

Planning Obligation by Deed under Section 106 of the Town and Country Planning Act 1990

Relating to the application for the erection of 1 no. commercial unit (Use Class B8) with ancillary offices and outbuildings together with access works, landscaping, service yard, car parking, servicing and other associated works

on land to the north east of Cronton Road and south of the M62,
Cronton, Knowsley

Planning Application 22/00587/FUL

Dated 17th March

2025

- (1) Knowsley Metropolitan Borough Council
- (2) Maro Developments Limited

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DATE

11th March

2025

PARTIES

- (1) **KNOWSLEY METROPOLITAN BOROUGH COUNCIL** of Municipal Buildings Archway Road Huyton Knowsley Merseyside L36 9YU ("**Council**")
- (2) **MARO DEVELOPMENTS LIMITED** (Co. Reg. No.4460238) whose registered office is Suite 7a, 1 The Courtyard, Earl Road, Cheadle Hulme, Cheadle, SK8 6GN ("**Owner**")

INTRODUCTION

- 1 The Council is the local planning authority for the purposes of the Act for the area in which the Site is situated.
- 2 The Owner is the freehold owner of the Site.
- 3 The Owner has submitted the Application to the Council and the parties have agreed to enter into this Deed in order to secure the planning obligations contained in this Deed.
- 4 The Council is minded to grant planning permission subject to the prior completion of this Deed.
- 5 In accordance with the Council's Supplementary Planning Documents on Planning Contributions and Social Value the Owner covenants to perform the obligations set out in this deed and agrees that the planning obligations contained in this Deed are necessary to comply with the requirements of regulation 122 of the Community Infrastructure Regulations 2010 (as amended).

NOW THIS DEED WITNESSES as follows:

OPERATIVE PART

1 DEFINITIONS

For the purposes of this Deed unless the context otherwise requires the following expressions shall have the following meanings:

- 1.1 "**Act**" means the Town and Country Planning Act 1990
- 1.2 "**Application**" means the application for planning permission submitted to the Council for the Development and allocated reference number 22/00587/FUL
- 1.3 "**Commencement of Development**" means the commencement of the Development by the carrying out of a material operation (as defined by section 56(4) of the 1990 Act) **provided always that:**

(a) any works necessary in undertaking a land survey or investigation of or obtaining soil samples from the Site whether that be in respect of any requirements for environmental or ecological studies or otherwise;

(b) any remedial works on the Site necessary to prevent the risk of harm to human health and safety or required in order to remediate the Site or comply with any condition imposed upon the grant of a planning permission;

- (d) works of archaeological excavation on the Site;
- (e) erection of hoardings, temporary enclosures, fences and other security measures on the Site including any advertisements upon them;
- (f) works for the removal, provision and diversion of services;
- (g) the provision of haul roads and construction of temporary accesses and parking areas to facilitate the carrying out of the Development;
- (h) erection of temporary facilities for security personnel and the erection of security cameras;
- (i) the construction of a temporary Site compound and welfare facilities/buildings/enclosures or any temporary structure that does not form a structure or part of a structure that will become a permanent building after its use as a temporary structure;
- (j) any other preparatory works as may be agreed in writing with the Council,

shall for the purposes of this Deed and no other purposes be deemed not to constitute a material operation and consequently shall not individually or together constitute works which shall begin or be deemed to commence the Development.

- 1.4 **"Committed"** means any amount which the Council has allocated for expenditure relevant to the purpose for which the sum was paid and such amount has been authorised by the relevant committee, or Council member or Council officer or has contracted to expend where such contract provides for payment contingent on the provision of works and/or services and/or supplies
- 1.5 **"Development"** means the development of land including the Site by the erection of 1 no. commercial unit (Use Class B8) with ancillary offices and outbuildings together with access works, landscaping, service yard, car parking, servicing and other associated works
- 1.6 **"Plan"** means the plan at Annex 2
- 1.7 **"Planning Permission"** means the planning permission for the Development subject to conditions to be granted by the Council pursuant to the Application a draft of which is at Annex 1 to this Deed
- 1.8 **"Site"** means the property (including land and any buildings) against which this Deed may be enforced as shown edged red on the Plan and more particularly described in the First Schedule
- 1.9 **"Working Day"** means a day other than a Saturday or Sunday or public holiday in England or the period between 24 December and 2 January inclusive.

2 INTERPRETATION

- 2.1 Where in this Deed reference is made to any clause, paragraph or schedule or recital such reference (unless the context otherwise requires) is a reference to a clause, paragraph or schedule or recital in this Deed.
- 2.2 Words importing the singular meaning where the context so admits include the plural meaning and vice versa.

- 2.3 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner.
- 2.4 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individually unless there is an express provision otherwise.
- 2.5 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.
- 2.6 References to any party to this Deed shall include the successors in title to that party and to any person deriving through or under that party any title interest or estate in any part of the Site and in the case of the Council the successors to its relevant statutory functions.
- 2.7 The headings and contents list are for reference only and shall not affect construction.

3 LEGAL BASIS

- 3.1 This Deed is made pursuant to Section 106 of the Act and Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011 and all other enabling powers.
- 3.2 The covenants, restrictions and requirements imposed upon the Owner under this Deed create planning obligations pursuant to Section 106 of the Act and are enforceable by the Council as local planning authority against the Owner.
- 3.3 The obligations in clause 4 and 5 of this Deed are conditional on the grant of Planning Permission.

4 OWNER'S COVENANTS

- 4.1 The Owner covenants with the Council as set out in the Second Schedule.

5 THE COUNCIL'S COVENANTS

- 5.1 The Council covenants with the Owner as set out in the Third Schedule.

6 MISCELLANEOUS

- 6.1 The Owner shall pay to the Council on or before completion of this Deed
- 6.1.1. the reasonable legal costs of the Council incurred in the negotiation, preparation and execution of this Deed; and
- 6.1.2 the sum of £286 in respect of the Council's administrative costs for registering the obligations contained in this Deed;
- 6.2 No provisions of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999.
- 6.3 This Deed shall be registrable as a local land charge by the Council and the Council shall record that the requirements of this Deed have been satisfied by the Owner.

- 6.4 Insofar as any clause or clauses of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed.
- 6.5 No person shall be liable for any breach of any planning obligations or other provisions of this deed after parting with its entire interest in the Site or its interest in that part of the Site on which the breach occurs, but without prejudice to liability for any subsisting breach arising before parting with that interest
- 6.6 The obligations in this Deed will not be enforceable against any party acquiring an interest in the Site solely by way of registered legal charge or mortgage, unless that party takes possession of the Site, in which case they will be bound by obligations of this Deed as an owner, in relation to any parts of the Site over which it has a legal charge but not further or otherwise and provided that, at all times the rights and obligations in this clause shall not require any mortgagee or chargee to act contrary to its duties under the charge or mortgage and the Council must give full consideration to protecting the interests of the mortgagee or chargee in respect of monies outstanding under the charge or mortgage.
- 6.7 Nothing in this Deed shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed.
- 6.8 Nothing contained or implied in this Deed grants planning permission or other consent or shall prejudice or affect the rights powers duties and obligations of the Council in the exercise of its functions as a Local Authority and its rights powers duties and obligations under any statute byelaw or regulation may be as fully and effectually exercised as if the Council were not a party to this Deed.
- 6.9 Nothing contained or implied in this Deed shall prejudice affect the rights discretions powers duties and obligations of the Council under all statutes by-laws statutory instruments orders and regulations in the exercise of their functions as a local authority.
- 6.10 Any notices shall be deemed to have been properly served if sent by recorded delivery to the principal address or registered office (as appropriate) of the relevant party as detailed in this Deed or such other address notified in writing to the other party from time to time. Provided however that
- 6.10.1 any notices to be served upon the Owner shall be sent marked for the attention of The Company Secretary, Maro Developments Limited, Suite 7A, 1 The Courtyard, Earl Road, Cheadle Hulme, Cheadle SK8 6GN, with a copy to also be sent by email to chris.obrien@marodev.co.uk; and
- 6.10.2 any notices to be served upon the Council shall be marked for the attention of the Council's Head of Planning
- 6.11 If the Council agrees pursuant to application under section 73 of the Act to any variation or release of any condition contained in the Planning Permission or if any condition is varied or released following an appeal under section 78 of the Act the covenants or provisions of this Deed shall be deemed to bind the varied permission and to apply in equal terms to the new planning permission save where the Council in their determination of such an application for the new planning permission all the Secretary of State or inspector in their determination of such appeal indicate that consequential amendments are required to this deed to reflect the impact of the section 73 application and in such circumstances a separate deed pursuant to

section 106 of the Act will be required to secure relevant planning obligations relating to the new planning permission.

7 DISPUTES

- 7.1 If any dispute arises out of this deed the dispute shall be referred to an arbitrator appointed jointly by the parties. If the parties cannot agree on the arbitrator's identity the arbitrator shall be appointed on either party's request by the President for the time being of the Royal Institution of Chartered Surveyors. The arbitrator shall act in accordance with the Arbitration Act 1996 and the costs of the arbitration shall be payable by the parties in the proportions determined by the arbitrator (or if the arbitrator makes no direction then equally).

8 JURISDICTION

- 8.1 This Deed is governed by and interpreted in accordance with the law of England and the parties submit to the exclusive jurisdiction of the courts of England and Wales.

9 DELIVERY

- 9.1 The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

IN WITNESS whereof the parties hereto have executed this Deed on the day and year first before written.

FIRST SCHEDULE

The Site

The freehold land shown edged with red on the Plan being land to the north of Cronton Road and south of the M62, Cronton, Knowsley comprised within title registered at HM Land Registry under title number MS345078.

SECOND SCHEDULE

Owner's Covenants to the Council

Interpretation

1. In this Part 1 the following words and phrases shall have the meanings:
 - 1.1 **"Monitoring Contribution"** means the sum of £572 (five hundred and seventy-two pounds) towards the additional resource costs arising from the monitoring of the Development and the obligations arising under this Deed.
 - 1.2 **"Social Value Strategy"** means a strategy for providing training programmes and delivering social value during construction and end use phases of the Development as required and described in the SPD and which has been
 - a) submitted by the Owner in support of the Application;
 - b) approved by the Council as part of the Planning Permission; and
 - c) annexed to this Deed
 - 1.3 **"Social Value Contribution"** means the sum of £36,351 (thirty-six thousand three-hundred and fifty-one pounds) to be used by the by the Council's approved partner organisation to support and monitor the provision of social value activity relevant to the Development in accordance with the approved Social Value Strategy. Social Value activity may include but shall not be limited to the provision of apprenticeships, local employment and trainee placements.
 - 1.4 **"SPD"** means the Council's adopted SPD "Adding Social Value to Development: Employment and Skills" September 2018
2. The Owner covenants to pay the Social Value Contribution to the Council prior to Commencement of Development.
3. The Owner covenants to pay the Monitoring Contribution to the Council prior to Commencement of Development

THIRD SCHEDULE

Council's Covenants to the Owner

The Council hereby covenants with the Owner:

- 1 To issue the Planning Permission promptly following completion of this Deed
- 2 To use all sums received from the Owner under the terms of this Deed for the purposes specified in this Deed for which they are to be paid or for such per other purposes for the benefit of the Development as the Owner and Council shall agree
- 3 That it will pay to the Owner such amount of any payment made by the Owner to the Council under this Deed which has not been expended in accordance with the provisions of this Deed (and money shall be deemed to be expended if such sum has been Committed to be spent by the Council) within 15 (fifteen) years of the date of receipt by the Council of the payment such payments to be paid together with interest at Barclay's Bank PLC base rate from time to time for the period from the date of payment to the date of refund
- 4 That it will provide to the Owner such evidence as the Owner shall reasonably require in order to confirm the expenditure of the sums paid by the Owner under this Deed
- 5 That if the Planning Permission is quashed or revoked or otherwise withdrawn or ceases to have effect by operation of law or expires before the Development has commenced then the Council shall return to the Owner any payments made under the terms of this Deed within 20 Working Days of receipt of a written request from the Owner.

ANNEX 1 The Draft Planning Permission



Knowsl@y Council

**REGENERATION AND ECONOMIC DEVELOPMENT
DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

This application is subject to a Section 106 Agreement and needs to be read in conjunction with that Agreement.

PLANNING PERMISSION

Application No: 22/00587/FUL

Name and address of applicant

Maro Developments Ltd
Suite 7A No.2 The Courtyard
Earle Road
Cheadle Hulme
SK9 6GN

Name and address of agent

Avison Young
Norfolk House
7 Norfolk Street
Manchester
M2 1DW

Date of Receipt: 22 September 2022

Date Valid: 30 September 2022

Address/Location Of Development:

Land To The North Of Cronton Road And South Of The M62, Cronton, Knowsley

Description of Development:

ERECTION OF 1 NO. COMMERCIAL UNIT (USE CLASS B8) WITH ANCILLARY OFFICES AND OUTBUILDINGS TOGETHER WITH ACCESS WORKS, LANDSCAPING, SERVICE YARD, CAR PARKING, SERVICING AND OTHER ASSOCIATED WORKS

The Council of the Metropolitan Borough of Knowsley hereby give notice in pursuance of the above Act(s) that Planning Permission has been **granted** for the carrying out of the development referred to above in accordance with the application and plans submitted subject to the following condition(s):

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

Site Location Plan drawing no. 17021-FRA-AV-XX-DR-A-0101 REV P1
Proposed Site Sections drawing no. 17021-FRA-AV-XX-DR-A-0701 REV P4
Proposed Site Sections 2 drawing no. 17021-FRA-AV-XX-DR-A-0702 REV P1
Levels Layout Sheet 1 of 1 drawing no. 001 REV P7
Detailed Planting Plan drawing no. CLPD 075 P01 REV H
Proposed Site Plan drawing no. 17021-FRA-AV-XX-DR-A-0501 REV P5
Proposed GA Elevations drawing no. 17021-FRA-V1-XX-DR-A-2101 REV P4
Proposed Office GA Plans drawing no. 17021-FRA-V1-00-DR-A-2002 REV P1
Proposed GA Section drawing no. 17021-FRA-V1-XX-DR-A-2201 REV P1
Proposed Ground Floor GA Plan drawing no. 17021-FRA-V1-00-DR-A-2001 REV P3

Proposed Boundary Treatments drawing no. 17021-FRA-AV-XX-DR-A-0905 REV P2

Tyler Grange Arboricultural Addendum Note, ref 16162_R02A 21/05/2024_WS
Tyler Grange R01a Arboricultural Note
Tree Protection Plan 16162_P03 REV A
Tree Retention and Removal Plan 16162_P02 REV A
Arboricultural Impact Assessment v4 September 2023 by Urban Green
West Access Road with Retaining Wall
Swing Clearance Study BQ34 - BQ35 132kV Overhead Line drawing no. LDT-451-BQ-SWING-001 A1
Section through Overhead Powerlines looking North East at Corner of Unit
Proposed Cycle Shelter drawing no. 17021-FRA-AV-XX-DR-A-0901 REV P1
Proposed Waste Compound Details dwg no. 17021-FRA-AV-XX-DR-A-0902 REV P1

Proposed Gatehouse drawing no. 17021-FRA-AV-XX-DR-A-0903 REV P1
Proposed Roof Plan drawing no. 17021-FRA-V1-R1-DR-A-2003 REV P1
Preliminary Ecological Appraisal September 2023 by Urban Green
APPENDIX 3 - HABITAT MAP (TO BE READ WITH ECOLOGY REPORT)
Biodiversity Net Gain Metric UG_1602_BNG_CALC_02
Biodiversity Net Gain Design Stage Assessment UG_1602_ECO_BNG_03
Biodiversity Enhancement Management Plan UG_1602_ECO_BEMP_02
Ancient Woodland Technical Briefing Letter PN3072
Ancient Woodland Assessment September 2023 by Urban Green
Noise Assessment dated 6.9.22 reference P3603/R4/WJK by Acoustic and Engineering Consultants Ltd
Design and Access Statement 17021_05_06_01 REV P02
External Lighting Statement (1.8.22) ref 3944-HAN-ZZ-RP-MEP-006

Reason: For the avoidance of doubt.

3. The development shall not be brought into use until the areas indicated on the approved site plan (drawing no. 17021-FRA-AV-XX-DR-A-0501 REV P5) be set aside for parking, servicing, vehicular manoeuvring (including provision for pedestrians/cyclists) have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown. These areas shall be retained as such thereafter.

Reason: In the interests of highway and pedestrian safety.

4. The proposed development shall not be brought into use until the cycle storage scheme detailed on Proposed Cycle Shelter Drawing No. 17021-FRA-AV-XX-DR-A-0901 Rev P1 has been implemented in accordance with the approved details.

Reason: To promote sustainable modes of transport other than the private car.

5. Within 3 months of the development being brought into use a Travel Plan will be submitted 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:

Involvement of employees.

Information on existing transport policies, services and facilities, travel behaviours and attitudes.

Access for all modes of transport.

Targets for mode share.

Resource allocation including Travel Plan Co-ordinator and budget.

A parking and management strategy.

A marketing and communications strategy.

Appropriate measures and actions to reduce car dependence and encourage sustainable Travel.

An action plan, including a timetable for the implementation of each of the above.

Mechanisms for monitoring, reviewing and implementing the Travel 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.

An annual report shall be submitted to the Council no later than 1 month following the anniversary of the first occupation of the development for a period of 5 years. The report shall include a review of the Travel Plan measures, monitoring data and updated action plan.

Reason: To maximise opportunities for travel by modes of transport other than the private car, and to ensure that the development is sustainable.

6. Prior to commencement of development a Construction Management Plan shall be submitted to and agreed in writing by the Local Planning Authority that details the means of mitigation of construction effects. This shall include but not be limited to the following:
- a. 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;
 - b. Methods for dust control and suppression;
 - c. Control of transfer of mud out of the site to include details of wheel washing facilities including location and type;
 - d. Location and layout of the site compound including identification of areas for the storage of plant and materials, loading/unloading and turning areas for delivery vehicles;
 - e. Management of deliveries including prevention of waiting/layover of construction related traffic on the highway, measures for the control of traffic to and from the site and consideration of any temporary traffic management arrangements which may be necessary during periods of construction. Note reversing on the highway is not permitted without a Banksman.
 - f. Construction staff parking arrangements
 - g. A programme of works including phasing, if applicable.

- h. Adequate provision for addressing any abnormal wear and tear to the highway, if applicable.
 - i. Details of relevant pest control measures to be taken during both the construction and demolition phases;
 - j. Submission of a waste management plan/audit;
 - k. No construction / demolition work shall take place outside the hours of 08:00 - 18:00 hours Monday to Friday, 08:00 hours - 13:00 hours Saturday and not at all on Sundays/Public Holidays;
 - l. Measures to protect amphibians (implementation of reasonable avoidance measures). These shall include: ensuring existing vegetation on the site is cut gradually and removed under ecological supervision; measures to keep the working area, together with any storage areas, clear of debris; stored materials shall be kept off the ground on pallets; any open excavations (e.g. foundations/footings/service trenches) shall be covered with plywood sheeting or similar at the end of each working day; the edges of these sheets shall be covered with a thick layer of topsoil or similar; and any excavation shall be in-filled and made good to ground level with compacted stone or similar at the earliest opportunity;
 - m. Measures to protect terrestrial mammals. These shall include: pre-commencement check for badger and/or hedgehog mammals; all trenches and excavations should have a means of escape (e.g. ramp); any exposed open pipe systems should be capped to prevent mammals gaining access; and appropriate storage of materials;
 - n. Measures to protect bats and breeding birds;
 - o. Measures to protect water voles. These shall include: no works carried out within a minimum of 5 metres of the top of the bank of Ochre Brook; submission of details of methods of protection to this zone;
 - p. Measures to control Himalayan balsam. These shall include a plan showing the extent of the plant; methods of control that will be used including details of post control monitoring; and how the plants will be disposed of after removal or treatment.
 - q. Details of how the construction manager will communicate with local residents in relation to works, including details of how complaints can be raised and contact details for local residents wishing to raise construction related issues.
- The Construction Environment Management Plan shall be compiled into a coherent and integrated document and shall be made available to site managers, all contractors and sub-contractors working on the site. All site works shall then be carried out in accordance with the approved Construction Environmental Management Plan during construction.

Reason: To protect biodiversity, in the interests of pollution control, to protect residential amenity and in the interests of highway safety. This is a pre-commencement condition to ensure appropriate working practices and mitigation measures are put in place prior to any construction/works on the site.

7. The ecological mitigation and landscaping scheme shall be delivered in accordance with an updated Detailed Planting Plan and Planting Schedule, based on plan reference CLPD 075 P01 REV G, that has been submitted to and approved in writing by the Local Planning Authority prior to first occupation. This updated plan shall include 10 native species of tree planting on the eastern boundary within the shade tolerant wildflower mix area. The approved ecological mitigation and landscaping scheme shall be implemented no later than the first appropriate season following the occupation of the development and shall then be fully implemented in accordance with an approved timetable for implementation that has been submitted to and approved in writing by the local planning authority prior to first occupation.

Prior to any above ground works, a Planting Specification shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall then be undertaken in accordance with the approved Planting Specification.

Any tree or other planting which is lost, felled, removed, becomes diseased, or is substantially damaged within a period of five years thereafter shall be replaced in kind during the first available planting season following the date of loss or damage.

Reason: To promote biodiversity and in the interests of visual amenity.

8. The development shall be carried out in accordance with the information contained within the Energy and Sustainability Statement dated 1.3.23, reference 3944-HAN-ZZ-XX-RP-N-001-REV 01. Prior to first occupation, details of low or zero carbon technologies used within the development hereby permitted, together with a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The low and zero carbon technology measures shall then be implemented in accordance with the approved details.

Reason: To minimise the impact of the development on climate change.

9. Prior to first occupation, a lighting scheme which includes the steps necessary to minimise light intrusion (both to ensure no excessive light spill occurs onto habitats and to protect neighbour amenity) shall be submitted for the written approval of the local planning authority. The scheme shall include an isolux plot to demonstrate that the obtrusive light limitations suggested in the Institution of Lighting Engineers Guidance Notes for Light Pollution are met. All works which form part of the scheme shall be completed prior to the unit hereby permitted becoming operational and shall be maintained thereafter in accordance with the agreed scheme.

Reason: To protect residential amenity and to preserve and enhance biodiversity.

NOTE: The applicant is advised to refer to the Bat Conservation Trust website <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

10. No development or demolition shall take place until the applicant has secured the implementation and submission of a report on a programme of archaeological works. That programme of archaeological works should be undertaken in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the local planning authority prior to works taking place. The WSI must include:

- o A phased programme and methodology of site investigation and recording;
- o A programme for post-investigation reporting to include production of a final report of the significance of the below-ground archaeological interest;
- o Provision for appropriate publication and dissemination of the archaeology and history of the site;
- o Provision for archive deposition of the report, finds and records of the site investigation; and
- o Nomination of a competent person or persons / organisation to undertake the works set out within the approved WSI.

Reason: To ensure that necessary archaeological investigation is undertaken. The use of such a pre-commencement condition is necessary to ensure the implementation of the required scheme of archaeological investigation and its appropriate publication.

11. Finished floor levels shall be set no lower than 21.00 metres above Ordnance Datum (AOD). The mitigation measures set out in the FRA/Surface Water and Foul Water Drainage Strategy Document (reference 2956 FRA) relating to the levels, safe access and egress and provision of a site management health and safety document in relation to flood risk management, 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.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

12. No development pursuant to this application shall commence until a detailed construction plan working method statement (including Risk Assessment Method Statement) relating to site development earthworks and drainage alongside the M62 has been submitted to and approved by National Highways and the Local Planning Authority.

Reason: In the interests of highway safety and to ensure that the safety and integrity of the M62 motorway is not compromised. This is a pre-commencement condition to secure the safe working practices adjacent to the M62 motorway before any works begin on site for safety purposes.

13. No development shall take place until:
- (a) A plan showing the alignment and elevational treatment of a close boarded fence of not less than two metres in height to be erected along the North-Western boundary of the development site alongside the M62 (or at least one metre from any part of the existing motorway fence where the boundary lies within one metre of this) has been submitted to and approved in writing by the local planning authority in consultation with National Highways; and
 - (b) The fence approved by part (a) of this condition has been erected in accordance with the agreed details.
- Thereafter, the fence shall remain in situ and only be repaired or replaced in accordance with the requirements of this condition.

Reason: In the interests of highway safety and to ensure that the safety and integrity of the M62 motorway is not compromised. This is a pre-commencement condition to secure the safe working practices adjacent to the M62 motorway before any works begin on site for safety purposes.

14. No drainage from the proposed development shall connect into the motorway drainage system, nor shall any drainage from the site run-off onto the M62 motorway.

Reason: To ensure that the safety and integrity of the M62 motorway is not compromised.

15. Fixed plant and equipment associated with the development shall be designed to a level that is at least 5dB(A) below the existing LA90 background noise level as measured during the relevant time-period. Any tonal, impulsive and/or irregular noise would be addressed by imposing a penalty as per the methodology set out in BS 4142:2014+A1:2019, Methods for Rating and Assessing Industrial and Commercial

Sound. Noise limits for fixed plant are to apply at a position 1 metre from the closest affected window of the nearest noise sensitive property.

Reason: In the interests of protecting residential amenity.

16. 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.

Prior to any further ground investigations taking place, the scope of works for these investigations must be agreed, in writing, with the local planning authority.

The assessment must also 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. 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.

C. Implementation of Approved Remediation Scheme

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.

D. 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.

E. Materials Management Plan

Prior to the reuse of site won materials ('waste' and non-waste) a Materials Management Plan, 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 does not result in increased risk to the environment or human health.

F. 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.

Reason: In the interests of safety, to protect human health and to prevent pollution of the water environment. This is a pre-commencement condition to ensure that a safe development is delivered and the risks assessed at the earliest stages of the process.

17. The waste compound facilities shall be delivered in accordance with the approved drawing entitled 'Proposed Waste Compound Drawing' (reference 21.07.22, Ref: 17021-FRA-AV-XX-DR-A-0902 Rev P1) prior to first occupation of the development hereby permitted.

Reason: To ensure sustainable waste facilities are provided to serve the development.

18. The drainage for the development shall be carried out in accordance with the principles set out in the submitted Flood Risk Assessment, Surface Water Drainage Strategy and Foul Water Drainage Strategy 2956-FRA dated June 2022 prepared by Integra consulting.
Development shall not commence until a detailed SUDS based drainage scheme based on the principles of the SUDS Manual (C753) and the criteria as set out within Knowsley Strategic Flood Risk Assessment (SFRA, Levels 2), has been submitted and approved in writing by the Local Planning Authority (LPA). The applicant should provide suitable drainage drawings, summary calculations and results of all investigations detailing the proposed surface water drainage based on site characteristics. The drainage works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details. The proposed surface water and drainage strategy, detailed design drawings, calculations and supporting information shall be expected to consider the following elements:
(i) Currently, the proposed drainage design is based on an assumption which infiltrating-based features will not be feasible. Final destination of surface water runoff should be determined based on site characteristics by following the surface water drainage discharge hierarchy. As requested by National Planning Practice Guidance

applications should aim to discharge surface water runoff as high up the following hierarchy of drainage options as reasonably practicable:

- o into the ground (infiltration)
- o to a surface water body
- o to a surface water sewer, highway drain, or another drainage system, and
- o to a combined sewer.

For infiltrating-based methods, the soakaway test should be completed according to the BRE 365 method and their results should be submitted with the full application. Should the infiltration rate on site would be sufficient for infiltration-based features, the proposed drainage design should be revisited.

(ii) A SuDS aims to minimise the impacts from a proposed development on water quality and maximise amenity and biodiversity. In designing an appropriate set of SuDS techniques for a development site, the LLFA will therefore be expecting above ground, green SuDS to be prioritised to promote water quality, amenity and biodiversity.

(iii) Water quality should be taken into account as part of the proposed drainage design. It will be required to demonstrate that adequate water quality of the off-site surface water flows (draining into a sewer, watercourse and ground) in accordance with the Simplified Index Approach as set out within Section 26 of the SUDS Manual (C753) can be achieved. In this case that an industrial yard is proposed, water quality risk to surface water bodies and groundwater should be assessed (screening risk or detailed risk assessment) and mitigation measures to be adopted to ensure that risk to both surface water bodies, and groundwater are effectively managed (see Table 26.1 of the SUDS Manual).

(iv) Given the topography of the site, the risk of surface water runoff entering the site from off-site should be assessed and, if required, protection / interception measures to be proposed.

(v) If the proposed surface water runoff destination to an ordinary watercourse is retained in the final design, the maximum discharge rate of 33 lit/s will be acceptable. An OWC will be required.

(vi) The impact of climate change on rainfall events should be considered as 40% (not 30%).

(vii) Should the proposed drainage network is retained in the final design, the extent and depth of surcharged flood water during 1 in 100 and 1 in 100 plus 40% events should be determined.

(viii) Drainage Plan showing drainage layout, manholes including cover and invert levels, proposed finished floor levels, pipe sizes and gradients, all on -line controls, on and off line storage structures and outfall details will be required. Results showing all the modelling criteria and summary network results for critical 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% CC storm events showing maximum water level, flow and velocity and details of any surface flooding anticipated will be required.

(ix) A drawing showing the proposed impermeable and permeable areas, suitably annotated will be required.

(x) Plan showing overland exceedance routes in the event of a failure of the drainage system or storm event in excess of the 1 in 100 + 40% CC storm event. Flow routes need to be considered when all on site drainage systems have been overwhelmed by an event of greater intensity than the design scenario. The impact of exceedance flows from and on adjacent land should also be considered. The duration of flooding, maximum depth and the route of flood flows shall be established and managed so as to mitigate the flood impact to people and property. For the assessment of an exceedance event impact, it would be expected to consider the 1 in 200 rainfall event plus climate change.

(xi) The risk assessment should include for blockage of pipes, blockage of outlet structures and risk of impediments across planned flood routing paths. The application should be supported by a designer's risk assessment that identifies key points of failure of the system and what means have been engaged to limit risk of failure. This will also inform the maintenance plan with regards to corrective actions needed should a failure occurs.

(xii) Summary Drainage Report setting out the Drainage Strategy and results of the calculations demonstrating compliance with the above.

(xiii) Where third party agreements to construct sewers and to discharge flows are required, then written evidence of these two agreements shall be provided.

Oil interceptors shall also be provided within the drainage scheme for car park and service yard area. The drainage schemes shall then be completed in accordance with the approved details prior to first occupation and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development, to ensure a satisfactory drainage system is provided to serve the site and to prevent an undue increase in surface water run-off and to reduce the risk of flooding. This is a pre-commencement condition to secure adequate drainage of the site at the earliest stage of the development process and to promote sustainable drainage solutions.

19. No surface water will be permitted to drain directly or indirectly into the public sewer.

Reason: To ensure a satisfactory form of development, to ensure a satisfactory drainage system is provided to serve the site and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

20. A Management and Maintenance Plan for the sustainable drainage system relating to the lifetime of the development through an appropriate legally binding agreement shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted. This shall include:

- (i) The arrangements for adoption by an appropriate public body or statutory undertaker or details of provision for management and maintenance by a resident's management company.
- (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.
- (iii) Details for planned maintenance and a mechanism for remedial and urgent repair works.
- (iv) Means of access for inspection and maintenance purposes.
- (v) Timeframes for implementation.

The plan shall be implemented in accordance with the approved details and in accordance with the timeframes contained within it.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

21. Prior to any above ground construction, full details of the materials to be used in the external construction of the development hereby permitted and the hard landscaped areas, to include samples where requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. The

development shall then be constructed in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure the development integrates well with the surrounding area.

22. Prior to any above ground works, full details of any proposed retaining structures including the materials, siting, height, elevation appearance and sections (including adjacent land levels) shall be submitted to and approved in writing by the Local Planning Authority. The retaining structures shall then be constructed prior to first occupation in accordance with the approved details and retained thereafter.

Reason: To ensure the impact of the development on the locality/proposed street scene is acceptable, in the interests of highway safety and in the interests of visual amenity.

23. Prior to any above ground works, full section details of the proposed SUDs shall be submitted to and approved in writing by the Local Planning Authority. The SUDs shall then be constructed in accordance with the approved details prior to the development being brought into use.

Reason: To secure safe sustainable drainage of the site.

24. Prior to first occupation of the building hereby permitted, the electric vehicle charging point provision, including parking spaces, associated ducting and equipment/charging ports to allow vehicles to be charged, shall be provided, in accordance with the Site Plan drawing no. 17021-FRA-AV-XX-DR-A-0501 REV P5.

Reason: In the interests of air quality and promoting sustainable travel opportunities.

25. A least five working days written notice, prior to the commencement of development, shall be given to the Local Planning Authority of the intention to commence development. The tree protection works/fencing shall be undertaken in accordance with the Urban Green Arboricultural Impact Assessment dated September 2023 with all tree protection erected prior to the commencement of the development. An Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. These details shall include the tree protection measures, detailed construction methods for any development within root protection areas and a plan showing those trees to be retained and those to be removed. The Arboricultural Method Statement shall be implemented in accordance with the approved details.

Reason: To ensure that the proper protection of trees has been carried out and to ensure that the tree protection fencing is in place prior to works commencing. in the interests of visual amenity and biodiversity. This condition is a pre-commencement condition to secure the protection of the retained trees at the earliest stages of the development.

26. Prior to first occupation, full details of the access road running from the southeast to the northeast of the site shall be submitted to and approved in writing by the Local Planning Authority. The access road (also known as the loop road link) shall be delivered in full, up to the site boundary, prior to first occupation or in accordance with an implementation timetable that has been submitted to and approved in writing by the Local Planning Authority prior to first occupation. The loop road link/access

road shall then be constructed in accordance with the approved details and the approved timetable for implementation. The loop road link/access road between Cronton Road and the northeastern boundary of the site shall then run to the site boundary and remain in place and accessible to vehicular traffic and pedestrian/cyclists/equestrians in perpetuity and the entire route shall not be closed off or obstructed in any way in perpetuity.

Reason: To deliver a comprehensive development and in the interests of highway safety.

27. The development shall be carried out in accordance with the Mercury 62 Social Value Strategy dated 15th July 2022.

Reason: To promote local job opportunities and training.

28. Prior to first occupation of any of the dwellings hereby permitted, a Landscape, Habitat and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include timing/implementation details and shall include, but not be limited to the following:

- (i) Submission of a breeding bird mitigation scheme which shall include details of the siting and type of bird boxes to be erected;
- (ii) Submission of the bat mitigation scheme which shall include details of the siting and type of bat boxes to be erected;
- (iii) Hedgerow planting, wildflower mix and aquatic planting management;
- (iv) Hibernacula for amphibians and measures for invertebrates and measures for invertebrates such as bug hotels;
- (v) Planting specification to aid establishment.

The LEMP shall also include the following:

- (ix) Description and evaluation of the features to be managed;
- (x) Ecological trends and constraints on site which may influence management;
- (xi) Aims and objectives of management;
- (xii) Appropriate management options for achieving aims and objectives;
- (xiii) Prescriptions for management actions;
- (xiv) Preparation of a work schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- (xv) Personnel responsible for implementation of the plan;
- (xvi) Confirmation of funding and ownership; and
- (xvii) Details of a programme of monitoring and remedial measures triggered by monitoring.

The LEMP shall then be carried out in accordance with the approved details.

Reason: To protect and preserve the ecological mitigation and landscaped areas and in the interests of visual amenity.

29. There shall be no open storage of materials, equipment, machinery or goods within the application site.

Reasons: In the interests of visual amenity.

30. Before first occupation of any part of the approved development, an Operational Noise Management Plan, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority setting out mitigation to protect residential properties from noise. The agreed mitigation shall be implemented in full accordance with the approved details, retained thereafter, and the unit shall operate in accordance with the approved Operational Noise Management Plan thereafter.

Reason: To protect residential properties from noise impacts.

31. Before first occupation of any part of the approved development, details of boundary treatments (excluding retaining structures required under condition 22), shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall then be implemented as approved prior to first occupation of the unit hereby permitted.

Reason: In the interests of visual amenity.

32. No part of the development shall be brought into use until visibility splays of 2.4 metres by 70 metres, have been provided at the proposed (site access) junction with the loop road (linking the service yard to Cronton Road) for so far as they extend to the site red line boundary. The splays shall be provided clear of obstructions to visibility above the height of 0.6 metres measured from the footway/verge level. Once created, the visibility splays shall be maintained clear of any obstruction and shall be retained at all times.

Reason: To ensure adequate visibility at the junction or site access is made and maintained in the interests of highway safety.

33. Before the first occupation of the unit hereby consented, and notwithstanding the approved levels details within condition 2, full construction standard drawings showing the internal road network being built to the northeastern boundary of the site, as defined by the solid red line (as shown on Drawing 17201-FRA-AV-XX-DR-A-0501 Rev P5) in the direction of the former mineral railway line, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details shall include the following details:

- (i) The proposed road ground level and levels details of any regrading of the land (including any retaining structures) to include a section detail;
- (ii) Construction details of the road to an adoptable standard and provisions for how any future road connection may tie into the constructed road;
- (iii) Full details of the proposed highway drainage;
- (iv) Full details of the proposed highway lighting;
- (v) Timetable for implementation.

The internal road network to the northeastern boundary shall be constructed in full in accordance with the approved details and shall remain open and unobstructed in perpetuity.

Reason: To ensure the delivery of a comprehensive development and ensure an alternative future access into the site is provided.

34. No part of the development shall be brought into use until a turning circle, capable of accommodating an HGV, of diameter no less than 24m, has been implemented at the entrance to the service yard, in accordance with Drawing 17201-FRA-AV-XX-DR-

A-0501 Rev P5 unless otherwise agreed with the Council as Local Planning Authority. The turning area shall remain available for use until such time as the loop road is completed, or a replacement turning facility is agreed, to the satisfaction Council as Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the development in the interests of highway safety.

REASON(S) FOR THE GRANTING OF PLANNING PERMISSION

The decision to grant planning permission has also been taken having regard to the policies and proposals as set out below, and to all relevant material considerations including supplementary planning guidance:-

This informative is only intended as a summary of the reason(s) for the granting of planning permission. Should you require any further details relating to the decision please contact the relevant case officer (Clare Appleyard on 0151 443 2848)

NOTE FOR APPLICANT:

IMPORTANT - PLEASE READ CAREFULLY THE NOTES BELOW AS FAILURE TO COMPLY COULD MAKE THE DEVELOPMENT HEREBY PERMITTED UNAUTHORISED

- 1) This planning permission is granted in strict accordance with the approved plans. It should be noted however that:
 - a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
 - b) You or your agent or any other person responsible for implementing this permission should inform Planning Services immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.
- 2) This permission is granted subject to conditions and it is the owner of the property and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.
- 3) If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent.
 - a) If a condition precedent is not complied with prior to the start of development, the whole of the development will be unauthorised and you may be liable to enforcement action.
 - b) In addition, if the requirements of a condition precedent are subsequently not complied with, the development is unauthorised and the only way to rectify the development is the submission of a new application.

If any other type of condition is breached then you will be liable to a breach of condition notice.

It is an offence to carry out any works within the public highway without the permission of the Highway Authority. The grant of planning permission will require the developer to enter into an agreement under S278 of the Highways Act 1980 with the Council. The applicant is advised to contact the site development team, email: SiteDevelopment@knowsley.gov.uk to discuss the matter further. The highway fees applicable for a S278 highway agreement are available on the Knowsley Council website here: <https://www.knowsley.gov.uk/residents/roads/highway-fees-and-charges>

S38:

The grant of planning permission does not negate the need for the submission and approval of highway engineering details. If it is the developer's intention to offer any of the roadworks included in the proposals for adoption, a S38 agreement would be required. The applicant is advised to contact the site development team, email: SiteDevelopment@knowsley.gov.uk to discuss the matter further. The highway fees applicable for a S38 highway agreement are available on the Knowsley Council website here: <https://www.knowsley.gov.uk/residents/roads/highway-fees-and-charges>

- 2 No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance or building works is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.
- 3 1. The applicant's attention is drawn to comments from the Environment Agency (in particular note the possible need for a permit), the Fire Authority and United Utilities.
- 4 The Environmental Permitted (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
 - o On or within 8metres of a main river (16m if tidal)
 - o On or within 8metres of a flood defence structure or culverted main river (16m if tidal)
 - o On or within 16m of a sea defence
 - o Involving quarrying or excavation within 16m of any main river, flood defence (including a remote defence) or culvert
 - o In the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission.
 - o Further information is contained within the EA letter attached including contact details.
- 5 The plans relating to the above application have been examined and below are the Fire Authority's observations:
 - o Access for fire appliances should comply with the requirements of Section B5, Schedule 1 of the Building Regulations. Provisions for access will depend on the size and use of the building. The design of the access route, for example minimum road widths and maximum reversing distances, should also be considered (Appendix A, attached).
 - o In accordance with Section 55 of the County of Merseyside Act 1980, the position of the premises should not compromise or impeded existing means of fire service access to a neighbouring building.
 - o Water supplies for firefighting purposes (Appendix B) should be risk assessed in accordance with the undermentioned guidance in liaison with the water undertakers (United Utilities 0161 907 7351) with suitable and sufficient fire hydrants supplied.
 - o Industry
The water supply infrastructure to any industrial estate should be as follows with the mains network on site being normally at least 150mm nominal diameter -
 - Up to one hectare 20 litres per second
 - 1-2 hectares 35 litres per second
 - 2-3 hectares 50 litres per second
 - Over 3 hectares 75 litres per second

Further information regarding access requirements can be found in the current version of Approved Document B, which is available for free download via: <https://www.gov.uk/government/publications/fire-safety-approved-document-b>

- 6 The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Informative Note valid from 1st January 2023 until 31st December 2024

- 7 The applicant's attention is drawn to the following links which offers guidance in relation to safe working around SP Energy Network's assets: <https://www.hse.gov.uk/pubns/priced/hsg47.pdf> and <https://www.hse.gov.uk/pubns/gs6.pdf>.

The applicant is also advised that should changes be made to the layout, a diversion may be necessary and further guidance can be found at the following link: <https://www.spenergynetworks.co.uk/pages/diversion.aspx>.

The applicant is advised to contact SP Energy Networks prior to works starting on site.

- 8 Definitive Map Modification Order (DMMO)

A DMMO application has been made to amend the Definitive Map to record a Public Right of Way across the site. If the DMMO is made and confirmed, for example on appeal, this could affect the implementation of this planning permission. The applicant should note that a planning permission (and even built development) does not override a confirmed DMMO.

- 9 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 10 The decision to grant this application has also been taken having regard to the policies and proposals set out below and to all materials planning considerations, including supplementary planning guidance:

Knowsley Replacement Unitary Development Plan (Saved Policies, 2006)

T5 - Location of Major Traffic Generating New Development
T7 - New Development and Walking & Cycling Routes
T8 - Transport Assessments
T9 - Travel Plans
DQ2 - Security in the Built Environment
DQ4 - Trees and Development
ENV2 - Noise and Vibration
ENV3 - Light and Pollution
ENV5 - Contaminated Land

Knowsley Local Plan Core Strategy (2016)

SD1- Sustainable development
CS1 - Spatial Strategy for Knowsley
CS2 - Development Principles
CS4 - Economy and Employment
CS7 - Transport Networks
CS8 - Green Infrastructure
SUE1 - Sustainable Urban Extensions and Safeguarded Land
SUE2 - Sustainable Urban Extensions - Development Principles
SUE2c - Sustainable Urban Extensions - South of Whiston and Land South of M62

CS19 - Design Quality and Accessibility in New Development
CS20 - Managing the Borough's Historic Environment
CS21 - Greenspaces and Trees
CS24 - Managing Flood Risk
CS26 - Waste Management
CS27 - Planning for and Paying for New Infrastructure

Supplementary Planning Documents

Ensuring a Choice of Travel SPD (2010)
Design Quality in New Development SPD (2016)
Trees and Development SPD (2016)
Halshead Garden Village Masterplan SPD

Merseyside Waste Local Plan (2013)

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

This informative is only intended as a summary of the reasons for granting planning permission. Should you require any further details relating to the decision, please contact Clare Appleyard on 0151 443 2893.

IMPORTANT NOTES FOR YOUR ATTENTION:

1. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, bylaw, order or regulation.
2. This permission refers only to those plans submitted as part of the Planning Application a copy of which is retained by the Local Planning Authority. The Local Planning Authority should be contacted in writing if it is proposed to amend these plans in any way as a further permission, may be required.
3. You should ensure that you understand the requirements of all planning conditions and that you fully comply with their requirements. If you are in any doubt about what a condition requires of you, please ask us for assistance. Planning conditions may require you to submit further information to us and await our approval before you can start your development. A failure to do so could result in your development being unlawful and necessitate the submission of a further planning application. A failure to comply with the conditions of the permission/consent may result in the taking of enforcement and potentially legal action, against you to remedy the breach of planning control.
4. A fee is normally payable to discharge planning conditions in accordance with government regulations.
5. This permission does not convey any rights or approval to build on, or develop, any land that is not fully owned or controlled by you, including on party boundaries. You should satisfy yourself that the agreement of any adjoining landowners has been given prior to commencing any building works.
6. If a Building Regulations Consent is required for these works it is your responsibility to ensure that the plans submitted for both the Building Regulations Consent and Planning Permission are the same in all respects. Should the plans relating to one consent vary from the other, it will be necessary for you to submit amended plans to this Department and obtain the relevant approval(s) prior to commencing any works. Knowsley Council's Building Control team are contactable on (0151)-443 2342 and they would be pleased to assist you.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

ANNEX 2 The Plan





Old Wood

Drain

Track

Heap (cis)

Heap (dis)

Pond

Pond

Drain

Pond

Issues

Drain

Def

Brook Covert

A 5080

Pond

CR JINTON ROAD

[Handwritten signature]
13

ward
hadaway

Client: **Maro Developments Ltd**

File: **MAR242.45**

Rev:

Title: **S106 Plan, Maro Developments,
Cronton**

Land on the Northeast side of Cronton Rd
Widnes
Prescot L35 1QR

Scale: **1:1250 @A2**

Date: **23/09/24**

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Drawn By: **CS**

ANNEX 3
The Approved Social Value Strategy

Briefing Note

Mercury 62 Social Value Strategy

1. Introduction

- 1.1 Avison Young's Regeneration team have been appointed by Maro Developments Ltd to prepare a high level assessment of the economic benefits associated with the proposed development of the Mercury 62 site in Huyton, Knowsley
- 1.2 The purpose of the assessment is to understand the potential direct, indirect and induced benefits that are likely to occur at both the construction and operational stages of the proposed development.
- 1.3 The assessment aligns with guidance set out in the Additionality Guide (2014), the Green Book (2020) and the Density Guide (2015) in terms of the assessment of economic benefits as well as broader 'best practice' for such work. However, it should be recognised the Assessment does not represent a full Green Book appraisal or valuation of economic benefits.
- 1.4 The assessment draws on the masterplan within the planning application, as shown below.



- ## 2. Gross Benefits

- ## Construction Phase

- ©2022. Avison Young.

- 2.3 The construction activity will create a series of wider economic benefits through increased expenditure in the economy either by workers or through supply chain activity. A compound multiplier of 1.4 has been used to estimate this impact, which generates an additional 149 jobs roles in the area, equivalent to 15 additional FTE jobs.

Operational Phase

- 2.4 The approach to estimating benefits in the operational phase is based on the calculation of jobs created. The approach has been to translate the gross floorspace into an estimate of Full Time Equivalent (FTE) jobs using an appropriate job density as set out in the Density Guide – given the proposed use of the premises proposed a density of 77sqm per job has been applied. This is a relatively conservative estimate given the size of the premises, but is a prudent approach given the end users are not known.
- 2.5 Based on the floorspace and density applied the operational development would accommodate 378 FTE jobs. Knowsley has a 'self-containment' rate of 21% (meaning 35% of local jobs are taken by local residents) as such at least 46 of these jobs would go to local residents.
- 2.6 The employment generated onsite would also create additional indirect jobs in the area. Using the 1.4 multiplier generates an estimate of 151 further FTE jobs being created, of which 52 would go to residents of the District.
- 2.7 In total therefore the development would support 529 direct and indirect FTE jobs, with at least 183 going to local residents.
- 2.8 In addition to the jobs created, the development would make a contribution to the scale of economic activity and value generated in the District. Using the job estimates set out above this has also been calculated.
- 2.9 Within Knowsley, there is an average annual Gross Value Added (GVA) contribution of £29,488 per FTE worker within the Transport and Storage sector, reflecting the most likely end uses of the properties proposed.
- 2.10 Based on direct employment of 378 FTE jobs, this would mean the site creates £11.1mn per annum in GVA within the District, and a further £4.5mn per annum in the wider area.
- 2.11 In total the development would contribute £15.6mn per annum to the economy.

3. Additionality

- 3.1 The analysis above presents the potential gross benefits, however it should be recognised that some benefits may accrue even without the scheme as a result of activity elsewhere. To understand the additionality of the project it is necessary to net off such activity.
- 3.2 Firstly, it is important to note that there is currently no use active on the site and it is currently an undeveloped parcel of greenfield land. As such no adjustment is necessary to allow for the displacement of any existing activity.
- 3.3 However, further adjustments area needed, as set out below.

Construction Phase

3.4 The construction sector is highly mobile and, despite a number of labour supply issues, retains a large existing workforce which could, in part, be deployed to build the proposed development. As such not all of the 372 jobs (37 FTE) would be 'new' or additional.

3.5 The Additionality Guide suggests that in such scenarios net benefits are c.75% of gross benefits. Applying a 25% reduction means that the project would deliver:

- 279 direct additional jobs equating to 28 FTE jobs
- 112 indirect additional jobs equating to 11 FTE jobs

3.6 Overall, the construction phase has a total net benefit (or additionality) of 391 jobs or 39 FTEs.

Operational Phase

3.7 Similar to the construction phase it is likely that some of the jobs within the site will be taken by people who are currently employed elsewhere locally and, as such, the role would not be generating an additional economic benefit or businesses could locate on another site, again reducing the net benefit.

3.8 However, the potential for this substitution to occur in the industrial/logistics sector is much more limited locally than the construction sector given the lack of alternative sites or premises available for businesses to occupy.

3.9 That being said, there are still a range of active businesses whose staff may seek to work here, or even those who have been recently unemployed re-entering the jobs market, reducing the overall economic benefit as not all jobs would be additional.

3.10 As such it is appropriate to net off some of the benefit to reflect this dynamic. As with the construction sector our approach, based on professional judgement and the Additionality Guide, has been to reduce the adjustment to 15%, which means the project would deliver:

- 283 direct additional FTE jobs
- £8.4mn of direct additional GVA per annum
- 113 indirect additional FTE jobs
- £3.3mn of indirect additional GVA per annum

3.11 Overall the scheme would deliver a total net benefit of 397 FTE jobs (of which 137 would be for local residents) and £11.7mn of GVA per annum.

4. Conclusion

4.1 In conclusion the proposed development can deliver a significant level of economic benefit including a total of 581 FTE jobs (gross) and £15.6mn GVA per annum (gross). The overall benefits assessment is summarised below.

Table 1 - Summary of Benefits

	TOTAL GROSS			TOTAL NET			LOCAL GROSS	LOCAL NET
	DIRECT	INDIRECT	TOTAL	DIRECT	INDIRECT	TOTAL	TOTAL	Total
Total Floorspace SQM (GEA)	29,081							
Construction (Temporary)				Displacement = 25%			Containment = 35%	
Total Build Cost	£27,000,000							
Output per Worker	£72,592							
Construction roles	372	149	521	279	112	391	180	135
Full Time Equivalent Jobs	37	15	52	28	11	39	18	14
Operational (Permanent)				Displacement = 25%			Containment = 35%	
Employment Density	77							
Full Time Equivalent Jobs	378	151	529	283	113	397	183	137
Output per Worker (GVA)	£29,488							
Gross Value Added per annum	£11,136,816	£4,454,727	£15,591,543	£8,352,612	£3,341,045	£11,693,657	£5,398,329	£4,048,747

EXECUTION

THE COMMON SEAL of
KNOWSLEY METROPOLITAN BOROUGH
COUNCIL was hereunto affixed in the presence of:



Authorised Signatory

Seal No. 31710

Authority: 22/00587/FUL

Print Name.

Position: Principal Solicitor

EXECUTED as a DEED by
MARO DEVELOPMENTS LIMITED
acting by Director

Director

In the presence of:

Witness Signature:

Name:

Address:

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