhance the landscape character of the Bold Forest Park.

Heritage

- 12.45 There are designated heritage assets in the vicinity of the site. These are the Old Bold Hall moated site (a scheduled ancient monument), Old Bold Hall bridge and gate piers (Grade 2 listed), Bold Hall Estate Farmhouse (Grade 2 listed) and Bold Hall Estate outbuilding (Grade 2 listed).
- 12.46 In respect of Old Bold Hall site which lies around 300m from the application site, removal of part of Ducks Wood would reduce natural screening to the east and would remove a feature of the former parkland. The proposed buildings, at around 41m in height for Unit 1 and up to 19m in height for the outline, would be visible and there would be harm notwithstanding the presence of additional landscaping. Great weight should be given to the asset's conservation in accordance with paragraph 193 of the Framework and caselaw [7.40].
- 12.47 The listed buildings of the Bold Hall estate lie to the north of the application site across the M62. They were formerly part of or connected to the now demolished Bold Hall. Although the landscape in this area has changed with the construction of the Omega site and the motorway, the proposal would nevertheless cause further adverse harm to the setting as the height and the scale of the buildings will dominate the view.
- 12.48 The proposal would be contrary to policies CLQ4 of the CS which seeks to protect heritage and landscape, Policy ENV25 of the UDP which seeks to protect listed buildings and Policy ENV3 of the AAP which seeks to protect the heritage of the Bold Forest Park.
- 12.49 I consider that the harm to the listed buildings would be less than substantial. In accordance with paragraph 196 of the Framework the harm will need to be weighed against the public benefits of the proposal.
- 12.50 The applicant and the Council depart in their positions in respect of the area of the medieval deer park. The impact of the proposal on this was also a concern raised by BCFAG and others [8.6]. The Council considers that there would be some heritage harm. The applicant considers that there are no tangible remains of the deer park and therefore there would be no harm. Historic England does not require any further archaeological surveys and does not raise any objections to the proposal.
- 12.51 Merseyside Environmental Advisory Service (MEAS) considers that no further surveys would be required in this regard. I place significant weight on the views of those representations. I consider that there is no compelling evidence that there would be any material harm to this or to any other non-designated heritage asset as a result of the proposal.

Ecology

- 12.52 The application is supported by detailed ecological assessments the basis of which have been agreed with MEAS. At the round table session on Ecology, Mr Hilton, a local farmer, considered that the surveys had not appropriately taken account of some species such as brown hare. Mr Morgan for the applicant considered that the brown hare would tend to move westwards and that there would be ample habitat including within the 'green triangle'.
- 12.53 There would be a significant loss of natural habitat including a loss of priority woodland and non-priority woodland. BCFAG representatives expressed concern about a loss of potential woodland but on the evidence I am satisfied with the applicants view that there would be no loss of designated Ancient Woodland as there is none on or near to the site. The Tree Preservation Order status of woodland on the site is one based on amenity not ecology.
- 12.54 Whilst on-site mitigation to compensate for habitat loss would be provided particularly in the 'green triangle', this would take time to mature. In the Council's view there would be some harm as a result. I accept this would lead to some minor temporary harm.
- 12.55 The planning obligation provides for off-site biodiversity compensation which has been calculated in accordance with an established and agreed formula. I have referred to this within the section of my report dealing with planning obligations. Mr Morgan⁴⁰ considers that there would be some biodiversity net gain as a result of this obligation.
- 12.56 Taking in account the on-site and off-site provision for mitigation and the scheme detail, I consider that overall there would be no harm to ecology as a result of the proposal and that it would accord with policies CQL1, CQL2 and CQL3 of the CS and policies BFP ENV1 and BFP ENV2 of the AAP.

Air Quality

- 12.57 None of the St Helens Air Quality Management Areas (AQMA) cover the site. One AQMA in Warrington, focussed around the M62 junction, touches the edge of the site. It is agreed by the parties that there would be no exceedance of Air Quality Standards in set DEFRA guidance.
- 12.58 A number of measures to help mitigate air quality impacts are embedded into the scheme including the location of electric car charging points, planning obligations to secure bus provision, and the construction management plan secured by planning condition.

⁴⁰ CD 38.6 Proof of Evidence of Mark Morgan

12.59 On the evidence before me I am satisfied that the proposal accords with Policy CP1 (3i or 3ii) of the CS which seeks to minimise impacts on air quality, and with paragraph 181 of the Framework.

Noise and vibration

12.60 A number of sensitive receptors would be subject to construction noise with the closest ones being at Old Hall Farm at Bold, Bembridge Close Warrington and the Stepping Stones nursery on Omega.

12.61 Stepping Stones nursery is planned to relocate away from its current site to a location further into the Omega scheme. Nevertheless the assessment is based upon it remaining in situ.

12.62 The dwellings on Bembridge Close would be subject to construction noise but since the distance would be around 342 m the level of such noise would be low and vibration effects would not be significant. The operational long term effects on the properties on Bembridge Close are shown in the studies to be low and not of significance for either day time or night time operations. Noise mitigation measures in respect of acoustic barriers will be required. Acoustic barriers would also be in place to mitigate noise to the east of the site, on the nursery. There is likely to be some adverse effects on respect of piling during construction but a condition is imposed to require details of these works to be submitted and approved.

12.63 Overall subject to conditions, I consider that the proposed development would not have a materially harmful effect on the living conditions of nearby residents or occupants of other sensitive receptors. The proposal would accord with Policy CP1 of the CS in this regard.

Agricultural Land

12.64 The proposal would result in the loss of around 69.5ha of agricultural and of which 47.2 is Grade 3b, 17.5 ha is 3a and the remainder Grade 4 (poor quality). Paragraph 112 of the Framework and Policy CP1 of the CS seek to minimise the loss of the best and most versatile agricultural land, which is classed as Grade 3a and above. This would relate to 17.5ha of the site.

12.65 Clearly this would result in some harm, but I conclude that this would be of a minor nature given its scale in relation to the overall site. I conclude that this would not conflict with either Policy CP1 of the CS or paragraph 112 of the Framework.

Transport

12.66 The application is supported by Transport assessments. There were a considerable number of representations made at the planning application stage from local residents who were concerned about the impact of additional traffic on the highway network and on the local community. I am however satisfied that the transport assessments and evidence are robust.

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- 12.67 The application site lies close to junction 8 on the M62 and access to the site is via Catalina Way. This is a major locational advantage of the site and means that commercial traffic associated with the development can easily access the motorway network without having to travel through the local community. Subject to provision for highway alterations in the vicinity of that junction, there is no objection to the proposal from the highway authorities. Those works have either been completed or were due to be completed shortly after the end of the Inquiry.
- 12.68 As set out earlier in my report, there is a package of measures to secure sustainable transport including planning obligations relating to supporting bus service provision between the site and communities within St Helens and within the wider Omega development, the provision of car charging points, cycleway access, and a travel plan programme based upon Warrington Borough Council's experience at Omega.
- 12.69 I conclude that the proposal is acceptable in transport terms and accords with Policy CP2 of the CS which seeks to create an accessible St Helens. It also accords with paragraphs 108 and 109 of the Framework which seek to promote sustainable transport and prevent severe impact on the highway network.

Climate Change

- 12.70 This is a logistics based proposal which will rely upon vehicular movement by its very nature. BCFAG is concerned that the proposal is at odds with the Government's Climate Change commitments.
- 12.71 The applicant argues that there is no suggestion by the Climate Change Committee, an independent statutory body established under the Climate Change Act 2008, that there should be a moratorium on road based logistics and I have no evidence to the contrary. My attention was also drawn to the Secretary of State appeal decision⁴¹ relating to a proposal by Eddie Stobart and Liberty Properties which indicated that there was no objection to logistics based development on climate change grounds.
- 12.72 The proposal includes electricity car charging points. On my site visit I observed the existing CNG fuelling station very close to the vehicular access to the site. This provides an opportunity for HGVs to use such fuels. The agreed CEMP provides measures to minimise material use and waste. I have concluded already on the issue of sustainable transport and that the proposal accords with Policy CP1 of the CS.

⁴¹ CD 3.16 Decision Letter from Secretary of State November 2020

Other matters

- 12.73 I am satisfied that with the appropriate conditions imposed, particularly those relating to the Whittle Brook, that the proposal will minimise the potential for flood risk.
- 12.74 The proposal will require lighting of buildings, service yards, roads and car parks. This will inevitably lead to harm to the night sky. However, the separation distances involved and the imposition of conditions to control details will ensure that lighting would not have a harmful effect on the living conditions of the occupants of residential properties in the area.
- 12.75 On my site visit I observed the use of land close to the site for equestrian purposes, particularly the fields in the area north of the Mersey Valley Golf and Country Club. With the exception of the public right of way across the north western tip of the site which would remain, the application site does not have public access. On the evidence before me I consider that the proposal would not have a harmful effect on the ability of the wider area to accommodate equestrian activities or any other recreation activities.

Other considerations

- 12.76 I have already set out in the sections above and in particular that relating to the economy, the main benefits of the proposal. I will not repeat them here. Essentially the proposal will provide a significant number of operational jobs both within the full and outline elements jobs which would provide a critical boost to the St Helens economy and support the regeneration objectives of the Council as set out in its CS. Those jobs, in the TJM element in particular would include higher skilled positions and training opportunities. I place moderate weight on the construction jobs the proposal would create.
- 12.77 The levels of deprivation in St Helens are high and have been getting worse over recent years in comparison to neighbouring authorities and the national picture. I place very significant weight on the benefit that the jobs to be delivered by this proposal, and those which would come indirectly from it, would have on the local economy and the local community.

Planning Balance and Overall Conclusions

- 13.1 The proposal is inappropriate development in the Green Belt and there would be harm by reason of inappropriateness, to openness and to some of the purposes of including land in the Green Belt. This harm attracts substantial weight. There would be less than substantial harm to heritage assets which would need to be weighed against the public benefits of the proposal. There would be significant harm to landscape character to which I give significant weight. The loss of agricultural land would be of minor harm to which I attach limited weight and would not conflict with policy.
- 13.2 I have concluded there is no material harm to ecology; air quality; the living conditions of the occupants of neighbouring properties due to noise or vibration; flood risk or the ability of the wider area to accommodate

recreational activities. I have also concluded that the proposal accords with policies for sustainable transport and climate change.

- 13.3 Against the above harms I must weigh the benefits of the proposal. The socio-economic benefits attract very significant weight. In any location a proposal such as this would be capable of attracting significant weight. In St Helens the deprivation picture is very bleak. It is startling how the area has fallen behind its neighbours in creating job opportunities over recent years. Yet its strategic location, on the M62 and close to the ports offers opportunities to St Helens which have not been fully capitalised on. This position adds further weight in favour of the proposal especially as provisions in conditions and planning obligations can be used to secure opportunities for the most deprived communities in St Helens. This differentiates the proposal from any further development within Omega.
- 13.4 The success of Omega shows how a well located and planned logistics development can boost the local economy. The application site lies immediately adjacent to that successful development and would be served through it directly to the M62. Furthermore, in relation to the TJM part of the proposal at least, the benefits would flow early on given the commitment from and need of that company to bring its third national distribution centre on stream as a matter of priority and in the absence of site constraints. The ability of the proposed development to deliver significant socio-economic benefits at an early point following planning approval weighs strongly in its favour.
- 13.4. (13.4a) When taken together I consider that the Green Belt harm and other harms I have found are outweighed by the other considerations which I have identified. In this balance I also consider that the public benefits of the proposal outweigh the less than substantial harm to the designated heritage assets. I therefore conclude that very special circumstances exist to justify the application being granted planning permission.
- 13.5. The proposal accords with Policies S1, GB1 and GB2 of the UDP. There is conflict with certain policies of the CS and AAP as I have identified. Of particular relevance there is conflict with Policy CP1 (i) and CAS 5 2 (iii) of the CS in respect of landscape character. However, there is compliance with other policies and with the strategy and objectives of those plans. Overall, I conclude that the proposal accords with the development plan when taken as a whole.
- 13.6. The proposed development accords with national and local planning policy on both building a strong competitive economy and on Green Belt. In accordance with paragraph 11 of the Framework the development should be approved without delay.

Planning Conditions

- 14.1. I have made alterations to some of the suggested conditions for clarity, precision, elimination of duplication and having taken account of the advice in PPG. I have also re-ordered some of the conditions to reflect the advice in paragraph 24 of the PPG.
- 14.2. Condition 1 applies to both the full and outline components and sets out the floorspace limits and restrictions. This is necessary for certainty and to ensure that the development accords with that subject to environmental assessment and the submitted evidence. For the remainder of the conditions as suggested by the parties, I have split them into those that relate to the full application, and those which relate to the outline.

Conditions for the full element

- 14.3. In addition to the standard time condition there is a need for a condition setting out the plans to which the permission relates. This is for certainty.
- 14.4. A further condition requires more detail to be submitted in relation to the fuelling and vehicle wash facility prior to installation, in the interests of amenity. A condition is also imposed to ensure that proposed site levels are adhered to in the interests of certainty.
- 14.5. A condition is imposed to restrict the change of use of Unit 1 from B8/ancillary offices to ensure that the development accords with that subject to environmental assessment and the submitted evidence.
- 14.6. Conditions are imposed to control noise in the interest of amenity. It is necessary for a condition to require the detail of electric car charging point provision in the interests of air quality.
- 14.7. A number of conditions are required to ensure the construction and implementation of highways related infrastructure on and off site in the interests of highway safety and sustainable transport. A condition is also necessary to secure the submission and implementation of a travel plan in the interests of sustainable transport.
- 14.8. The Council has approved a Construction Management Plan and a condition is necessary to ensure its implementation in the interests of amenity.
- 14.9. A number of conditions are imposed to ensure ecological protection and mitigation in the interests of ecology. A condition is also required to control the detail of the proposed lighting on the cycle path in the interests of ecology and amenity.
- 14.10. Landscaping conditions are imposed to secure landscape planting works in accordance with the approved plans and to ensure protection of retained trees, in the interests of arboriculture and character and appearance.
- 14.11. In the interests of ecology and flood risk, there is a need for conditions to ensure that the drainage scheme is implemented in accordance with the

submitted drainage plans and that a buffer zone around the Whittle Brook is provided, maintained and managed. A condition is imposed to secure the submission of a verification report to ensure that boreholes on the site have been decommissioned appropriately in the interests of the environment.

- 14.12. Two conditions are imposed to secure a local employment scheme for both the construction and operational phases of the scheme in the interests of the local community.

Conditions for the outline element

- 14.13. Many of the conditions relating to the outline element are imposed for reasons which are similar for the full element. I will not repeat the reasons.
- 14.14. The standard condition relating to the submission of reserved matters applications is imposed and this will relate to appearance, landscaping, scale and layout. A further condition is imposed to require details of materials in the interests of character and appearance. A phasing plan is also necessary in the interests of the effective planning of the development. A condition is also necessary to require details of lighting to be submitted as part of the reserved matters applications.
- 14.15. Conditions are necessary in respect of landscaping and landscape management, ecology and highways. A ground condition survey is required to be submitted in the interests of the environment and a condition is imposed to secure this.
- 14.16. Conditions are also imposed to require the submission and approval of a construction environmental management plan, a local employment scheme, and a drainage scheme.
- 14.17. The Whittle Brook extends into the area of the site covered by the outline and a condition is necessary in the interests of flood risk and ecology to require the submission and approval of provision and management scheme for a buffer zone around it. A further condition is required to ensure the provisions of the submitted flood risk assessment are met.
- 14.18. A number of detailed conditions relating to noise and vibration are necessary in the interests of amenity.

Planning Obligations

- 15.1. The Biodiversity contribution is to provide off site habitat mitigation as a direct result of the proposed development. It has been calculated in accordance with DEFRA guidance and detailed evidence was given on this by Mr Morgan at the Inquiry. It is necessary in accordance with the policies of the CS including Policies CQL1, CQL2 and CQL3 which collectively aim to protect and enhance green infrastructure and habitats and Policy BFP ENV1 of the AAP which aims to enhance landscape character and tree cover in the Bold Forest area.

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- 15.2. The Bold Forest Park Infrastructure contribution is to be used for Bold Forest park initiatives. It is justified by Policies CQL1 and CQL3 of the CS and Policy BFP SN2 of the AAP which requires local development to contribute to infrastructure in the Bold Forest park.
 - 15.3. The Public Transport Contribution is a contribution towards bus service provision to link the site to the communities in St Helens. It is justified by Policies CSS1 and CE1 of the CS which respectively set the overall spatial strategy and promote a strong and stable economy, and by policies CIN1 and CP2 of the CS which promote the meeting of infrastructure needs and creating an accessible St Helens.
 - 15.4. Although it is called the Highways Contribution in the obligation, this is a contribution towards public transport provision in Warrington and will be used to support bus services serving the site. The complements the St Helens bus service enhancements sought and the contribution is also supported by policies set out above and those within the Warrington Local Plan including Policy MP1 which sets out general transport principles and Policy MP7 which requires transport assessments and travel plans for relevant new developments. The Travel Plan contribution is justified by the same policies and by paragraph 108 of the Framework.
 - 15.5. The revocation of the Omega South planning permission in Warrington is justified as the permission for B1a office space is no longer been taken forward as the Council has approved residential development on the site. This revocation would then mean that likely use of the site would accord with the highways evidence in support of the proposal.
 - 15.6. If the Secretary of State is minded to grant planning permission for the development, I am satisfied that the financial contributions requested are necessary to render the development acceptable in planning terms and that they are directly related to the development. Having regard to the costings set out in evidence I am also satisfied that they are fairly and reasonably related in scale and kind to the development proposed. I am also satisfied that the other provisions meet the same tests in CIL regulations and the Framework.
 - 15.7. I recommend that the provisions in the S106 be taken into account in assessing the application.

Recommendation

- 16.1 I therefore recommend that planning permission should be granted, subject to the imposition of conditions set out on the attached schedule and subject to the provisions in the Section 106 agreement.

Mike Worden

INSPECTOR

ANNEX A APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Giles Cannock QC	Kings Chambers, Instructed by Mark Fisher, St Helens Council
He called	
Alyn Nicholls	Town Planner, Alyn Nicholls
Anthony Muelman	Associate Director, BE Group
Edward Mellor	Divisional Director, Mott MacDonald
Jennifer Bolton	Senior Planning Officer, St Helens Council

FOR THE APPELLANT:

Peter Goatley QC	No 5 Chambers, instructed by the applicants
He called	
Sean Bashforth	Board Director, Quod
Andrew Pexton	Director, NW Industrial and Logistics team, JLL
Andy Hunt	Director, Socio-Economics team, Quod
Douglas Bisset	Technical Director, WSP
Mark Morgan BSc (Hons), MCIEEM	Senior Ecologist, Ecology Practice
James Clarke	Group Legal Counsel, T.J. Morris Ltd
David Milloy	Managing Director, M2 Group (Miller Developments)
Mark Steele BA, DipLD, CMLI	Mark Steele Consultants
Stuart Bennett	Associate Director (Air Quality) WSP
Elizabeth Murray BA MCIfA	Principal Heritage Consultant, WSP
James Powlson	Associate Director, Acoustics Team, WSP
Colin Graham	Associate Director, Miller Developments

FOR WARRINGTON BOROUGH COUNCIL (Section 106 and Conditions Round Table)

Martha Hughes	Principal Planning Officer
Mike Taylor	Transport Development Control Team Leader
Alyn Jones	Specialist Transport Services Manager

INTERESTED PERSONS:

Christopher Hughes	Bold and Clock Face Action Group (Chairman)
Robert Hilton	Bold and Clock Face Action Group (Local farmer)
Elizabeth Lloyd	Bold and Clock Face Action Group (Local resident)
Gary Conley	Bold and Clock Face Action Group (Local resident)
Jackie Copley MRTPI BA (Hons) PgCERT	Bold and Clock Face Action Group (Planning Consultant)

Allen Makin	Bold Parish Council (Chairman)
Councillor David O’Keefe	Bold Parish Council and Ward Councillor for Bold, St Helens Council
Councillor Richard McCauley	Cabinet Member for Regeneration and Planning, St Helens Council

ANNEX B DOCUMENTS SUBMITTED DURING THE INQUIRY

- 1 Applicant’s Opening Submission
- 2 Council’s Opening Submission
- 3 Statement of Bold and Clock Face Action Group
- 4 Statement of Councillor Richard MaCauley, St Helens Council
- 5 Statement of Mrs Elizabeth Lloyd
- 6 Information submitted by Applicant in relation to The Hut Group planning consent at Omega
- 7 Information submitted by Applicant in relation to Lingley Mere Nursery
- 8 Statement from TJM relating to contractual commitment to Unit 1
- 9 Statement of Councillor O’Keefe, Bold Parish Council
- 10 CIEEM 2019 Biodiversity Net Gain – A practical guide, submitted by Applicant
- 11 Map showing location of existing and proposed CNG fuel stations, submitted by Applicant
- 12 Explanatory Note on public transport contributions submitted by Warrington Borough Council
- 13 Council’s Closing Submission
- 14 Applicant’s Closing Submission

These documents and all Core Documents can be found in the Inquiry Library accessible through this website: <https://www.omegawestdocuments.com/>

ANNEX C SCHEDULE OF RECOMMENDED CONDITIONS IN THE EVENT THAT PLANNING PERMSSION IS GRANTED

Conditions which apply to all parts of the development

- 1) The development hereby approved permits a total of 205,500 sq.m (approximately 2,212,002 sq.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

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- 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

Highways

- Plan ref: 5969-Z8-GA-115 Rev A entitled 'Infrastructure Works Visibility Assessment' and
- Plan ref: 5969-Z8-GA-100 Rev A entitled 'Infrastructure Works Swept Path Analysis' both within Appendix D 'External Works Assessment'.
- INFRA DWG. 1.1 5969-Z8-GA-100 Rev A entitled 'Highways Works General Arrangement Sheet 1 of 2'
- Plan ref: 11191042_SK326/A entitled '
- Plan ref: 11191042_SK326

Levels Plans

- 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

Overall landscaping plans

- 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
- UNIT 1 DWG. 31 131504 Rev. B Head Wall Outfall and Tree Removal Plan
- 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; and

Around Unit 1 landscaping plans

- 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

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- 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

Ecology

- INFRA DWG. 12 16903-11ES Rev. C Bat Box Proposals'
- INFRA DWG. 13 16903-12ES Rev. C Bird Box Proposals

Drainage

- 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

- 4) 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, along with a timetable of implementation, shall be submitted to and approved in writing with the Local Planning Authority prior to installation. Only the approved details shall be implemented.
- 5) 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.

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- 6) Unit 1, hereby shown on the 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 with ancillary offices, unless planning permission is sought from and granted by the Local Planning Authority.
 - 7) 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 Local Planning Authority.
 - 8) Construction work shall not take place outside 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. 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) 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.
 - 11) Prior to the 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.
 - 12) 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.

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- 13) 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.
 - 14) Prior to occupation of Unit 1 the Phase 1 roads as shown on INFRA DWG. 1.1 5969-Z8-GA-100 Rev A entitled 'Highways Works General Arrangement Sheet 1 of 2' shall be built to the approved standards and available for use. 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.
 - 15) 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) shall be implemented, to ensure the junction lane use and exit geometry is consistent with traffic modelling submitted.
 - 16) 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.
 - 17) 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 officer's response) and in accordance with the submitted strategy (WSP, Omega Zone 8, Monitoring Well Decommissioning Strategy, 17th March 2020), shall be submitted to and agreed in writing with the Local Planning Authority.
 - 18) Prior to the first occupation of Unit 1, a lighting scheme for the cycle pathway as shown plan ref:1 6385 – 181 Rev. G 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. Only the approved lighting shall be implemented.
 - 19) 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 St Helens Borough 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.

- 20) 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 detailed element of this application (as shown on OPP DWG. 3.1 4150-05105-PL4) shall be submitted to and approved in writing by 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. Only the approved details shall be implemented.
- 21) 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 detailed element of this application (as shown on ref:4150-05105-PL4) shall be submitted to and approved in writing by 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. Only the approved details shall be implemented.
- 22) 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 by the Local Planning Authority. Only the approved details shall be implemented.
- 23) 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 prepared by WSP and 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.
- 24) The 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 – prepared by WSP and 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.

- 25) 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 by the Local Planning Authority.
- 26) 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 prepared 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.
- 27) The site access shall be constructed in accordance with the approved site layout plan (ref: 6385-181 G) and drawings (5969-Z8-GA-115 Rev A entitled 'Infrastructure Works Visibility Assessment' and '5969-Z8-GA-100 Rev A entitled 'Infrastructure Works Swept Path Analysis') within Appendix D 'External Works Assessment' to binder course surfacing level prior to occupation of Unit 1. The access shall be kept available for use at all times.
- 28) Within 3 months of occupation a Travel plan shall be submitted to the Local Planning Authority. It shall be approved in writing by the Local Planning Authority. The Travel 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 Co-ordinator 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;

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- Mechanisms for monitoring, reviewing and implementing the Travel Plan; and
 - The details (name, address, telephone number and email address) of the Travel Plan Co-ordinator.

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.

- 29) No construction work relating to the proposed mitigation in Condition (15) 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; to the Local Planning Authority and such details have been approved in writing by the Local Planning Authority in consultation with Highways England 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.
- 30) 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.
- 31) The internal connected pedestrian/cycle links north to the M62 overbridge of PRow 102 and east to Catalina Approach to the principles of Chetwoods Drawing No.4150-05100-SK15 Indicative Masterplan shall be completed prior to the occupation of Unit 1.
- 32) 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

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- 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 include 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. The provision of wheel wash facilities shall also be provided.

- 33) The removal and eradication of invasive species on the full 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.*
- 34) 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.
- 35) Notwithstanding the proposed planting listed in condition 37 the field maple (*Acer campestre*), shall be replaced with hawthorn or holly. *Viburnum opulus* shall be replaced in hedgerow planting with blackthorn and in woodland edge planting it shall be replaced by an increase in other native species listed.
- 36) 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.
- 37) 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)

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- 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 shall 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 or 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.

- 38) All landscape planting works shall be inspected annually during the month of August, each year for the first 5 years after planting. The inspections shall record the health and condition of trees and plants planted and assess where trees and plants need to be replaced. This report shall be submitted to the 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 shall then be planted in the period between the 1st December and 1st March and the Local Planning Authority informed when all re-planting works are completed.
- 39) All ongoing landscape management shall be in accordance with the details and specifications within the documents entitled: -

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- 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 36 and the requirements of any other conditions. A, review of the delivery of these management plans must be provided to the Local Planning Authority annually for a period of 10 years. The Council should be provided with contact details for the Management Company(s) appointed to implement the approved Management Plans prior to any occupation of Unit 1.

- 40) All tree work shall 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 1st March to 1st September in accordance with the guidance in these submitted documents.

- 41) 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; and
- 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.

- 42) Arboricultural Supervision and provision of an Ecological Clerk of Works shall be as specified in the following approved documents:
- 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

The Ecological Clerk of Works, Site Biodiversity Champion and Site Biodiversity Manager shall be deployed for the duration of the construction phase on site.

A site meeting between the Site Manager(s), the Ecological Clerk of Works / Site Biodiversity Champion / Site Biodiversity Manager, the St. Helens Trees and Woodlands Officer and the Countryside Development and Woodlands Officer shall take place within 2 weeks of development commencing. The frequency of further meetings, and the reporting procedure to the Local Planning Authority, is to be agreed at the initial site meeting.

- 43) 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 (Ref No. 70060349-FRA August 2020)
- 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. No surface water will be permitted to drain directly or indirectly into the public sewer and 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.

- 44) 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.
- 45) Within 6 months of works commencing on site, a scheme providing details of management responsibilities for the undeveloped 8m buffer to Whittle Brook, shall be submitted and approved in writing by the Local Planning Authority. Any subsequent variations shall be agreed in writing with the Local Planning Authority, in which case the development shall be carried out in accordance with the amended scheme.
- 46) 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.

Conditions for the Outline application

- 47) All applications for reserved matters shall 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.
- 48) 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 Local Planning Authority;
 - a. Appearance
 - b. Landscaping
 - c. Scale and
 - d. Layout

The development shall be carried out in accordance with the reserved matters as approved.

- 49) Reserved matters applications for 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.

50) 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; and
- 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.

- 51) 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.
- 52) Reserved matters applications for layout shall take account of Whittle Brook prior to and after its diversion. Any layout shall demonstrate that there is no development within the 8 metre buffer either side of the bank top.
- 53) The gross external floor space area of any building in use class B8 or B2 (including any ancillary B1a offices) submitted with any reserved matters application shall not be less than 27,870 sq.m (300,000 sq.ft).
- 54) 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 shall state the ground floor area dimensions and what element will be B8 and/or B2.
- 55) 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 baffles 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.
- 56) 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;

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- 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 principal 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; and
 - 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.

- 57) 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
- 58) 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. Any such plant shall only be operated in accordance with the approved details.
- 59) Reserved Matters applications shall be in accordance with the Environmental Statement (January 2020) and Environmental Statement Addendum (August 2020), and 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.
- 60) 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 St Helens Borough 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.

- 61) 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, and 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.

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- 62) No development shall take place until a scheme for the provision and management of an 8 metre wide buffer zone alongside the Whittle Brook 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); and
 - 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 plans.

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.

- 63) 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, 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); and
 - Geomorphology surveys to inform detailed design proposal to be provided to the Environment Agency, including data on the reference reach.
- 64) Prior to the commencement of each phase of the development, or 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.

- 65) 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; and
 - Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint.
- 66) 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 Local Planning Authority, all agreed mitigation measures shall be implemented prior to the commencement of use.
- 67) 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 St Helens Borough 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.

- 68) Prior to the commencement of development within zone 4 as shown on plan ref: LA100018360 2020, 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.

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>).

- 69) Prior to occupation/ commencement of use of any phase of the development within zone 4 as shown on plan ref: LA100018360 2020, 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; and
- 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>).

- 70) Prior to the first use of each phase or reserved matters, the unit 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.
- 71) Prior to the occupation of any unit, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and agreed in writing with the Local Planning Authority. 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.

- 72) Any reserved matters application shall 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 shall 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 shall be to at least BS 5837 (2012) standard. Method statements shall also be included, particularly where there are impacts to root protection areas and ground protection or special 'no dig' surfacing is required. All measures shall 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).

- 73) Any reserved matters application shall include an Arborist Clerk of Works Method Statement and Ecological Clerk Works Method Statement. These Statements must include details of the Site Biodiversity Champion. All tree work and hedgerow removal specified in these documents shall be to BS3998 (2010), with no felling taking place between the period 1st March to 31st August, unless otherwise clearly specified methodologies for arboricultural and ecological supervision and inspection aimed at avoiding

disturbance to breeding birds and protected species are detailed within these documents.

All tree work must be supervised by the Arboricultural Supervisor for the site. The contact details for the Arboricultural Supervisor / Ecological Clerk of Works and Site Biodiversity Champion, along with the dates of an initial site meeting between Site Managers, Site Biodiversity Champion, the St. Helens Trees and Woodlands Officer and the Countryside Development and Woodlands Officer shall be provided prior to commencement of development. The frequency of further meetings, and the reporting procedure to the Local Planning Authority, is to be agreed at the initial site meeting.

- 74) Any reserved matters application for landscaping shall provide fully specified landscape plans. All plans shall 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.

In addition, all plans shall provide the following supporting information:-

- detailed designs and planting specifications, including cross sections, for all water bodies, including river diversions, being created on site;
- the removal of rhododendron and under planting of existing retained woodlands using appropriate native woodland species;
- specifications for all other soft and hard landscape details for 'ecological' areas as well as within the developed areas of the site;
- the design and specification of any paths and tracks to be constructed, which shall 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);
- 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 Local Planning Authority; and a detailed maintenance programme and schedule for all landscaping completed on site.

All specified landscaping works shall 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 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.

75) All landscape planting works shall be inspected annually during the month of August, each year for the first 5 years after planting. The inspections shall record the health and condition of trees and plants planted and assess where trees and plants need to be replaced. This report shall be submitted to the 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 shall then be planted in the period between the 1 December and 1 March and the Local Planning Authority informed when all re-planting works are completed.

76) Any reserved matters application shall 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 shall:-

- 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 shall include provision of barn owl boxes.

Progress, review and delivery of the management plans must be provided to the Local Planning Authority annually. The Council should be provided with contact details for the Management Company(s) appointed to implement these management plans prior to any use of any buildings onsite. Only the approved details shall be implemented.

77) 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.*

78) Reserved matters applications shall be supported by updated bat surveys.

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- 79) 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.
- 80) 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 by 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.
- 81) 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 for any reserved matters application and the details and findings submitted to and agreed in writing with the Local Planning Authority.
- 82) 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 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.
- 83) 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.
- 84) Notwithstanding the requirements of Conditions 62 and 63, 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; and
 - 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.

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.

- 85) 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.
- 86) 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.
- 87) The development shall provide internal connected pedestrian/cycle links north to the M62 overbridge of PRoW 102, east to Catalina Approach and east to Omega Boulevard/Orion Boulevard to the principles of Chetwoods Drawing No.4150-05100-SK15 Indicative Masterplan. The Omega Boulevard/Orion Boulevard link (which is intended to double as an emergency access route) shall be operational prior to the opening of the first unit within the outline area of the site unless otherwise agreed in writing with the Local Planning Authority.
- 88) 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 Co-ordinator 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.

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- 89) 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 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.
 - 90) 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 priority parking space (each equipped with 1 electric vehicle charge point) per 30 parking 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.
 - 91) 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.
 - 92) 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.
 - 93) 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.
 - 94) 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.
 - 95) 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 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.

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- 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 a written 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; and
 - Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint
- 97) 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.
- 98) 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.

END OF CONDITIONS



Department for Levelling Up, Housing & Communities

www.gov.uk/dluhc

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

Dated

17th May

2021

(1) OMEGA ST HELENS LIMITED and OMEGA WARRINGTON LIMITED

AND

(2) DAVID HOWARD BROMILOW AND AMANDA JAYNE BROMILOW

AND

(3) HOMES ENGLAND

AND

(4) ST HELENS COUNCIL

AND

(5) WARRINGTON BOROUGH COUNCIL

AND

(6) MERSEY FOREST FOUNDATION

DEED OF AGREEMENT
pursuant to Section 106 of the
Town and Country Planning Act
1990 in relation to land to the west
of Omega South & south of the M62
Bold St Helens

THIS DEED is made on the

17th day of May

Two thousand and twenty one

BETWEEN:

- (1) **OMEGA ST HELENS LIMITED** (Company No. 07521873) of Condor House, St Paul's Churchyard, London EC4M 8AL and **OMEGA WARRINGTON LIMITED** (Company No. 04263502) of Condor House, St Paul's Churchyard, London EC4M 8AL (**Developer**);
- (2) **DAVID HOWARD BROMILOW & AMANDA JAYNE BROMILOW** of Windy Bank Farm, Wigan Road, Golborne, Warrington, Cheshire WA3 3UG (**First Owner**);
- (3) **HOMES ENGLAND (the trading name of THE HOMES AND COMMUNITIES AGENCY)** of One Friargate, Coventry CV1 2GN (**Second Owner**);
- (4) **ST HELENS COUNCIL** of Town Hall, Corporation Street, St Helens, WA10 1HP (**Council**);
- (5) **WARRINGTON BOROUGH COUNCIL** of The Town Hall Warrington Cheshire WA1 1UH (**WBC**); and
- (6) **MERSEY FOREST FOUNDATION** (Company registration no. 09153749 and Registered Charity Number 1160790) of 6 Kansas Avenue, Salford, Greater Manchester, M50 2GL (**Mersey Forest Foundation**)

RECITALS

- A. For the purpose of this Deed the Council is the local planning authority and local highway authority for the area in which the Land is situated and by whom the obligations in this Deed are enforceable.
- B. WBC is a local planning authority and local highway authority by whom the obligations in Part 2 of Schedule 1 are enforceable.
- C. The First Owner is the freehold owner of the land registered at HM Land Registry under title number MS462582 comprising part of the Land.
- D. The Second Owner is the freehold owner of the land registered at HM Land Registry under title numbers MS407532, MS366065, CH679545 comprising part of the Land and is the freehold owner of the Undeveloped Site.
- E. Omega St Helens Limited has an option to purchase part of the Land registered under title number MS462582 which is in the ownership of the First Owner
- F. Omega Warrington Limited entered into a conditional contract dated 20 December 2019 with the Second Owner in respect of part of the Land registered under title numbers MS407532, MS366065, CH679545.
- G. The Mersey Forest Foundation is the body responsible for overseeing delivery of The Mersey Forest Plan; The Mersey Forest Plan is a long term and strategic guide to the work of The Mersey Forest Foundation team and partners. It is a locally developed Plan which is approved by government, and has been co-created with partners and through consultation (with over 1600 responses).
- H. The Mersey Forest Foundation will seek to provide off-site mitigation for on-site habitat loss as a result of the Development following receipt of the Biodiversity Contribution and the Bold Forest Park Infrastructure Contribution in accordance with this Deed

- I. The Application was submitted to the Council on 21 January 2020 and was called in by the Secretary of State for his own determination on 18 December 2020.
- J. The Council is satisfied that the obligations contained in this Deed are planning obligations in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

1. INTERPRETATION

In this Deed the following expressions shall unless the context otherwise requires have the following meanings:

"the Act"	means the Town and Country Planning Act 1990;
"Application"	means the hybrid planning application for planning permission for the Development allocated reference number P/2020/0061/HYBR;
"Biodiversity Contribution"	<p>means the sum of one million six hundred and ninety six thousand eight hundred pounds (£1,696,800) Index Linked to be used for the provision of off-site habitat mitigation for on-site habitat loss as a result of the Development and specifically to provide:</p> <p>(a) a minimum of 9.4ha of woodland planting within the Mersey Forest Area (as delineated on the Mersey Forest Map) which is the Defra Biodiversity Metric 2.0 net gain minimum hectareage, with priority given to planting within the Bold Forest Park Area;</p> <p>(b) the delivery of local initiatives and projects that prioritise the Bold Forest Park Area (as delineated on the Bold Forest Park Map), and considering projects in the wider Borough or region where deemed appropriate, that focus on habitat creation and enhancement for high-value habitats (such as those identified in Policy 13 of the Mersey Forest Plan) in accordance with:</p> <ul style="list-style-type: none"> (i) Policies SH7 (Bold Forest Park north), SH8 (Bold Forest Park south) and Policy 13 (Wildlife, biodiversity and ecosystems) of the Mersey Forest Plan; (ii) Policies CQL1 (Green infrastructure), CQL2 (Trees and Woodland) and CQL3 (Biodiversity and Geological Conservation) of the St Helens Core Strategy (October 2012); (iii) Policies BFP ENV1 (Enhancing Landscape Character) and BFP ENV2

(Ecological Network) of the Bold Forest Park Area Action Plan,

the need for which arises directly as a result of the Development;

"Bold Forest Park"	means Bold Forest Park, one of the five forest parks within the Mersey Forest and comprised within the Bold Forest Park Area;
"Bold Forest Park Area"	means the area shown edged in dark green and coloured in green on the Bold Forest Park Map;
"Bold Forest Park Map"	means the plan appended to this Deed at Appendix 3;
"Bold Forest Park Initiatives"	means projects to improve parks in the Bold Forest Park including but not limited to sites such as Clock Face Country Park, Maypole Farm, Griffin Wood and the links between them;
"Bold Forest Park Infrastructure Contribution"	means the sum of one hundred and eighty thousand pounds (£180,000.00) Index Linked payable initially to the Council and upon receipt, transferred to Mersey Forest Foundation, to be used towards the Bold Forest Park Initiatives;
"Business Use"	means use as an office other than a use for financial and professional services;
"Commencement of Development"	means the date on which any material operation (as defined in Section 56(4) of the Act) forming part of the Development begins to be carried out other than (for purposes of this Deed and for no other purpose) operations consisting of site clearance (including for the avoidance of doubt, the felling of trees), demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and "Commence Development" shall be construed accordingly;
"Consumer Price Index"	means the CPI published by the Office for National Statistics or if such index ceases to be published or is otherwise unavailable for use such alternative basis for indexation as may be agreed by the parties most closely comparable to it;
"Development"	means the proposed development of the Land for the following: (i) erection of a B8 logistics warehouse,

with ancillary offices, associated car parking, infrastructure and landscaping; and (ii) Manufacturing (B2) and Logistics (B8) development with ancillary offices and associated access infrastructure works pursuant to the Planning Permission;

"Highways Contribution"	means the sum of nine hundred thousand pounds (£900,000) Index Linked payable in accordance with the provisions of Part 2 of Schedule 1 of this Deed as a financial contribution towards funding a diversion/enhancement of the B52 service and or other suitable local bus services to allow suitable connection of the Development to public transport;
"Index Linked"	means the application of the Consumer Price Index or any successor to that index from time to time or such other index as may be appropriate and is agreed between the parties;
"Land"	means the land known as Omega West being land to the west of Omega South & South of the M62 Bold, St Helens as shown edged red on the plan annexed hereto at Appendix 1;
"Mersey Forest"	means the area shown edged brown and shaded bright green on the Mersey Forest Map;
"Mersey Forest Map"	means the plan appended to this Deed at Appendix 4;
"Monitoring Fee"	means the sum of £1,500 such sum representing the costs to be incurred by the Council in monitoring compliance with the terms of this Deed;
"Omega"	means the major mixed use development scheme known as Omega situated off Junction 8 of the M62;
"Omega South"	means Zones 1 & 2, Omega South, Burtonwood and Westbrook, Warrington, WA5 7XQ shown edged red on the Omega South Plan at Appendix 2;
"Omega South Permission"	means outline planning permission ref: 2017/30371 dated 13 September 2017 as amended by planning permission ref: 2020/36381 dated 22 June 2020 relating to development at Omega South;
"Omega South Plan"	means the plan of Omega South at Appendix 2 of this Deed;
"Omega Travel Plan"	means the travel plans for Omega including those approved pursuant to condition 15 of WBC planning permission 2016/28337;

"Owner"	means the First Owner and the Second Owner;
"Parties"	means the parties to this Deed;
"Planning Permission"	means the planning permission granted by the Council pursuant to the Application;
"Public Transport Contribution"	means the sum of seven hundred and fifty thousand pounds (£750,000.00) Index Linked payable to the Council in accordance with the provisions of Schedule 1 towards the provision of Public Transport Improvements;
"Public Transport Improvements"	means bus service enhancements and provision to link the Development with a St Helens bus network or, in the event of an extension to a St Helens bus service being unachievable, a single bus resource at the same cost, shall be utilised to create a link between an appropriate range of south St Helens destinations and Omega;
"Travel Plan Contribution"	means the sum of one hundred thousand pounds (£100,000.00) Index Linked payable to WBC in accordance with the provisions of this Deed to fund the co-ordination of travel planning for the Development and alignment with the existing Omega Travel Plan;
"Undeveloped Site"	means that part of Omega South shown hatched green on the Omega South Plan on which development for Business Use pursuant to the Omega South Permission has not yet taken place as at the date of this Deed;
"Working Days"	means Monday to Friday inclusive (excluding bank holidays and public holidays)

2. CONSTRUCTION OF THIS DEED

- 2.1. Any covenant by the Parties not to do any act or thing shall be deemed to include a covenant not to permit or suffer such act or thing to be done by another person where knowledge of the actions of the other person is reasonably to be inferred.
- 2.2. Any reference to any particular statute includes any statutory extension, modification, amendment or re-enactment of such statute and also includes any subordinate instruments, regulations or orders made in pursuance of it.
- 2.3. Where under this Deed any notice, approval, consent, certificate, direction, authority, agreement, action, expression of satisfaction is required to be given or reached or taken by any party or any response is requested any such notice, approval, consent, certificate, direction, authority, agreement, action, expression of satisfaction or response shall not be unreasonable or unreasonably withheld or delayed (save where the contrary intention is indicated).

- 2.4. The headings appearing in this Deed are for ease of reference only and shall not affect the construction of this Deed.
- 2.5. Where reference is made to a Clause, Part, Plan, Paragraph, Recital or Schedule such reference (unless the context requires otherwise) is a reference to a clause, part, paragraph, recital or schedule of (or in the case of plan attached to) this Deed.
- 2.6. In this Deed the singular includes the plural and vice versa and the masculine includes the feminine and vice versa.
- 2.7. Nothing in this Deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed.
- 2.8. Wherever there is more than one person named as a party and where more than one party undertakes a covenant all their covenants can be enforced against all of them jointly and against each individually unless there is an express provision otherwise.
- 2.9. Subject to the provisions of this Deed, references in this Deed to any party to this agreement shall include the successors in title to that party and to any deriving title through or under that party and references to the Council and WBC shall include reference to their successors in function.

3. EFFECT OF THIS DEED

- 3.1. This Deed is made pursuant to section 106 of the Act, section 111 of the Local Government Act 1972 and section 1 of the Localism Act 2011 and all other statutory powers and acts pursuant to which the Council and WBC shall be empowered to enter into this Deed and to the extent that they fall within the terms of those provisions the covenants contained in this Deed are enforceable by the Council in respect of the covenants made to it and WBC in respect of the covenants made to it against the Developer and the Owner.
- 3.2. The covenants under this Deed shall be treated as local land charges and registered at the Local Land Charges Registry for the purposes of the Local Land Charges Act 1975.
- 3.3. Nothing in this Deed shall prejudice or affect the rights powers duties and obligations of the Council in the exercise by it of its statutory functions and the rights powers duties and obligations of the Council under private or public statutes bye-laws orders and regulations may be as fully and effectively exercised as if it were not a party to this Deed.
- 3.4. Nothing in this Deed shall be construed as granting permission to the Developer or the Owner or its agents or servants from time to time to carry out works on a highway for which the Council is the highway authority.
- 3.5. The covenants in this Deed shall cease to have effect in relation to the Planning Permission if prior to the Commencement of Development of the Planning Permission, the Planning Permission:
 - 3.5.1.Expires;
 - 3.5.2.Is varied or revoked other than at the request of the Developer or the Owner; or
 - 3.5.3.Is quashed following a successful legal challenge.

- 3.6. The Developer, the Owner, the Council and WBC agree that the obligations in this Deed shall not be enforceable against any mortgagee or chargee from time to time of the whole or any part of the Development unless the mortgagee or chargee takes possession of all or a part of the Land in which case it will be bound by the obligations as if it were a person deriving title from the Owner or, as the case may be, Developer.
- 3.7. No person will be liable for any breach of the terms of this Deed relating to a part of the Land over which they have no legal interest or any breach occurring after the date on which they part with their interest in the Land or their interest in the part of the Land in respect of which such breach occurs, but they will remain liable for any breaches of this Deed occurring before that date. Neither the reservation of any rights or the inclusion of any covenants or restrictions over the Land in any transfer of the Land will constitute an interest for the purposes of this Clause 3.7.
- 3.8. The covenants and obligations in this Deed shall not be enforceable against a statutory undertaker their chargee or mortgagee or their successors in title in respect of any land and apparatus on the Land which is occupied or owned by such statutory undertaker solely for the purposes of its undertaking and provided that no other material operation is undertaken other than in connection with its undertaking.

4. CONDITIONALITY

- 4.1. The obligations contained in this Deed shall take effect on the date of this Deed with the exception of Clause 5 which shall take effect upon the Commencement of Development except as it relates to paragraph 8.1 of Schedule 1 which shall take effect on the date of this Deed.

5. OBLIGATIONS OF THE PARTIES

- 5.1. Subject to the provisions of Clause 3 above the Developer and the Owner covenant with the Council and with WBC:
- 5.1.1 to perform and comply with the obligations contained in Schedule 1; and
- 5.1.2 not to carry out the Development other than in compliance with the obligations contained in Schedule 1.
- 5.2. The Council and WBC covenant with the Developer and the Owner as set out in Schedule 2.
- 5.3. The Mersey Forest Foundation covenants with the Council, WBC, the Developer and the Owner as set out in Schedule 3

6. NOTICES

- 6.1. Any notice notification or application for any approval consent or other authorisation required to be made by the Developer and the Owner under the terms of this Deed is to be made in writing and shall be deemed to be sufficiently served if delivered personally or sent recorded delivery service or by first class post to the following person at the respective addresses hereinafter specified:
- 6.1.1. The Council – Head of Legal Services, Town Hall, Corporation Street, St Helens, WA10 1HP
- 6.1.2. WBC - Solicitor to the Council, Town Hall, Warrington, Cheshire WA1 1UH

6.1.3.The First Owner – David Bromilow and Amanda Bromilow at Windy Bank Farm, Wigan Road, Golborne, Warrington Cheshire WA3 3UG

6.1.4.The Second Owner – Head of Legal Services at Homes England (the trading name of The Homes and Communities Agency) of One Friargate, Coventry CV1 2GN

6.1.5.The Developer – Company Secretary at Condor House, St Paul's Churchyard, London EC4M 8AL

6.1.6.Mersey Forest Foundation - at 6 Kansas Avenue, Salford, Greater Manchester, M50 2GL,

or such other person and/or address as each party shall from time to time reasonably notify to all the other Parties to this Deed.

7. DISPUTES

7.1. Save for matters of construction (which shall be matters for the courts) any dispute or disagreement arising under this Deed including questions of value or any question of reasonableness may be referred at the request of any party to this Deed for determination by a single expert whose decision shall be final and binding on the Parties provided that nothing in this clause shall fetter the Parties to this Deed in exercising their discretion in carrying out their functions.

7.2. The following provisions and terms of appointment shall apply to such disputes disagreements and questions:

7.2.1. the expert shall have at least 10 years post-qualification experience in the subject matter of the dispute;

7.2.2. the expert shall be agreed between the Parties or appointed by the president of the Royal Institution of Chartered Surveyors or such other relevant professional body appropriate to the issue in dispute at the request of any party to the dispute;

7.2.3. the party calling for the determination shall make written submission to the expert and the other Parties within 10 Working Days of the expert's appointment;

7.2.4. the other Parties shall have 21 Working Days from receipt or such extended period as the expert shall allow to respond;

7.2.5. the expert shall be given an agreed request statement setting out exactly those questions which he is to determine submitted jointly by the Parties or in the event of disagreement by each party individually;

7.2.6. the expert's decision shall be in writing and give reasons for his decision; and

7.2.7. the expert may require his fees to be met by any party and in the event of such a requirement the expert's fees shall be met by the party required to meet them.

8. EXCLUSION OF CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999

8.1. The Parties to this Deed do not intend that any of its terms will be enforceable by virtue of the Contracts (Rights of Third Parties) Act 1999 by any person not a party to it.

9. PAYMENT

- 9.1. If any sum due from the Owner and/or the Developer under the terms of this Deed shall remain unpaid on the due date for payment then interest shall be paid on the sum outstanding at the rate of 3% per annum above the base rate of the National Westminster Bank plc from time to time calculated from the date that such sum becomes due hereunder up to the date of payment thereof.

10. JURISDICTION

- 10.1. The Parties hereto hereby acknowledge that this Deed shall be subject to the laws of England and Wales and shall be governed by the jurisdiction of the courts herein.
- 10.2. It is hereby acknowledged that nothing in this Deed is intended to prevent the Council from exercising any function, duty or discretion that is bound by statute so to do.

11. LEGAL COSTS

- 11.1. The Developer shall pay to the Council on completion of this Deed the reasonable legal costs of the Council in the sum of £1,500 incurred in the negotiation, preparation and execution of this Deed.
- 11.2. The Developer shall pay to WBC on completion of this Deed the reasonable legal costs of WBC in the sum of £750 incurred in the negotiation, preparation and execution of this Deed.

12. INDEMNITY AND WARRANTY

- 12.1. The Developer hereby covenants to comply with clause 11 and the obligations in Schedule 1 of this Deed and hereby indemnifies the Owner against all claims, actions, costs, charges, expenses and losses that the Owner suffers or incurs as a result of entering into this Deed and/or by reason of any breach by the Developer of the obligations of the Developer and the Owner contained in this Deed PROVIDED THAT this indemnity shall not apply in respect of any claims, actions, costs, charges, expenses and losses arising as a result of the negligence, default or liability of the Owner and PROVIDED THAT this indemnity shall apply to the Owner's heirs but shall not apply to the Owner's successors in title or their assigns.
- 12.2. The Developer and Owners warrant that no person other than themselves has any legal or equitable interest in the Land

13. EXECUTION

- 13.1. The Parties have executed this Deed as a deed and it is delivered on the date set out at the front of this Deed.

Schedule 1

Developer's and Owner's Covenants

Part 1 – covenants with the Council

The Developer and the Owner covenant with the Council:

1. Bold Forest Park Infrastructure Contribution

- 1.1. To pay the Bold Forest Park Infrastructure Contribution to the Council and not to Commence Development unless and until the Bold Forest Park Infrastructure Contribution has been paid to the Council and evidence of the payment has been supplied to the Council.

2. Biodiversity Contribution

- 2.1. To pay the Biodiversity Contribution to the Council and not to Commence Development unless and until the Biodiversity Contribution has been paid to the Council and evidence of the payment has been supplied to the Council.

3. Public Transport Contribution

- 3.1. To pay the Public Transport Contribution to the Council prior to Commencement of Development and not to Commence Development unless and until the Public Transport Contribution has been paid to the Council and evidence of the payment has been supplied to the Council.

4. Monitoring Fee

- 4.1. To pay the Monitoring Fee to the Council prior to the Commencement of Development and not to Commence Development unless and until the Monitoring Fee has been paid to the Council and evidence of the payment has been supplied to the Council.

Part 2 – covenants with the Council and WBC

The Developer and the Owner covenant with the Council and separately with WBC:

5. Notice

- 5.1. To serve written notice on the Council and on WBC five Working Days prior to the Commencement of Development notifying the Council and WBC that the Developer intends to Commence the Development; and

6. Highways Contribution

- 6.1. To pay the Highways Contribution to WBC prior to Commencement of Development and not to Commence Development unless and until the Highways Contribution has been paid.

7. Travel Plan Contribution

- 7.1. To pay the Travel Plan Contribution to WBC prior to Commencement of Development and not to Commence Development unless and until the Travel Plan Contribution has been paid.

8. Revocation of the Omega South Permission

- 8.1. Should any works be undertaken in order to implement and/or progress the Business Use pursuant to the Omega South Permission on the Undeveloped Site without the prior written consent of WBC and the Council prior to Commencement of Development pursuant to the Planning Permission then the Planning Permission shall not be implemented.

- 8.2. Following the Commencement of Development pursuant to the Planning Permission, the Second Owner (being the owner of the freehold title of the Undeveloped Site) covenants not to implement and/or progress the Business Use pursuant to the Omega South Permission on the Undeveloped Site without the prior written consent of WBC and the Council.

Schedule 2

The Councils' Covenants

Part 1 – the Council's Covenants

The Council covenants with the Developer and the Owner:

1. Contributions

- 1.1. Not to use the Monitoring Fee and the Public Transport Contribution for any other purposes than specified in this Deed.
- 1.2. Upon receipt of the Biodiversity Contribution to provide the Mersey Forest Foundation with the full amount of the Biodiversity Contribution within 10 Working Days.
- 1.3. Upon receipt of the Bold Forest Park Infrastructure Contribution to provide the Mersey Forest Foundation with the full amount of the Bold Forest Park Infrastructure Contribution within 10 Working Days.

2. Repayment of Contributions

- 2.1. Within six weeks of written request to pay to the party that first paid the same such amount of the Public Transport Contribution which has not been expended in accordance with the provisions of this Deed within fifteen years from the date of receipt by the Council of such payment.
- 2.2. To provide to the Developer and/or the Owner (at the Developer's cost) such evidence as the Developer and/or Owner shall reasonably require in order to confirm the expenditure of the Public Transport Contribution.

3. Written Discharge of Obligations

If the Council receives a request in writing for confirmation of the discharge of obligations contained in this Deed the Council shall within 10 Working Days of receipt of such request issue written confirmation of the discharge of such obligation(s) provided that the Council is satisfied that such obligation(s) has been discharged and provided also that the Council's reasonable fees in responding to such a request are borne by the Developer.

Part 2 – WBC covenants

WBC covenants with the Developer and the Owner:

4. Contributions

- 4.1. Not to use the Highways Contribution and the Travel Plan Contribution for any other purposes than specified in this Deed.

5. Repayment of Contributions

- 5.1. Within 10 Working Days of written request to pay to the party that first paid the same such amount of the Highways Contribution and the Travel Plan Contribution which has not been expended in accordance with the provisions of this Deed within twelve years from the date of

receipt by WBC of such payment together with interest at the Bank of England base rate from time to time calculated for the period from the date of payment to the date the refund is made.

- 5.2. To provide to the Developer and/or the Owner such evidence as the Developer and/or Owner shall reasonably require in order to confirm the expenditure of the Highways Contribution and the Travel Plan Contribution.

6. Written Discharge of Obligations

If WBC receives a request in writing for confirmation of the discharge of obligations contained in this Deed WBC shall within 10 Working Days of receipt of such request issue written confirmation of the discharge of such obligation(s) provided that WBC is satisfied that such obligation(s) has been discharged.

Schedule 3
Mersey Forest Foundation Covenants

The Mersey Forest Foundation covenants with the Owner, the Developer, the Council and WBC as follows:

1. Biodiversity Contribution and Bold Forest Park Infrastructure Contribution

- 1.1. Not to use any part of the Biodiversity Contribution and the Bold Forest Park Infrastructure Contribution other than for the purposes specified in this Deed (and in accordance with the relevant charities legislation (including (but not limited to) the Charities Act 2011)).
- 1.2. To expend the Biodiversity Contribution in accordance with the following:
 - 1.2.1. Where possible development of projects within Bold Forest Park shall be prioritised;
 - 1.2.2. Otherwise, where it is considered appropriate and in the explicit interests of biodiversity, consideration will be given for the development of projects within the wider Borough and then the region as identified within the Mersey Forest Plan.
- 1.3. To use reasonable endeavours to expend the Biodiversity Contribution for the purposes of the Biodiversity Contribution within 32 years from the date of receipt of the Biodiversity Contribution. If after using reasonable endeavours it has not been possible to expend the Biodiversity Contribution within 32 years the Mersey Forest Foundation shall be entitled to such further reasonable time as required within which to establish new woodland, tree planting and green infrastructure for the purposes of the Biodiversity Contribution.
- 1.4. In the event that the Biodiversity Contribution has not been spent or committed for expenditure by the Mersey Forest Foundation within 32 years following the date of last receipt of the Biodiversity Contribution the Mersey Forest Foundation shall, subject to paragraph 1.3 of this Schedule 3, refund to the party that first paid the same any part of the Biodiversity Contribution which has not been spent or committed for expenditure.
- 1.5. To use reasonable endeavours to expend the Bold Forest Park Infrastructure Contribution for the purposes of the Bold Forest Park Infrastructure Contribution within 32 years from the date of receipt of the Bold Forest Park Infrastructure Contribution. If after using reasonable endeavours it has not been possible to expend the Bold Forest Park Infrastructure Contribution within 32 years the Mersey Forest Foundation shall be entitled to such further reasonable time as required within which to establish new woodland, tree planting and green infrastructure for the purposes of the Bold Forest Park Infrastructure Contribution.
- 1.6. In the event that the Bold Forest Park Infrastructure Contribution has not been spent or committed for expenditure by the Mersey Forest Foundation within 32 years following the date of last receipt of the Bold Forest Park Infrastructure Contribution the Mersey Forest Foundation shall, subject to paragraph 1.5 of this Schedule 3, refund to the to the party that first paid the same any part of the Bold Forest Park Infrastructure Contribution which has not been spent or committed for expenditure.

Appendix 1

The Land

Drawing no. 0723-Z8-LP-001 A



DO NOT SCALE

KEY
— OMEGA WEST LEGAL TITLE BOUNDARY

AW
A. Bromilow

J. Smith
DTM
DTM

042841
AW



E. Gough

FIRST ISSUE	SS	SS
DESCRIPTION	CHK	APP
WORK IN PROGRESS		



8 First Street, Manchester, M15 4QU, UK
T+44 (0)161 200 6900
wsp.com

CLIENT: OMEGA WARRINGTON LTD

ARCHITECT: N/A

PROJECT: OMEGA, WARRINGTON ZONE 8

TITLE: OMEGA WEST LEGAL TITLE BOUNDARY

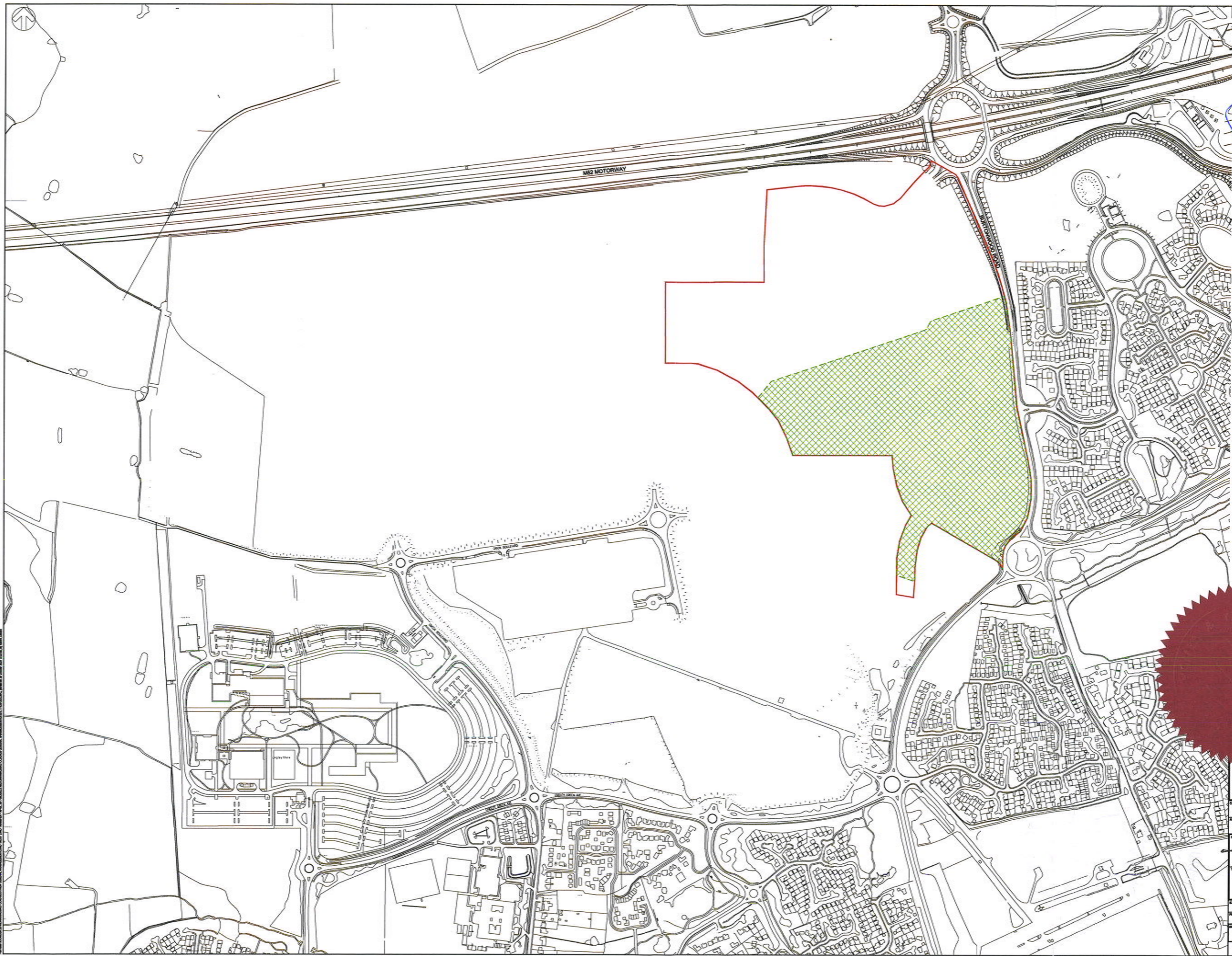
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PROJECT NO:	11190723	DESIGNED:	EBR	DATE:	September 19
DRAWING NO:	0723-Z8-LP-001	REV:	A		

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File Name: MCH0001A_072300WARRINGTONZONE8_LP001_LEGAL_TITLE_BOUNDARY.dwg, Manager: BRYAN GIBSON, Published on: 12 September 2019 10:58:54, by: bryangibson

Appendix 2

Omega South Plan



DO NOT SCALE
 KEY:
 [Red Outline] OMEGA SOUTH
 [Green Hatched] THE UNDEVELOPED LAND

Over
 A. Bromber
 [Handwritten initials]
 [Handwritten initials]



C. Gough
 D142041
 [Handwritten signature]



WSP	
8 Fleet Street, Warrington, Warrington, Warrington, Warrington	
CLIENT	OMEGA WARRINGTON LTD
PROJECT	N/A
PHASE	OMEGA SOUTH
APPENDIX 4 OMEGA SOUTH PLAN	
SCALE	1:200
DATE	11/07/23
PROJECT NO	0723-LTT-GA-053
© WSP UK Ltd	

Appendix 3

Bold Forest Park Map



A. Bromilow

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

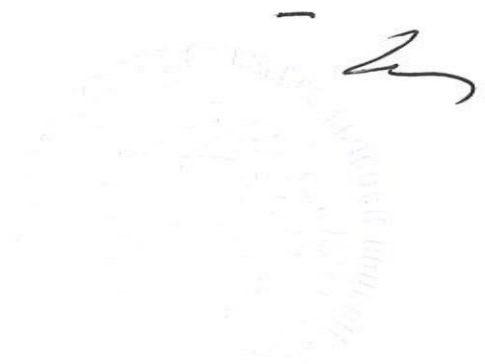
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178274
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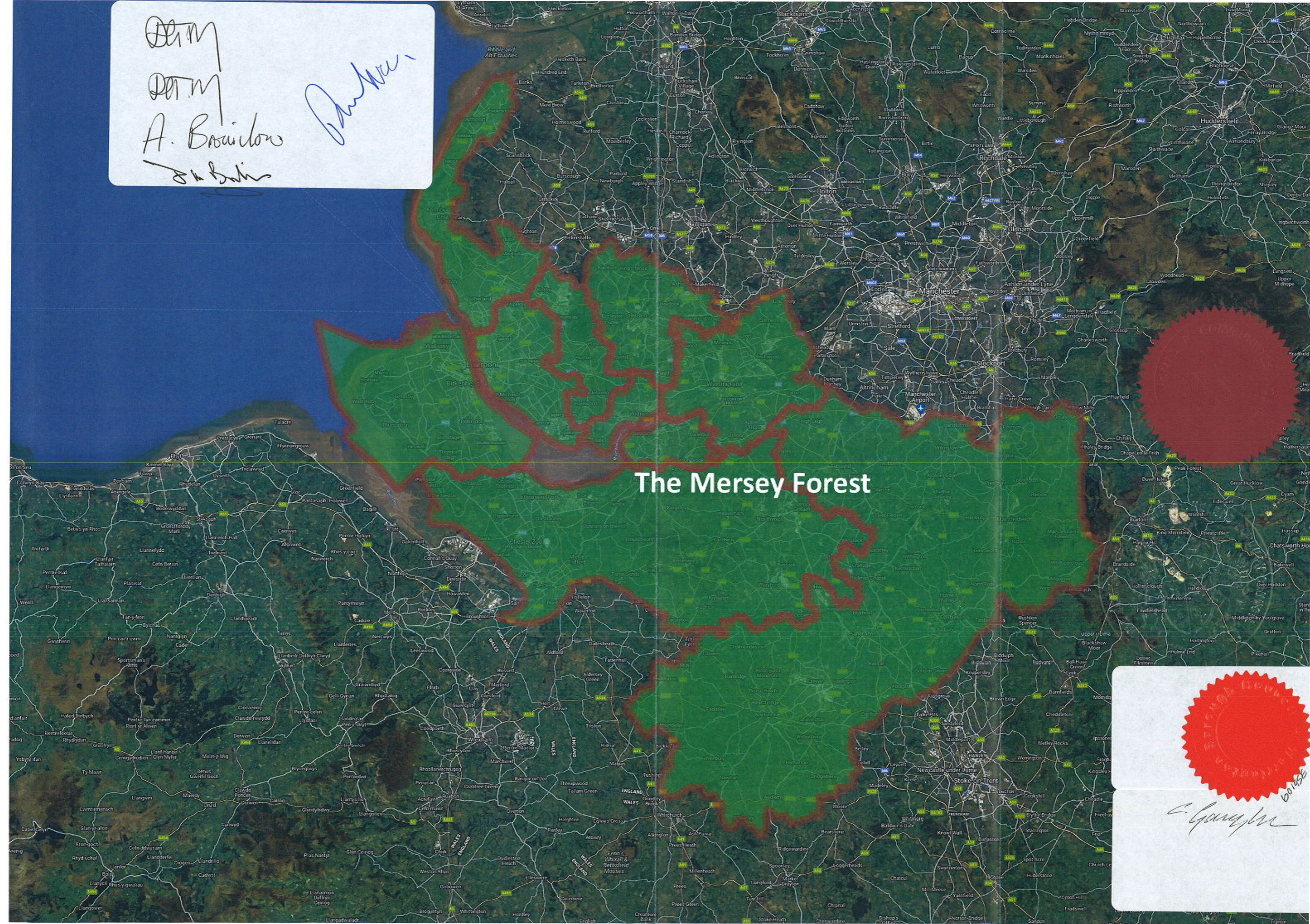


Appendix 4

Mersey Forest Map

DEM
DEM
A. Brindlow
J. Baker

[Handwritten signature]



The Mersey Forest

[Red circular stamp]
C. Gandy
6/15/16

[Vertical handwritten text]
Orange
A. Brindlow

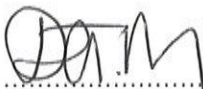

EXECUTED AS A DEED and delivered by the Parties hereto on the date written above

The **COMMON SEAL** of)
ST HELENS)
BOROUGH COUNCIL)
was affixed to)
this Deed in the presence of:)

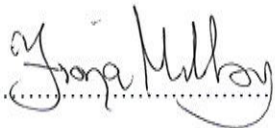


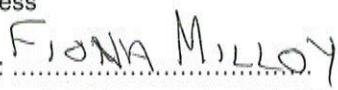

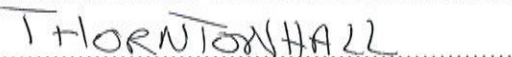

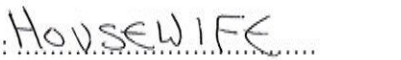

.....
Authorised signatory

Signed as a Deed by **OMEGA**)
ST HELENS LIMITED)
by two directors or director and)
secretary or single director)
in the presence of a witness)

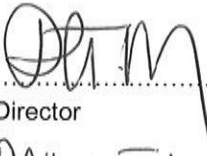

.....
Director

[print name]

.....
Director/Secretary
.....
[print name]


.....

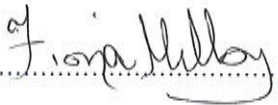
Signature of witness
Name of witness: 
Address of Witness: 


Occupation: 

Signed as a Deed by **OMEGA**)
WARRINGTON LIMITED)
by two directors or director and)
secretary or single director)
in the presence of a witness)


.....
Director
DAVID THOMAS MILLOY
[print name]

.....
Director/Secretary

.....
[print name]


.....

Signature of witness

Name of witness: FIONA MILLOY

Address of Witness: 1 THORN AVE

THORNTON HALL

G74 5AT

Occupation: HOUSEWIFE

Executed as a deed by)
DAVID HOWARD BROMILOW)
in the presence of)


.....



.....

Signature of witness

Name: AT COWEN
Burlington House

Address: Park Plaza

Executed as a deed by
AMANDA JAYNE BROMILOW
in the presence of

)
) A. Bromilow
)

[Signature]
Signature of witness

Name ATCANEY

Address Burlington House
Persh Pkint.

The **COMMON SEAL** of)
HOMES AND COMMUNITIES)
AGENCY was hereunto affixed)
in the presence of:)

DH2841



[Signature]
Authorised Signatory

M. Charles
[print name]

The **COMMON SEAL** of)
WARRINGTON BOROUGH)
COUNCIL was affixed to)
this Deed in the presence of:)



[Signature]

COLM GAUGHRAN
PROPERTY LAWYER
AUTHORISED SIGNATORY

EXECUTED as a DEED
by MERSEY FOREST FOUNDATION
acting by:

)
)
)



Director



[print name]

In the presence of a witness



Signature of witness

Name of witness: 

Address of Witness: 

Occupation: 