

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: Jeff Eaton
Organisation: Development Control Division, Halton Council

Your Ref: 23/00018/FUL
File Ref: HA22-064
W/P Ref: eDM Folder
Date: 20th February 2023

From: Nicola Hayes
Contaminated Land Principal Officer

**Proposed filling station with ancillary convenience store (325 sq m GIA), forecourt with 4, 2 sided, pump islands , canopy, electric vehicle charging points and associated car parking, a drive thru fast food restaurant (349 sq m GIA)(Use Class E(b)/sui generis hot food takeaway use) with associated car parking, new site access road, new electricity substation, firewall to valve compound and associated works
The Woodyard Weaver View Clifton Runcorn WA7 4XU**

1. Thank you for consulting Merseyside Environmental Advisory Service in respect of this planning application. The proposals comprise **Filling Station and fast food restaurant**.
2. Having reviewed the application and supporting documentation, our advice is set out below in two parts.
 - 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 Two sets out guidance to facilitate the implementation of Part One advice and informative notes.

In this case Part One comprises paragraphs **3 to 12**, while Part Two comprises paragraphs **13 to 16**.



Ecology

3. The applicant has submitted an ecology report in accordance with Local Plan Policy HE1 (*Arbor Vitae Environment Ltd. January 2023. Preliminary Ecological Appraisal. Weaver View, Runcorn*) which meets BS 42020:2013.

Bats

4. The report states that no evidence of bat use or presence was found. The Council **does not** need to consider the proposals against the three tests (Habitats Regulations).

Breeding birds

5. Trees and other vegetation on site may provide nesting opportunities for breeding birds, which are protected, and - Local Plan Policy HE1 applies. The following planning condition is required.

CONDITION

No tree felling, scrub clearance, hedgerow removal, or vegetation management, 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 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.

Bird nesting boxes

6. The proposed development will result in the loss of bird breeding habitat and Local Plan Policy HE1 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.

Local Sites

7. The proposals are close to the following designated site and Local Plan Policy HE1 applies:
- Clough Lagoon LWS
8. The proposals may have a direct or indirect adverse effect on the features for which the site has been designated. I advise the following:
- Provision of a condition protecting this Clough Lagoon LWS from any construction dust, or construction related leaks, spills, run-off, or any other pollution incidents.

Sustainability

Waste Planning Policy

9. 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. The details required within the waste audit or similar mechanism is provided in Part Two.

10. The applicant has provided sufficient information to comply with policy WM9 (Sustainable Waste Management Design and Layout for New Development) of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste (paragraph 8). The Proposed Site Plan can be secured as an Approved Drawing by a suitably worded planning condition.

Low Carbon Development

11. In October 2019 Halton Borough Council declared a Climate Emergency to help tackle global warming at a local level. The proposed development should consider the use of low carbon and/or renewable energy in line with Core Strategy Local Plan policy CS19: (Sustainable Development and Climate Change) and Policy GR5 (Renewable and Low Carbon Energy).

Mineral Safeguarding

12. The site lies within a Mineral Safeguarding Area as defined Local Plan Policies Map, Delivery and Allocations Local Plan, Adopted 2nd March 2022. The applicant has submitted a Mineral Assessment (Dudleys Consulting Engineers, Dated 30th September 2022, Ref: 21051. Sufficient information has been provided to comply with HE10: *Minerals Allocations (Mineral Safeguarding Areas)*.

Part Two

Bats

13. **The applicant, their advisers and contractors should be made aware that if any European protected species are found, then as a legal requirement, work must cease, and advice must be sought from a licensed specialist.**

Biodiversity Net Gains

14. The applicant should be aware that the Environment Act has now been enacted into law and there will be a mandatory requirement for all development to provide a

minimum of 10% Biodiversity Net Gain provision from autumn 2023. Depending on timescales, this development may be required to provide biodiversity net gain. Further information is available at [World-leading Environment Act becomes law - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/world-leading-environment-act-becomes-law)

15. MEAS has recently published an Information Note on Biodiversity Net Gain and its implementation within the Liverpool City Region. It includes details on the level of information that should be provided with planning applications prior to Biodiversity Net Gain becoming mandatory in November 2023. It can be found on the MEAS website at <http://www.meas.org.uk/1417>

Waste Planning Policy

16. A waste audit or similar mechanism provides a mechanism for managing and monitoring construction, demolition and excavation waste. This is a requirement of WLP policy WM8 and the National Planning Policy for Waste (paragraph 8); and is advised for projects that are likely to produce significant volumes of waste (nPPG, paragraph 49). Implementation of such mechanisms may also deliver cost savings and efficiencies for the applicant. The following information could be included within the waste audit (or similar mechanism) as stated in the Planning Practice Guidance:

- the anticipated nature and volumes of waste that the development will generate;
- where appropriate, the steps to be taken to ensure the maximum amount of waste arising from development on previously developed land is incorporated within the new development;
- the steps to be taken to ensure effective segregation of wastes at source including, as appropriate, the provision of waste sorting, storage, recovery and recycling facilities; and
- any other steps to be taken to manage the waste that cannot be incorporated within the new development or that arises once development is complete.

Information to comply with policy WM8 could be integrated into a Construction Environment Plan (CEMP) if one is to be produced for the development. This would have the benefit of ensuring that the principles of sustainable waste management are integrated into the management of construction on-site to improve resource efficiency and minimise environmental impacts.

Guidance and templates are available at:

- <http://www.meas.org.uk/1090>
- <https://www.gov.uk/guidance/waste>
- <http://www.wrap.org.uk/>
- http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=8983

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

Merseyside Environmental Advisory Service – delivering high quality environmental advice and sustainable solutions to the Districts of Halton, Knowsley, Liverpool, St.Helens, Sefton and Wirral



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