

Merseyside Environmental Advisory Service
The Barn, Court Hey Park
Roby Road, Huyton, L16 3NA
Director: Alan Jemmett, PhD, MBA

Enquiries: 0151 934 4951

Contact: Nicola Hayes
Email: measdconsultations@sefton.gov.uk

DEVELOPMENT MANAGEMENT ADVICE

To: Mark Quinn
Organisation: Planning, Knowsley Council

Your Ref: 23/02782/FUL
File Ref: KN23-046
W/P Ref: eDM Folder
Date: 22nd December 2023

From: Nicola Hayes
Contaminated Land Principal Officer

ERECTION OF 1NO. RETAIL UNIT (USE CLASS E(A) WITH EXTERNAL DISPLAY AREA AND CAR PARKING AND SERVICING ARRANGEMENTS. PARTIAL DEMOLITION, RECONFIGURATION AND REFURBISHMENT OF EXISTING EMPLOYMENT BUILDING TO CREATE 2NO. INDUSTRIAL/ WAREHOUSE BUILDINGS WITH ANCILLARY OFFICES (USE CLASSES E(G)(III), B2 AND B8) WITH SERVICING AND CAR PARKING ; RETENTION AND AMENDMENT OF EXISTING SITE ACCESSES ALONG WITH INTERNAL ESTATE ROADS; 2NO. SUBSTATIONS; LANDSCAPING; AND ASSOCIATED WORKS.
Sovereign Industrial Park Wilson Road Huyton Knowsley

1. Thank you for consulting Merseyside Environmental Advisory Service in respect of this planning application. The proposals comprise **the erection of a retail unit and refurbishment of existing building**.
2. Having reviewed the application and supporting documentation, our advice is set out below.
 - Part One deals with issues of regulatory compliance, action required **prior to determination** and matters to be dealt with through planning conditions. Advice is only included here where action is required or where a positive statement of compliance is necessary for statutory purposes.
 - Should the Council decide to adopt an alternative approach to MEAS Part 1 advice, I request that you let us know. MEAS may be able to provide further advice on options to manage risks in the determination of the application.

Part One

Ecology

3. The application has been supported by the following ecological survey reports in line with Local Plan policy CS8:
 - Preliminary Ecological Appraisal (PEA) (*Amenity Tree, 10 October 2023, version 1*);
 - Bat Roost Assessment (*Amenity Tree, 10 August 2023, version 1*); and
 - Bat Surveys Report (*Amenity Tree, 10 October 2023, version 1*).

4. However, taken together the submitted reports have a number of constraints. Some of these constraints are not considered to be significant, although others are and further information will be required. I therefore advise that the following matters should be addressed **prior to determination**:
- Section 3.1.3 of the PEA report states that badger records were present in the Local Record Centre (LRC) data, although according to the PEA report no LRC data was acquired for the desktop study. Clarification is therefore required on this; **No LRC data obtained, no badger sett within influencing distance of site, PEA updated**
 - The PEA does not state whether invasive species (i.e. those listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended)) were present on the site or not; **updated 3.1.6**
 - Clarification is required as to the date of the BRA as the survey report states it was undertaken on 1 March 2022, although this is before the extended phase 1 habitat survey was completed in August 2023 which recommended that the BRA is required; **A typo error has been changed in the BRA with a revised date for the BRA visit on 1st August 2023. Bats were identified at an early stage and the BRA was carried out to manage the seasonality of bat surveys. PEA Section 3.1.3 bat species has been updated to reflect the BRA/survey results**
 - I am unsure from the BRA report whether the scope of the BRA survey of the buildings is acceptable. There are a number of buildings and ancillary structures on the site (as identified on the submitted Existing Site Plan), although the BRA report refers to the existing building and commercial unit in the singular and it is not therefore possible to determine if all affected buildings and structures were adequately assessed. All affected buildings and structures should be identified, described and categorised for roosting bat suitability in line with best practice (i.e. Collins 2023); **The BRA has been updated to include a bat roost potential plan.**
 - A preliminary roost appraisal of affected trees will be required. There is an inconsistency in the submitted BRA report as paragraph 1.4 of the BRA states that trees will remain unaffected by the development, whereas paragraph 1.6 states that there will be potential tree loss across the site. The submitted tree survey report (*Encon Associates, 9 May 2023 (updated 30 October 2023), A6081*), identifies that one group of five trees and ten individual trees require removal to facilitate the development. The bat roosting potential of these trees must therefore be determined; **This has now been provided** and
 - a plan or aerial photograph is required, in line with best practice, which shows the locations of the surveyors during the dusk emergence survey in relation to the potential bat roosting features recorded. **This has now been included in the updated bat surveys report**
5. The applicant has submitted an Assessment of Biodiversity Net Gain (BNG) (*Amenity Tree, 11 October 2023, version 1*). Using Biodiversity Metric 4.0, this found that the proposed development will provide a net biodiversity gain of 102.96%. However, Appendix 5 of the report (comprising the completed BNG metric spreadsheet and habitat condition assessments) appear to be missing from the submitted version and I advise that they will be required **prior to determination**. I will comment further on the acceptability of the BNG assessment on receipt of this additional information. **Please see BNG V2**

6. Habitats on, and adjacent to, the site provide foraging and commuting habitat for bats. Lighting for the development may affect the use of these areas. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto the habitats in line with NPPF (paragraph 180). This can be secured by a suitably worded planning condition. It would be helpful for the applicant to refer to the '[Bats and Artificial Lighting at Night](#)' guidance which has been produced by the Institute of Lighting Professionals in conjunction with the Bat Conservation Trust.
7. The habitats on and / or adjacent to the site are suitable for badger (protected species) and/or hedgehog which is a Priority Species and Local Plan policy CS8 applies. The following reasonable avoidance measures should be put in place to ensure that there are no adverse effects on them:
- A pre-commencement check for badger and hedgehog mammals;
 - All trenches and excavations should have a means of escape (e.g. a ramp);
 - Any exposed open pipe systems should be capped to prevent mammals gaining access; and
 - Appropriate storage of materials to ensure that mammals do not use them.

These measures can be secured by a suitably worded planning condition.

8. Built features or vegetation on site may provide nesting opportunities for breeding birds, which are protected and Local Plan policy CS8 applies. The following planning condition is required:

CONDITION

No tree felling, scrub clearance, vegetation management and/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, 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.

9. The proposed development will result in the loss of bird breeding habitat and Local Plan policy CS8 applies. To mitigate for this loss, details of bird nesting boxes (e.g. number, type and location on an appropriately scaled plan) that will be erected on the site should be provided to the Local Planning Authority for agreement. The following planning condition is required:

CONDITION

The development hereby permitted shall not be occupied until details of bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been provided for approval and implemented in accordance with those details. Evidence of implementation (i.e. photographs) will need to be provided to the Local Planning Authority to enable discharge of the condition.

Waste Planning Policy

10. The proposal is major development and involves excavation, demolition and construction activities which are likely to generate significant volumes of waste. Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP), the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) apply. These policies require the minimisation of waste production and

implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal.

In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. a site waste management plan) demonstrating how this will be achieved must be submitted and can be secured by a suitably worded planning condition.

11. The applicant has not provided sufficient information to demonstrate compliance with policy WM9 of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste (paragraph 8). I advise that information relating to commercial and industrial waste storage and collection is required and can be secured by a suitably worded condition.

Low Carbon Development

12. The applicant has submitted a Sustainability and Energy Statement (Envision, October 2023). The document references both national and local planning policies (Policy CS22 - Sustainable and Low Carbon Development and CS23 Renewable and Low Carbon Infrastructure).
13. The use of Air Source Heat Pumps is deemed to be the most viable LZC for the proposed development. The Sustainability and Energy Statement can be secured as an Approved Document by a suitably worded planning condition.

I would be pleased to discuss these issues further and to provide additional information in respect of any of the matters raised.

Nicola Hayes

Contaminated Land Principal Officer