



Knowsley Council

Ms Alice Henderson
Mynshulls House
14 Cateaton House
Manchester
M3 1SQ

Our Ref: 22/00572/SO

Date: 20/10/2022

Dear Ms Henderson

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017

RE: SCREENING OPINION

PROPOSAL: SCREENING OPINION FOR THE RESIDENTIAL DEVELOPMENT COMPRISING OF 720 NO. DWELLINGS AND AN EXTRACARE FACILITY (89 NO. UNITS) TOGETHER WITH LANDSCAPING, INFRASTRUCTURE AND OTHER ASSOCIATED WORKS INCLUDING AN EXTENSION TO EXISTING CHERRYFIELD DRIVE CAR PARK TO PROVIDE AN ADDITIONAL 130 NO. SPACES (320 TOTAL) AND NEW VEHICULAR ACCESSES TO CHERRYFIELD DRIVE AND BEWLEY DRIVE

Thank you for your email application received 16th September 2022 setting out proposals for the above site.

From the information submitted I can confirm that an Environmental Impact Assessment will be required in support of your planning application.

Please find attached the Council's formal Screening Opinion.

Should you wish to discuss the matter further or require any additional information please do not hesitate to contact Jo Sheridan on 07833 481 030 or email jo.sheridan@knowsley.gov.uk.

Yours sincerely,

Executive Director - Regeneration and Economic Development

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

REFERENCE NUMBER: 22/00572/SO

SITE: Land south of Cherryfield Drive, Southdene, Kirkby, Knowsley

DESCRIPTION OF DEVELOPMENT: RESIDENTIAL DEVELOPMENT

- **THE PROPOSAL DOES NOT FALL WITHIN SCHEDULE 1**
- **THE PROPOSAL DOES FALL WITHIN SCHEDULE 2**

The submission relates to a proposed application for up to 720 residential dwellings, an extra care facility (up to 89 units), together with landscaping, infrastructure and other associated works including an extension to existing Cherryfield Drive car park to provide an additional 130 no. spaces (320 total) and new vehicular accesses to Cherryfield Drive and Bewley Drive.

SCREENING OPINION RELATING TO PROPOSED RESIDENTIAL DEVELOPMENT AT LAND TO THE EAST OF HALEWOOD

The proposal is identified by the applicant as an 'Urban Development Project' under Schedule 2 10 (b) of the Environmental Impact Assessment (EIA) regulations as the site is over 5 hectares and relates to in excess of 150 dwellings. The proposal has been assessed against the selection criteria stated within Schedule 3 of the EIA Regulations:

- Characteristics of the development
- Location of the Development
- Characteristics of Potential Impact

Characteristics of the development

At up to 720 dwellings and approximately 22.5ha, the proposal is considered to be a major development. The proposed 720 new homes exceeds the threshold stated with Schedule 2.

A hybrid planning application is proposed to be submitted. The majority of the proposal will be applied for in full, however, it is proposed that outline planning permission is sought for the extra care facility and a small element of residential development to the north eastern corner of the site.

Location of the Development

The site consists of 22.5 hectares and comprises a mix of brownfield and greenfield land. It is bound by Cherryfield Drive to the north and east, Bewley Drive to the south and Valley Road to the west.

Immediately bounding the site is Kirkby Leisure Centre to the east; to the south is a small enclave of existing residential development and to the west lies Valley Meadows. To the north, beyond Cherryfield Drive, lies Kirkby Town Centre.



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Characteristics of Potential Impact

The scale, location and context of the development proposal give rise to the following potential impacts:

- Heritage
- Transport & Access
- Air Quality
- Noise
- Ecology
- Ground conditions and Land Contamination
- Ecology
- Climate Change and Greenhouse Gases
- And the interaction between the above factors

Regard is also given to the magnitude, spatial extent, nature of the impact, its transboundary natures, intensity and complexity, probability, duration, frequency and reversibility, the cumulation of the impact with other existing and/or approved development and the possibility of effectively reducing impact.

Having considered the development proposal in the light of the information available and in the context of the EIA Regulations and Guidance it is considered that the proposed works will give rise to significant environmental effects and you are advised that the proposals should be considered EIA development. An **Environmental Statement (ES) is required** in this case.

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THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017

SCOPING OPINION RELATING TO PROPOSED RESIDENTIAL DEVELOPMENT AT HALSNEAD

1. Scoping Opinion

- 1.1 The following comments identify matters on which the applicant should provide further detail or confirmation. The responses should be incorporated into the impact assessment process and documented appropriately within the Environmental Statement (ES).
- 1.2 The characterisation of the Scope of the ES set out in the applicant's EIA Scoping Report September 2022 is the starting point for the iterative process, which may evolve as it proceeds and additional information becomes available.

2. Content of the ES

- 2.1 The Environmental Statement that supports the planning application should include the following sections as a minimum (this is further detailed and outlined in Schedule 4 of the EIA Regulations)
 1. A non - technical summary;
 2. Detailed scope of works;
 3. Reference to key plans and legislation. It is essential that all relevant Guidance and policies be complied with as appropriate;
 4. Detailed baseline review (associated with all development issues);
 1. A description of the development
 2. A description of the reasonable alternatives studied by the developer
 3. A description of the reasonable aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the development as far as natural changes from the baseline scenario can be assessed
 4. A description of the factors specified in regulation 4(2) likely to be significantly affected by the development: population, human health, biodiversity, land, soil, water, air, climate, material assets, cultural heritage and landscape



5. A description of the likely significant effects of the development on the environment resulting from, *inter alia*:

- a) the construction and existence of the development
- b) the use of natural resources, considering the sustainable availability of these resources
- c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste
- d) the risks to human health, cultural heritage or the environment
- e) the cumulation of effects with other existing and/or approved projects taking into account existing environmental problems
- f) the impact of the project on climate
- g) the technologies and the substances used

The description of the likely significant effects on the factors specified in regulation 4(2) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short term, medium term and long term, permanent and temporary, positive and negative effects of the development.

This assessment needs to take into account the nature of impact (importance, magnitude and duration quantified as appropriate), reversibility of impact, mitigation, monitoring measures (including reference to long-term management and maintenance measures/plans) and residual impacts.

- 5. Detailed integrated assessment of all environmental impacts. This assessment needs to take into account the nature of impact (importance, magnitude and duration – quantified as appropriate), reversibility of impact, mitigation, monitoring measures (including reference to long-term management and maintenance measures/plans) and residual impacts.
 - 6. A description forecasting methods or evidence used to identify and assess the significant effects on the environment
 - 7. A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements
 - 8. A description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters which are relevant to the project concerned.
 - 9. A reference list detailing the sources used for the descriptions and assessments included in the environmental statement
- 2.2 It is important that the conclusions of the environmental impact assessment are transparent, and that all information used to draw conclusions is clearly presented and objective (including survey/assessment results) to enable third party verification.



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- 2.3 It is advised that the applicant consults best practice guidance that could assist in the EIA methodology. For example, Environment Agency Best Practice guidance, CIEEM Guidelines for Ecological Impact Assessment.
- 2.4 The EIA should also make a clear distinction between construction, operational and (if appropriate) decommissioning impacts and include a statement with regard to the phasing and timing of works for all site areas.
- 2.5 The applicant has indicated their intention to include the following scope with in with ES to be submitted with the application:
- Heritage
 - Transport and Access
 - Air Quality
 - Noise
- 2.6 The applicant has indicated their intention to scope the following topics out of the EIA:
- Geology, Ground Conditions and Contamination*
 - Landscape and Visual Effects
 - Ecology*
 - Microclimate
 - Climate Change*
 - Flood Risk
 - Major Accidents and Disasters
- 2.7 Geology, Ground Conditions and Contamination, Ecology and Climate Change must be scoped into the EIA (see section 4.5, 4.6 and 4.7 respectively).
- 2.8 An alternative site assessment is to be provided and this is welcomed, this will be focused on a 'do nothing' approach as well as alternative site design and layout. This is accepted.
- 2.9 Subject to paragraph 2.7 above, the LPA agree to the general scope of the ES proposed within the applicant's EIA Scoping Report September 2022.

3. Land included and cumulative effect

- 3.1 The Scoping Request is clear and states that an ES will be prepared for the site for the future planning application
- 3.2 The following assumptions have been made within the Scoping Request inter alia:

- The site will accommodate up to 720 dwellings, a residential care home (up to 90 units) together with landscaping, infrastructure and other associated works including an extension to existing Cherryfield Drive car park to provide an additional 130 no. spaces (320 total) and new vehicular accesses to Cherryfield Drive and Bewley Drive.
- Two storey residential properties;
- The maximum height of the proposed development would be up to 4 storeys (this relates to the extra care facility).

3.3 Cumulative Effect:

The applicant states in the Scoping Report that (paragraph 4.19) that “cumulative effects will be discussed within the chapters, assessing the potential or cumulative effects for each technical assessment.”

Paragraph 6.36 of the Scoping Report also stated that “A separate cumulative effects chapter will be presented in the full ES.” Either approach is accepted, however, should the former be used, it is advised that a ‘cumulative effect summary’ is provided drawing together the assessments and conclusion of each chapter.

3.4 It is advised that the following planning applications are included and considered in the assessment of the cumulative impact of development:

3.5 In addition to the cumulative schemes outlined in Table 8 of the applicant’s Scoping Opinion Request, the following sites must also be included and considered:

20/00193/FUL: Erection of a 3 storey building for use as a multi-screen cinema (sui generis use) and 3 no. food and drink units (for use as cafes or restaurants (Use Class E) or pubs or drinking establishments (sui generis use), outdoor seating area, service yard, car parking area, revised access to service yard and car parking area, hard and soft landscaping and other associated works. Planning permission granted 11th November 2020.

20/00193/FUL: Residential development comprising of the erection of 266 no. dwellings together with construction of vehicular/pedestrian accesses, sub-station, pump station, car parking, landscaping and associated works – land off Valley Road/Whitefield Drive, Kirkby. Planning permission granted 24TH July 2020.

4. **Topics to be Scoped into the EIA**

- Heritage
- Transport and Access
- Air Quality
- Noise
- Geology, ground conditions and contamination
- Ecology
- Climate Change



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4.1 Heritage

4.1.1 It is agreed that Heritage should be included with the ES. Early engagements with the LPA's Conservation Officer is encouraged. The EIA should seek to identify the potential impacts on heritage assets taking account of its significance, sensitivity and capacity to accommodate change.

4.1.2 Baseline Information/Study Area

The baseline information to inform the initial assessment has been generated using the HER. Designated and non-designated built heritage assets within the site and within a 1km buffer have been noted and identified on a plan, mention is made of the local list. At the current time there are no sites included on the Local List. There are no additional built heritage assets that need be taken into consideration.

4.1.3 However, the baseline information does not include identification of buried sites/consideration of archaeological potential, this should not be excluded. Merseyside Environmental Advisory Service have made recommendations in this respect, which should be followed (see paragraph 4.1.17 – 4.1.23).

4.1.4 Methodology

Regarding identified legislation, policy and guidance, it is advised that the DMRB LA 104 and LA 106 is not particularly of relevance, as this is somewhat 'tick box' and is specifically designed for assessing the impact of significant road schemes on cultural heritage. The methodology proposed draws heavily from this at present. Given the nature of the development, and the likely impacts of heritage, the guidance in Historic England's "The Setting of Heritage Assets" is of greater relevance, and it is advised that the methodology for assessing the effects on heritage assets of be updated accordingly.

4.1.5 The ES should detail the significance of identified heritage assets where there is potential for impacts. The ES should explore potential impacts on designated assets with specific reference made to the duty within the Planning (Listed Buildings and Conservation Areas Act) 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.1.6 The nature of the potential impact on the significance of affected heritage assets should be explained. Any assumptions made about the nature of the development should be made explicit. Where the impact is on the setting of a heritage asset, this should not be judged solely with reference to visual factors, although this is an important factor it is not the only matter to consider. The contribution made by setting is not dependent on the public having rights to access it, and *"Although views of or from an asset*

will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.”- GPA3. GPA3 also provides a checklist of potential attributes of an assets’ setting that may be appropriate to consider, and it is recommended that this be used by the assessors.

4.1.7 In addition to suggestions about suitable mitigation, the report should detail any further assessments needed, and also identify where there are opportunities to enhance heritage assets. The ‘Design Quality’ Supplementary Planning Document looks broadly at local distinctiveness and offers guidance on enhancing this.

4.1.8 The Scoping Report (paragraph 6.31) states that a Heritage Assessment will be appended to the ES, which is to be guided by the relevant Historic England Guidance, and this is welcomed.

4.1.9 Likely significant effects

Seven sites have been identified as potential sensitive receptors, which are agreed.

4.1.10 The **Church of St Chad (Grade II*)** is identified as having potential to be affected by the proposed scheme. The majority of the comments made within the Scoping Report are agreed with, however it is advised that longer views towards the tower, which has a very imposing presence on the skyline from afar, is an important aspect of the building’s significance as these views and strong presence on the skyline are a purposeful feature which ensures it remains the central local landmark it was designed to be.

4.1.11 St Chad’s was designed to make a strong statement about the future aspirations of the Earls of Sefton. Although Kirkby was a new parish, it did not amount to more than a village at the time the new church was being designed. The new church, a wish of the 3rd Earl of Sefton, was funded by his son the 4th Earl of Sefton, the aspiration was that the new church would be a focal point for a growing town. Leading church architects of the age ‘Paley and Austin’ designed the building. Pevsner considers it ‘one of Paley and Austin’s most powerful, externally by virtue of its high, slender tower with the blunt saddleback roof...’.

4.1.12 Views along Valley Road, and views across the development site to the church tower are available. The development is likely to frame some views towards St Chad’s and the (up to) 4 storey extra care facility on the corner has potential to provide a competing landmark. Consideration needs to be given to the effect on the setting of St Chad’s and the ES should make recommendations in respect of the design and height of development, noise mitigation works and also landscaping in key locations. This should include consideration of potential for the development to enhance the setting through, for example, making the most of lines of sight towards the landmark church and creating an attractive composition, reflecting use of red sandstone.



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- 4.1.13 The Old Hall lane Conservation Area, and the listed buildings within it are agreed as sensitive receptors. The open spaces and the (listed) 19th century buildings are remnant of the 19th century village. It is thought that the land around the church, which falls into the Conservation Area was protected by the 7th Earl of Sefton who within the sale of land to Liverpool Corporation in 1947 stipulated that no building should take place within 200 yards of the church, so that it retained some of its original rural setting.
- 4.1.14 St Chad's Gardens is a relatively modern park, having been an agricultural field well into the 20th century. The current heavily treed character of the conservation area has developed through the second half of the 20th century, and while this may offer some screening, rural character and ecological benefits, it is not a reflection of the appearance of the site historically.
- 4.1.15 The development will affect the setting of the Conservation Area, including the perception of greenness and openness of the area, features which enhance and complement the original 'countryside' setting of St Chad's, and the 19th century village.
- 4.1.16 The ES should review and make recommendations in respect of connections to the Conservation Area, the form and height of development and the integration of noise mitigation proposals in key locations near the Conservation Area, in particular in the vicinity of the site of the extra care facility, and the approach to the Conservation Area along Valley Road and at the roundabout junction. Opportunities for enhancements should be considered and would seem to be available, for example the site's development should increase the local residential population, who may take enjoyment of St Chad's and St Chad's Gardens, and offer greater active surveillance. Use of vernacular materials and details in the new development should be considered. Enhancements to 'rural' aspects of the character of the settings should be explored.
- 4.1.17 Archaeology:
The EIA Scoping correctly states there are no designated heritage assets within the proposed development site, and a number of non-designated heritage assets are present within the study area (*Section 2.10*). The Heritage Section (*Section 6*) focuses on the impact to the settings of Listed Buildings and Conservation Areas. It does not consider the potential for below-ground archaeological remains to be present.
- 4.1.18 There are three non-designated heritage assets recorded on the Merseyside Historic Environment Record within the proposed scheme: the possible former location of a watermill, Kirkby (MME16090), the possible

location of Kirkby Park, Kirkby, dated to the 14th century (MME16091) and the former site of a barn, Cherryfield Drive, Kirkby, an 18th century building (MME20745).

4.1.19 Based on the archaeological information recorded on the Merseyside Historic Environment Record, the archaeological issues associated with the proposed development are not likely to be significant. Therefore, I advise that the archaeological issues associated with this site would not require EIA.

4.1.20 However, NPPF paragraph 194 states: “In determining applications local authorities should require an applicant to describe the significance of any heritage assets affected including any contribution made by their setting.” “Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

4.1.21 Therefore, I advise that a desk-based assessment (DBA) which determines the significance of any archaeology present and assesses the impact of the proposed development on the archaeological potential of the site is required prior to determination of any future planning application.

4.1.22 The results of the DBA should be used to inform further advice and action to avoid or mitigate, loss or damage to any significant archaeological remains. This might include requirements for further pre-determination investigation of the site, whether by means of non-intrusive (i.e., geophysical survey) or intrusive (trial trenching) archaeological techniques. MEAS will be able to provide further advice once the DBA has been submitted.

4.1.23 The Desk Based Assessment (DBA) should be produced by an appropriately qualified and experienced archaeologist and contain an account of the archaeological and historical character of the location, the significance of any known archaeology, an assessment of the impact of the proposed development on archaeology; and recommendations for further investigation or mitigation of potential effects on archaeology arising from the development proposals. In compiling the DBA, the Merseyside Historic Environment Record must be consulted.

4.2 **Transport and Access**

4.2.1 It is agreed that Heritage should be included with the ES. Early engagements with the LPA’s Highways Development Management Officers have begun.

4.2.2 The Council’s Highways Development Management Officers have had a lot of correspondence with the highway consultants and have provided them with scoping responses to their Transport Assessment.



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4.3 Air Quality

4.3.1 It is agreed that Air Quality should be included with the ES.

4.3.2 Environmental Health (EH) agree with the proposed Air Quality Assessment. The report details data for 2018/2019, however there are Air Quality Status Reports for 2020 and 2021, with data available for assessment year 2021 (ASR 2022 report has been submitted to DEFRA and EH await a response) and 2022 to present. The assessment should also consider any proposed planning applications within the area that have been granted for development which could also increase the air quality. The Air Quality assessment proposals were discussed with the consultant for the Air Quality Assessment as an Environmental Information Request.

4.3.3 EH advised that the following information would be required. Though EH have advised that this can form a planning condition, it is advised that this information is submitted with the planning application.

An assessment of the potential air quality impact of the development will be required prior to commencement of this phase of the development.

This should include the following

- *The impact of air pollution from existing traffic on future residents of the development.*
- *An impact of any change in air quality due to the development including any increase in traffic due to the development*

Any proposed mitigation measures should be included in the report. The assessment should follow the principles of the IAQM and EPUK guidance "Land-Use Planning & Development Control: Planning for Air Quality" (January 2017).

4.4 Noise

4.4.1 It is agreed that Noise should be included with the ES.

4.4.2 Environmental Health agree with the proposed Noise Assessment, confirmation on the proposals were sought by the Noise Consultants via email (dated 15th September 2022), with agreement that all raw data will be provided within the report including all max levels, an assessment of ball impact noise from the leisure centre will form part of the assessment, and short duration audio recordings when exceedances occur at certain levels.

4.4.2 EH advised that the following information would be required. Though EH have advised that this can form a planning condition, it is advised that this information is submitted with the planning application.

No part of the development hereby permitted shall commence until a scheme for the protection of the dwellings from noise from commercial business in Kirkby Town Centre, noise from Cherryfield Drive, Bewley Drive and Kirkby Leisure Centre has been submitted to and approved in writing by the local planning authority. The scheme shall be based on the findings of an approved noise survey. All works which form part of the scheme shall be completed before any of the relevant dwellings are occupied and retained at all times thereafter. Evidence of the agreed measures shall be submitted to the local planning authority, for approval, prior to occupation of the properties.

The scheme shall ensure that noise exposure within living rooms and bedrooms and gardens does not exceed the relevant standards. Where windows are required to be kept closed to meet the indoor noise levels then an alternative means of ventilation shall be provided.

- 4.4.3 EH also advised two further conditions should planning permission be granted, namely the submission of a Construction Management Plan and a condition restricting hours of work during the construction phase. It is considered that the Construction Management Plan should be submitted with the planning application (this can include reference to the restriction of working hours during the construction phase).

No part of the development hereby permitted shall be commenced until a Construction / Demolition Management Plan has been submitted to and agreed in writing by the Local Planning Authority that details the means of mitigation of construction / demolition effects. This shall include but not be limited to the following:

- Methods for the mitigation of noise and vibration from building works, including any piling works, and also from the operation of any temporary power generation or pumping plant which will operate overnight.*
- Methods for dust control and suppression.*
- Details of wheel washing facilities including location and type.*
- The areas for the storage of plant and materials.*
- Location of site compound.*
- Details of relevant pest control measures to be taken during both the construction and demolition phases.*

All site works shall then proceed only in accordance with the approved management plan unless otherwise agreed in writing beforehand with the Local Planning Authority.

Construction Hours

No construction / demolition work shall take place outside the hours of 08:00-18:00 hours Monday to Friday, 08:00-13:00 hours Saturday and not at all on Sundays/Public Holidays without the prior written permission of the Local Planning Authority.



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4.5 **Geology, ground conditions and land contamination**

- 4.5.1 The Council disagrees that Geology, ground conditions and land contamination should be scoped out of the ES. Ground conditions and land contamination should form a chapter within the ES.
- 4.5.2 It is to be noted that the land to the west of the development stated as Valley Meadows on the site plan historically was a gassing landfill. Environmental Health have advised that a Phase 1 and 2 Contaminated Land Site Investigation and Risk Assessment is required for the site with at least 12 months of ground gas monitoring being undertaken. Environmental Health were asked for information in the form of an Environmental Information Request (EIR) within 2021 in relation to proposed investigation works.
- 4.5.3 The Environment Agency (EA) have also identified that the site is located on principal aquifer bedrock and located within a Source Protection Zone 3. A small portion of the site appears to have been part of the historic landfill at Bewley Road/Valley Road/Cherryfield Drive. Based on this information, the proposed development site may have been subject to historic industrial land uses which are likely to have led to adversely elevated concentrations of contamination being present.
- 4.5.4 The EA have advised that the develop should address the associated risks to controlled waters by:
- Following the risk management framework provided in Guidance on Land Contamination Risk Management (LCRM), when dealing with land affected by contamination;
 - Referring to the EA's 'Guiding Principles for land contamination' for the type of information that the EA require in order to assess risks to controlled waters from the site;
 - Considering using the 'National Quality Mark Scheme for Land Contamination Management' which involves the use of competent persons to ensure that land contamination risks are appropriately managed;
 - Referring to the 'contaminated land' pages on gov.uk for more information
 - Referring to 'The Environment Agency's approach to groundwater protection'.
- 4.5.5 All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified person and in accordance with BS 10175 (2001) Code of Practice for the investigation of potentially contaminated sites.

- 4.5.6 There is no information provided regarding site levels. This information should be submitted with the planning application.
- 4.5.7 A copy of the response form the EA will be provided with this Scoping Opinion.
- 4.5.8 Taking everything into account, geology, ground condition and land contamination should form a chapter within the ES.
- 4.5.9 EH advised that the following information would be required. Though EH have advised that this can form a planning condition, it is advised that this information is submitted with the planning application.

A. Risk Assessment

No development shall take place until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with authoritative guidance (CLR 11), and shall assess any contamination on the site, whether or not it originates on the site.

Moreover, it must include (were relevant)

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,*
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,*
- adjoining land,*
- groundwaters and surface waters,*
- ecological systems,*
- archaeological sites and ancient monuments.*

B. Ground Gas Risk Assessment

No part of the development shall commence until a scheme to deal with the potential risk of Ground Gas at the site has been submitted to and approved in writing by the Local Planning Authority. The Ground Gas Risk Assessment should consider the provision of a pictorial CSM and take into account all credible on-site and off-site gas sources. It is considered that additional intrusive works are likely to be required to inform this Gas Risk Assessment, specifically to reduce data uncertainty and increase data confidence, notably with respect to on-site/off-site sources.

The Gas Risk Assessment should take into account the proposed foundation and floor slab construction of the residential properties in line with current UK guidance. The protection measures to all buildings proposed as part of the residential development should be passive. No active protection measures should be permitted.



C. Submission of Remediation Scheme

Where land affected by contamination is found which poses unacceptable risks, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. As a minimum, the scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to its intended use.

D. Implementation of Approved Remediation Scheme and Verification Report

The approved remediation scheme shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.

E. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use.

F. Materials Management Plan

Prior to the reuse of site won materials ('waste' and non-waste) a Materials Management Plan, carried out in line with the CL: AIRE code of practice and signed off by a Qualified Person, shall be submitted to and agreed in writing with the local planning authority. The MMP shall demonstrate that any reuse of contaminated materials do not result in increased risk to the environment or human health.

G. Importation of Soil/Material

No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority

prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and evidence submitted to and approved in writing to by the Local Planning Authority

4.6 **Ecology**

4.6.1 On the information submitted, the Council disagrees that Ecology should be scoped out of the ES. Ecology should form a chapter within the ES.

4.6.2 Section 10.4 of the ES Scoping Report states that a Phase 1 Habitat Survey has been carried out for the site which has not identified any potentially significant issues from an ecological perspective. The ecological appraisal is required to be submitted for review prior to accepting that ecology can be scoped out of the EIA.

4.6.3 Regarding Biodiversity Net Gain, although not yet mandatory, due to the potential extent of habitat loss it is advised that the applicant considers facilitating the use of the Defra Metric v3.1 to assess biodiversity loss and to identify suitable mitigation for the loss of habitat. This should be submitted prior to determination of any future planning application.

4.6.4. **Designated Sites**

The following national and international designated sites are easily accessible (by car and public transport) from the development site and Local Plan Core Strategy policy CS8 applies:

- Mersey Estuary SPA (12.8km south);
- Mersey Estuary Ramsar (12.8km south);
- Sefton Coast SAC (10km west);
- Ribble and Alt Estuaries SPA (9.3km west);
- Ribble and Alt Estuaries Ramsar (9.3km west).

4.6.5 The proposal is for 720 net residential units, this will result in increased visits (recreational pressure) to the sites listed above. This may result in significant effects on habitats and species for which these sites have been designated.

4.6.6 Recreational pressure from residential development has been identified as a Likely Significant Effect alone and in-combination within the Liverpool City Region. Recreational pressure is recognised in the formal statutory Conservation Advice Packages and Site Improvement Plans as Medium-High risk to qualifying features of the national and international sites.

4.6.7 The applicant must demonstrate how increased recreational pressure will be avoided or mitigated to enable the LPA to undertake HRA prior to determination of any future planning application. Due to the scale of the development it is highly likely a commuted sum will be required.

4.6.8 Examples of mitigation measures which could form part of a bespoke mitigation package are listed below. Following the Sweetman ruling¹, a clear distinction must be made between essential features of the

¹



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development and additional mitigation measures needed to protect the national and international sites:

- Provision of public open space within the development boundary;
- Improving access to and promoting use of Suitable Alternative Natural Greenspaces (SANG) (including contributions to management);
- Provision of information in sales packs and on information boards, informing residents of the importance of the national and international sites, and responsible user code and the location of SANGs; and
- Financial contributions to the management of national and international sites and SAMM (Strategic Access Management & Monitoring).

Incorporation of these measures may enable the LPA to conclude that there are no adverse effects on the integrity of the SACs, SPAs and Ramsar sites.

4.7 **Climate Change and greenhouse gases**

4.7.1 The Council disagrees that Climate Change should be scoped out of the ES. Climate Change should form a chapter within the ES.

4.7.2 Given the scale of the development, the impact of the development should be considered in line with Schedule 4 5(f) of the 2017 Regulations. This should include (but not necessarily be limited to) greenhouse gas generation and consider climate effects both to and from the development and climate resilience measures including consideration of consideration of low carbon and renewable energy technologies in line with Local Plan policy CS22. This can either be a separate chapter or integrated into relevant chapters such as Air Quality. Consideration should also be given to the impact that the change of use may have on the land as a carbon sink.

4.7.3 The planning application should be accompanied by an Energy Statement and a Sustainability Statement.

4.7.4 It must also be noted that there will be a requirement to provide Electric Vehicle Charge (EVC) points for all new dwellings, including apartments, in accordance with the Council's 'New Residential Development' Supplementary Planning Document.

5. Topics to be scoped out of the EIA

- Landscape and Visual Effects
- Microclimate
- Flood Risk
- Major Accidents and Disasters

5.1 Landscape and Visual Impact

5.1.1 The Council agrees that Landscape and Visual Impact can be scoped out of the ES.

5.1.2 Should the development result in tree loss, the planning application should be accompanied by a Arboricultural Impact Assessment and an Arboricultural Method Statement.

5.1.3 Landscaping is an important part of any built development scheme. It is therefore advised that a full and detailed landscaping scheme and planting schedule is submitted with the planning application.

5.1.4 Regarding visual impact, the ES should make recommendations in respect of the design and height of development and, as stated above, landscaping in key locations (see also paragraph 4.1.12 and 4.1.16).

5.1.5 Whilst no information has been submitted regarding maximum height parameters, with particular reference to the extra care home facility proposed, it is recognised that this is a relatively small part of the development and the scale and design can be considered during the consideration of the planning application.

5.1.6 A landscape and visual assessment should be submitted with the planning application.

5.2 Microclimate

5.2.1 The Council agrees that microclimate can be scoped out of the ES.

5.2.2 The proposed development will be predominantly 2 storey with a 4 storey building. The proposed development would not have a material or significant impact on the wind microclimate. Any potential impact on sunlight and/or daylight of the surrounding residential properties can be considered at the planning application stage. Minimum interface distances apply between new and proposed residential properties and are contained within the Council's Supplementary Planning Document 'New Residential Development.'

5.3 Flood Risk

5.3.1 The site is located wholly within Flood Zone 1 and there are no main rivers present within the red line boundary. Based on this information, the Council agrees that Flood Risk can be scoped out of the ES.

5.3.2 A Flood Risk Assessment (FRA) and drainage strategy are required to be submitted with the planning application. This information should include the surface water drainage proposals. Areas susceptible to surface water flooding would need to be investigated as part of the FRA.



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- 5.3.3 The EA have provided advice in relation to Kirkby Brook which is a designated statutory main river. A copy of the response form the EA will be provided with this Scoping Opinion.

5.4 **Major Accidents and Disasters**

- 5.4.1 It is noted that the site is not within a tier Control of Major Accident Hazards (COMAH) site, identified by the Health and Safety Executive and as such it is appropriate to scope out this chapter.

5.5 **Population and Human Health**

- 5.5.1 Whilst not mentioned within the ES Scoping Opinion, Population and Human Health can be scoped out of the ES. Human Health is satisfactory considered within other ES chapters including contaminated land, air quality and noise. A Health Impact Assessment will be required to be submitted as part of any future planning permission.

5.6 **Waste**

- 5.6.1 Whilst not mentioned within the ES Scoping Opinion, Waste can be scoped out of the ES.

- 5.6.2 Whilst it is acknowledged that waste issues are not significant enough to warrant a separate chapter as part of the EIA and can therefore be scoped out, there will be production of a significant quantity of excavation and construction waste. It is important that the impacts of this waste generation and its handling (dust, noise and transport) are assessed in relevant chapters of the ES. In addition consideration of sustainable waste management for both the construction and operational phases of the development will be required. In particular, the full application should provide sufficient information to demonstrate compliance with policies WM8 and WM9 of the Merseyside and Halton Joint Waste Local Plan.

5.7 **Vibration**

- 5.7.1 Whilst not mentioned within the ES Scoping Opinion, Vibration can be scoped out of the ES.

- 5.7.2 There are not expected to be any significant sources of vibration and neither is the site subject to any existing sources of vibration that could have amenity implications. Best Practice measures should be outlined within the Construction Management Plan to minimise potential vibration from construction plant and activities.

5.8 **Lighting**

- 5.8.1 Whilst not mentioned within the ES Scoping Opinion, Waste can be scoped out of the ES.

- 5.8.2 The applicant should note that it may be a requirement of the planning application to produce a lighting strategy, although the lighting strategy could be secured by condition if necessary.

6. Conclusion

- 6.1 The topics to be scoped in are those outlined within your Scoping Opinion request and in addition three further chapters are required, namely Ground conditions and contamination, Ecology and Climate Change and greenhouse gases.
- 6.2 The information and decisions made within this SO are based on the information provided within the Scoping Request at this time.
- 6.3 The Council looks forward to working with you collaboratively on the, the ES, and your development proposals as they emerge.
- 6.4 Should you have any queries or comments regarding this information, please contact Jo Sheridan (0151 443 2376/jo.sheridan@knowsley.gov.uk) in the first instance.