

Planning Committee

26 July 2012

Reference:
APP/12/00513

Area Team:
South Team

Case Officer:
Mr M Rushton

Ward:
Eastham

Location: From roundabout south of 1408 New Chester Road, Eastham to Pump House, Commercial Road Bromborough

Proposal: Application for a new permission to replace extant planning permission 08/05472 (for the installation of 2 no. cross country parallel pipelines from roundabout at junction 4 of M53 motorway to Commercial Road, Bromborough) in order to extend the period of implementation by a further three years.

Applicant: King Street Energy (Cheshire) Ltd
Agent : Axis Ped Ltd

Site Plan:



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Development Plan Designations and Policies:

Proposed Cycle Route
Infill Village in the Green Belt
Major Developed Site in the Green Belt
Minor Highway Improvement
Site of Biological Importance
Site of International Importance for Nature Conservation
Green Belt
Coastal Zone
Urban Greenspace
Primarily Residential Area
Primarily Industrial Area
Employment Development Site
Road Corridor subject to Environmental Improvement
Countryside Recreation Site
Conservation Area (for illustrative purposes)

Planning History:

Various along the route within or adjacent the planning application boundary.

APP/2008/05472 – Installation of 2 no. cross country parallel pipelines from roundabout at Junction 4 of M53 motorway to Commercial Road, Bromborough – approved conditionally and subject to a s106 agreement, 19/08/2009.

Summary Of Representations and Consultations Received:**REPRESENTATIONS**

Having regard to the Council's Guidance on Publicity for Applications, the application was advertised by way of a Press Notice and Site Notices displayed at intervals along the proposed route. At the time of writing no representations have been received.

CONSULTATIONS

Director of Law, Human Resources and Asset Management – Housing and Environmental Protection Division – No objection to the proposed development.

Director of Technical Services – Traffic Management Division – No objections – refer to Director's Comments.

Environment Agency – No objections.

Wirral Wildlife – whilst Wirral Wildlife objected to the original application through all its stages back in 2008-9, on the grounds that it would be harmful to wildlife, including (outside of Wirral BC's boundary) to protected species, it was held by the Inspector (in an appeal against elements of the scheme within Cheshire) to have 'acceptable' ecological impacts, an opinion with which Wirral Wildlife disagreed. Should planning permission be granted, it is requested that all the conditions imposed to the original approval are retained. Current concerns for that portion of the development falling within Wirral are:

- Does not accord with sustainable development principles: there is concern at the carbon-expensive construction of the project and waste of a natural mineral (the salt being deposited in the Mersey).
- Concern at the effect on Torr Park and parts of Eastham Country Park through 'planning blight' as improvement works are held up in case the pipeline comes through.

Bromborough Society – Comment on the need for the archaeological assessment undertaken in 2007 to be updated, to include the hamlet of Shodwell in particular, but other various entrees. Ask that these comments are treated as a positive contribution to the planning process in determining this application.

Merseyside Environmental Advisory Service - information provided by the applicant has allowed the completion of an updated Appropriate Assessment screening (the summary is included as an appendix to this report). The screening concludes that the development is unlikely to have a

significant effect on the Mersey Estuary SPA and Ramsar and therefore an Appropriate Assessment is not required. The screening report has been provided to Natural England, who must be consulted prior to determination of the planning application. As with the initial grant of permission, planning conditions are required to secure measures outlined by the applicant to mitigate potential impacts to the Mersey Estuary SPA and Ramsar site and confirm the response of 'no likely significant effects'.

Natural England – The views of Natural England are awaited and will be reported verbally to planning committee.

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

The application seeks permission for a development of a considerable site area, which is defined as Major Development and is therefore required to be considered by the Planning Committee under the Council's adopted Scheme of Delegation for Determining Planning Applications.

PROPOSAL

The application seeks to extend the time limit for implementation of planning permission APP/2008/5472, which was granted on 19th August 2009, following approval by the Council's Planning Committee on the 30th October 2008 and the completion of a s106 Legal Agreement.

The development proposed remains identical to that for which permission was granted in 2009, and would consist a pumping station and associated structures at Commercial Road, Bromborough, and the installation of 2 no. pipelines:

- 1 no. estuary water pipeline for transporting estuary water from the Mersey Estuary to King Street, Northwich where it will be used for a solution mining process to create underground gas storage caverns as part of the 'King Street Gas Storage Project'
- 1 no. saltwater pipeline to transfer saltwater solution produced by the cavity washing in the reverse direction to the Mersey Estuary at Bromborough, via pumping stations, located at King Street and Frodsham.

The development granted permission under APP/2008/5472 formed part of a much larger project to develop a site at King Street, near Northwich, Cheshire for the purposes of storing natural gas. Ten underground salt cavities would be developed through the process of solution mining, and the construction of a gas processing facility for the storage of natural gas in the underground salt cavities at that site. In total, the parallel pipeline links to the project would be approximately 58km in length – of which approximately 5.8km of the corridor lies within Wirral. The route of the pipelines would include a number of adopted highways, a portion of Eastham Country Park, Torr Park, Eastham Lodge Golf Course, the Leverhulme Sports Fields and agricultural land, before passing under the M53 Motorway east of Junction 4.

The other elements of the King Street Gas Storage Project were the subject of separate applications (Planning Applications 4/07/2846/FZ5 and 3/P/2008/111/XX/59) to Cheshire County Council and associated Environmental Impact Assessments, which were granted on appeal and following a Public Inquiry in December 2009.

The current application is being made under provisions brought into force by the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009, to enable the time limit for implementing existing permissions to be extended. The measure was introduced to enable Local Planning Authorities to 'extend' the life of a permission which might lapse (e.g. during an economic downturn).

The application being solely for an extension of the time limit for implementation of development, the main issue for consideration is whether, since the grant of planning permission, there have been changes to the development plan or new material considerations arising that would result in a different determination. This report only focuses on these matters, rather than re-visiting the principle of development previously accepted.

Following a formal scoping opinion, the applicant has provided an Environmental Statement

Addendum, including additional environmental information to accompany the application. Similarly, a planning statement has been submitted including the applicants overview of changes to development plan policy since the determination of the application in 2009.

POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

National Planning Policy:

National Planning Policy Framework (NPPF)

North West Plan Regional Spatial Strategy:

DP1 – Regional Development Principles

EM1 – Integrated Enhancement and Protection of the Region's Environmental Assets.

EM5 – Integrated Water Management

EM7 – Minerals Extraction

RDF4 – Green Belts

Unitary Development Plan Policies:

Strategic Policies:

Policy AGR1 - The Protection of Agriculture fully reinstated.

Policy CHO1 The Protection of Heritage

Policy GRE1 The Protection of Urban Greenspace

Policy LAN1 Principles for Landscape

Policy NCO1 Principles for Nature Conservation

Policy URN1 Development and Urban Regeneration

Policy WAT2 Protection of the Water Environment

Detailed Policies:

Policy EM3 - Land for General Employment Use

Policy EM6 - General Criteria for New Employment Development

Policy EM7 - Environmental Criteria for New Employment Development

Policy EM8 - Development within Primarily Industrial Areas

Policy AG1 Development and Agriculture

Policy AG2 The Protection of Best Quality Agricultural Land

Policy CH10 Eastham Village Conservation Area

Policy CO1 Development within the Developed Coastal Zone

Policy CO8 Development in the Coastal Zone Requiring Environmental Assessment

Policy GB2 Guidelines for Development in the Green Belt

Policy GR1 The Protection of Urban Greenspace

Policy GR5 Landscaping and New Development

Policy GR7 Trees and New Development

Policy PO1 Potentially Polluting Development

Policy PO3 Noise

Policy PO5 Criteria for the Development of Contaminated Land

Policy WA2 Development and Land Drainage

Policy WA5 Protecting Surface Waters

Policy NC1 The Protection of Sites of International Importance for Nature Conservation

Policy NC3 The Protection of Sites of National Importance for Nature Conservation

Policy NC5 The Protection of Sites of Local Importance for Nature Conservation

Policy NC7 Species Protection

Principle of the Development:

The grant of planning permission APP/2008/5472 establishes the principle of development.

Changes to the Policy Context

The main change to the development plan is the adoption of the National Planning Policy Framework earlier in 2012, replacing previous Planning Policy Guidance and Statements, and replacing Mineral

Planning Statements as the national policy in relation to minerals. Paragraph 147 of the NPPF highlights the requirement for Mineral Planning Authorities to encourage underground gas and carbon storage and associated infrastructure if local geological circumstances indicate its feasibility.

The applicant cites a number of recent national policy publications as having weight as material considerations, notably National Policy Statements (NPS's) such as EN1: the overarching NPS for energy. Whilst the NPS's are intended to guide decisions made by the Infrastructure Planning Commission on nationally significant infrastructure projects, they can be a material consideration in ordinary planning applications considered under the Town and Country Planning Act.

EN1 highlights the UK's dependence on natural gas – the UK is one of Europe's biggest consumers of natural gas, and gas will continue to play an important part of the UK's fuel mix for many years to come. EN1 identifies that the balance of gas supply has shifted to one where the UK is now a net importer of gas – and as such there is an identified need for further gas supply infrastructure in order to reduce risks of supply and price risks to consumers. Notably, paragraph 3.8.9 of EN1 indicates that as UK Continental Shelf production declines, a range of infrastructure is likely to be required, including increased gas storage capacity, to provide close-to-market 'swing supply' to help meet peak demand. The NPS notes that demand varies considerably throughout the day and it is necessary for some sources to be close to the market so that gas is quickly available.

National Planning Statement EN4 also notes the limitations on natural gas storage underground, highlighting salt strata as suitable for such storage.

It should be noted that in determining the applications submitted to Cheshire at appeal, Government attributed weight to the underlying need for additional gas storage facilities within the UK. Similarly the applicant's statement highlights the Government's consideration of gas storage in relation to a more recent proposal for gas storage in Lincolnshire (WINGAS Storage UK, at Saltfleetby), quoting from the Department of Energy and Climate Change annual energy statement of 2010, which reiterated the need for additional gas storage capacity to provide greater assurance of delivery when gas is needed. Given the above, it is not considered that changes to the statutory development plan, or other policy considerations present a rationale for refusal of the current application to extend the permission granted.

SITE AND SURROUNDINGS

The proposed route of the estuary water supply and saltwater discharge pipelines from King Street, Northwich, to the Mersey Estuary generally passes through an undulating rural landscape which includes small settlements and individual, isolated dwellings.

The majority of the proposed pipeline crosses agricultural land, much of which is pasture (approximately 60%) although approximately 30% is in arable use. In most areas, settlements and urban developments are avoided, with the exception of the western end of the proposed route. In this area, i.e. Bromborough and Eastham, the proposed pipeline route passes through an urban setting, comprising roads, residential properties, industrial and commercial properties, and recreational land.

APPEARANCE AND AMENITY ISSUES

The potential for significant issues of appearance or amenity was given full consideration in the grant of planning permission APP/2008/5472. Taking the current application, it is necessary to decide whether the likely impacts of the development have changed in the intervening three years.

Government guidance on 'extension' applications such as this notes that "In the majority of cases where EIA was carried out on the original application, further information to make the environmental statement satisfy the requirements of the EIA Regulations is unlikely to be required..." (Greater Flexibility for Planning Permissions, DCLG 2010). In response to advice issued in a scoping response by the Local Planning Authority, however, an 'Environmental Statement Addendum' (referred to as the Addendum ES from herein) has been produced by the applicant, to consider whether there are additional likely impacts to those envisaged by the Environmental Statement submitted in 2008. Each of the original assessment chapters is considered, and appearance and amenity issues are considered under a number of headings, including 'Landscape and Visual Assessment' and 'Socio-Economics, Tourism and Community Impacts'.

The Addendum ES takes account of Wirral's Landscape Character Assessment, published in 2009 (after the determination of the 2008 application), concluding that the Assessment does not alter the conclusion that any adverse effects to landscape character would be short term, through temporary loss of hedgerows for example – features that would be fully reinstated once the pipeline is laid.

The conclusion of the Addendum ES finds no reason to modify the assessment of impacts to amenity held in the grant of APP/2008/5472.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

Ecology

As noted in 'Representations and Consultations' above, information provided by the applicant has allowed the completion of an updated Appropriate Assessment screening by the Merseyside Environmental Advisory Service (MEAS) on behalf of the Council as competent authority in this matter. The screening concludes that the development is unlikely to have a significant effect on the Mersey Estuary SPA and Ramsar and therefore an Appropriate Assessment is not required. The screening report has been provided to Natural England for a view, which will be reported verbally to Members. As with the initial grant of permission, planning conditions are proposed to secure measures outlined by the applicant to mitigate potential impacts to the Mersey Estuary SPA and Ramsar site and confirm the response of 'no likely significant effects'.

Given the time-dependent nature of ecological survey work, and on the advice of Natural England and MEAS (on behalf of the Local Planning Authority), the applicant has updated surveys based on the terrestrial element of the pipeline route. A habitat survey of the study area was carried out on 21st February 2012 by Argus Ecology, the site being walked and a review of the potential impacts to protected species being undertaken, including consideration of the suitability of ponds to Great Crested Newts. A biological record search was also undertaken by rECOrd.

A number of changes to habitat were recorded, mainly due to modifications in the use of land at Wirral International Business Park. The survey did not find any changes in habitat features likely to alter the findings of the 2007 and 2008 protected species assessments, with the exception of the identification of a new badger sett. New information is presented in relation to the pumping station site and access, which had not been mapped previously.

The Merseyside Environmental Advisory Service have reviewed the reports on behalf of the Local Planning Authority, and advise that the survey has been undertaken by a suitably qualified, experienced and licensed ecologist using appropriate methods in accordance with current best practice and is acceptable.

The site of the newly identified badger sett would not be directly affected by the pipeline; however it is close to the working area and there is considered some potential for disturbance to badgers. Further information has been requested on this matter, the conclusions of which will be reported verbally to Members of Planning Committee.

The surveys confirmed the presence of great crested newts within one pond (identified as P14-2). The pond will not be affected by the proposed pipeline and the applicant proposes to undertake construction of the pipeline during the winter months (November - March) when great crested newts will be in hibernation and therefore will not be impacted by the works. An additional planning condition is required to secure this timing constraint.

In addition, it is considered reasonable, having regard to the provisions set out in the National Planning Policy Framework to seek great crested newt habitat enhancement as part of the scheme, in line with paragraph 118 of the NPPF, and to contribute towards the biodiversity duty set out in Sections 40 and 41 of the Natural Environment and Rural Communities Act (NERC) 2006. The revised Phase 1 habitat survey recommends habitat improvements to pond 14-2 – it is considered that condition 13 of the original planning approval would provide the appropriate mechanism by which such enhancement can be agreed with the Local Planning Authority.

At the time of the grant of planning permission in 2008 some portions of the application site had not been surveyed, and a condition was imposed (condition 11) to require such survey work be

undertaken. Now that a full phase 1 survey has been undertaken, it has been identified that the site of the temporary site compound contains scrub vegetation which could provide nesting opportunities for breeding birds, which are protected under the general provisions of Section 1 of the Wildlife and Countryside Act 1981 as amended. To protect breeding birds, it is proposed that a condition is imposed to replace condition 11, should Members be minded to grant permission, requiring that no tree felling/scrub clearance/hedgerow removal/vegetation management/ground clearance should take place during the period 1 March to 31 August inclusive.

Water Quality and Resources

The Addendum ES considers changes to the way in which water quality is assessed and classified under the Water Framework Directive (2000). This was highlighted to the applicant by the Local Planning Authority as an important issue to be addressed – the Directive requires the prevention of deterioration in water quality in water bodies (such as the Estuary). The Addendum ES includes an assessment of the proposed development against the Water Framework Directive (WFD). It indicates that the proposed operation is unlikely to result in impact on water quality or aquatic ecology that would affect the ability of the Estuary to achieve its WFD status objective of 'good potential by 2027'. In general chapter 10 'Water Quality and Resources' of the Addendum ES provides a comprehensive evaluation of the impact of the proposals on water resources. Overall, the scope and depth with which issues are covered and the range of mitigation measures proposed is considered to have met the requirements of the WFD.

In order to mitigate the potential impacts on water quality as a result of disturbance of sediments it is proposed that chemical sampling will be undertaken as part of pre-commencement geotechnical survey. The findings of the investigation will be used to produce detailed construction method statement. The mitigation measures should be incorporated within a Construction Environmental Management Plan which would be secured by a suitably worded planning condition.

HIGHWAY/TRAFFIC IMPLICATIONS

It is noted within the Addendum ES that the Merseyside Local Transport Plan has replaced the then Third LTP. The proposed development is not considered by the applicant to hinder the achievement of any of the goals of the current LTP, nor is it considered that there have been any significant changes in traffic numbers since the submission of the original application. The Director of Technical Services (Traffic Management) has raised no objection to the proposed development

CONCLUSION

The proposal to replace an extant planning permission in order to extend the time limit for implementation by a further three years is considered to be acceptable, and to present no significant environmental impacts in conflict with the provisions of the development plan, notably the National Planning Policy Framework, North West of England RSS 2021 and the adopted Unitary Development Plan.

It is recommended that planning permission is granted, subject to additional or revised conditions to reflect the conclusions of the Addendum ES submitted, and to take account of permission subsequently granted under section 96a of the Town and Country Planning Act to secure non-material amendments to the wording of planning conditions imposed to permission APP/2008/5472.

It is also considered necessary to re-impose the requirement for the s106 Agreement which formed part of the original grant of planning permission, to include the elements below. It is understood that this can be achieved through a supplementary deed to link the obligation to the new permission.

- the resurfacing of the car park at the Leverhulme Sports Ground to a standard as directed by the local authority;
- the refurbishment of the former toilet block within Torr Park to provide a groundsman's facility in accordance with a scheme of works to be agreed in writing;
- a commuted sum to allow the Council to undertake a scheme of replacement tree planting within Torr Park;
- a Community Benefits Fund contribution as detailed in correspondence from the applicant dated 13th October 2008.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposal to replace an extant planning permission in order to extend the time limit for implementation by a further three years is considered to be acceptable, and to present no significant environmental impacts in conflict with the provisions of the development plan, notably the National Planning Policy Framework, North West of England RSS 2021 and the adopted Unitary Development Plan.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. The development to which this permission relates must be begun not later than the 19th August 2015.

Reason: To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development reflects the character of the area in the interests of visual amenity. This condition is imposed having regard to policy EM6 (General Criteria for New Employment Development) or HS4 (Criteria for New Housing Development) of the Wirral Unitary Development Plan.

3. No development shall be commenced until full details of soft and hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall detail the locations, species and heights of all existing and proposed trees, shrubs and hedge planting and all existing and proposed grassed and hard surfaced areas and any other natural or proposed features.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and having regard to Policy GR5 (Landscaping and New Development.) of the Wirral Unitary Development Plan.

4. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years from the completion of the scheme shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and having regard to Policy GR5 (Landscaping and New Development.) of the Wirral Unitary Development Plan.

5. All hard and soft landscape works shall be carried out in accordance with the approved details as set out in Condition 3. The works shall be carried out in accordance with a programme to be agreed with the Local Planning Authority;

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and having regard to Policy GR5 (Landscaping

and New Development.) of the Wirral Unitary Development Plan.

6. Prior to the commencement of development, a full tree survey for the length of the pipeline route corridor shall be undertaken in accordance with the methodology to be submitted to and agreed in writing by the local authority. For the avoidance of doubt, the survey shall accord with BS5837:2005 and shall provide details of all existing tree species, height, girth, spread, condition and an assessment of their suitability for retention.

Reason: To ensure that the works on the site properly take account of the future health of the trees and having regard to Policy GR7 (Trees and New Development) of the Wirral Unitary Development Plan.

7. Prior to the commencement of development, a Method Statement shall be submitted to and agreed in writing by the Local Planning Authority for the proposed protection of retained trees within the route corridor. No works or development shall take place until a scheme for the protection of the retained trees (in accordance with section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the LPA. This scheme shall include:
 - a. a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
 - b. a schedule of tree works for all the retained trees in paragraph (a) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.
 - c. the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).
 - d. the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
 - e. the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).
 - f. the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).
 - g. the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.
 - h. the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
 - i. the details of the working methods to be employed for the installation of any accesses and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction.
 - j. the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.
 - k. the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.
 - l. the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837).
 - m. the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
 - n. the timing of the various phases of the works or development in the context of the tree

protection measures.

Reason: To protect trees which are of significant amenity value to the area and having regard to Policy GR7 (Trees and New Development) of the Wirral Unitary Development Plan.

8. The following activities must not be carried out under any circumstances:
- i. No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
 - ii. No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
 - iii. No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
 - iv. No mixing of cement or use of other materials or substances shall take place within a RPA, or close enough to a RPA that seepage or displacement of those materials or substances could cause them to enter a RPA
 - v. No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.

Reason: To protect trees which are of significant amenity value to the area and having regard to Policy GR7 (Trees and New Development) of the Wirral Unitary Development Plan.

9. Prior to the commencement of development a Method Statement for all Arboricultural works, including replacement planting to mitigate for the loss of trees, shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, the Statement shall include proposals for replacement tree planting at a minimum ratio of 2 trees for every 1 tree lost. For the avoidance of doubt the Statement shall include details of the tree species, maturity, and specific locations for proposed planting together with a detailed timetable for the implementation. The Statement shall outline a commitment to maintenance for a minimum period of 5 years. Replacement planting shall be undertaken in accordance with the agreed Method Statement.

Reason: To ensure that the Arboricultural work is carried out to a satisfactory standard and having regard to Policy GR7 (Trees and New Development) of the Wirral Unitary Development Plan.

10. Prior to the commencement all trees identified to be affected by the proposed development shall be surveyed by a bat specialist to confirm the presence or absence of bat species. For the avoidance of doubt the survey shall include:
- I. Stage one bat survey: on ground survey of all the trees to assess the potential and suitability for roosting bats.
 - II. Stage two bat survey: aerial tree survey to inspect the trees found with potential on the stage one bat survey to confirm presence or absence of bat roosts.
 - III. Dawn and dusk bat detector surveys; these surveys will be required where presence or absence during the stage two bat survey could not be confirmed.

A report of the survey shall be submitted to the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and having regard to Policy GR5 (Landscaping and New Development) of the Wirral Unitary Development Plan.

11. No tree felling, scrub clearance, hedgerow removal, vegetation management or ground clearance shall take place within the proposed temporary site compound at Commercial Road, Bromborough during the period 1 March to 31 August.

Reason: In the interests of ecology, to protect breeding birds.

12. Prior to the commencement of development, a detailed Bat Mitigation Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The mitigation scheme shall accord with the principles established in Natural England's guidance Bat Mitigation Guidelines (January 2004). The development hereby permitted shall be undertaken in accordance with the agreed details. For the avoidance of doubt, where tree felling is required it shall be undertaken outside the hibernation period (mid-march to October) under the supervision of a licensed bat specialist and in accordance with the felling procedure.

Reason: To ensure that the development does not cause disturbance to roosting bats and to ensure that inappropriate treatments are not used which could otherwise harm the bat populations identified at the site.

13. Prior to the commencement of development a detailed final Great Crested Newt Survey Report shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with Natural England and the Environment Agency. The report shall detail a mitigation scheme to minimize direct threats to GCNs and compensate for any disturbance or loss of habitat as a result of the proposed development. The Survey Report shall include detail of the following mitigation measures:

- Habitat creation, restoration or enhancement
- Measures for the avoidance of disturbance, killing or injury
- Long term habitat management and Maintenance
- Post development monitoring

For the avoidance of doubt, proposed mitigation shall accord with the measures set out in English Nature's document Great Crested Newt Mitigation Guidelines (2001). The development shall be undertaken in accordance with the approved Report.

Reason: The development will detrimentally affect Great Crested Newts and has been allowed because of (exceptional circumstances). In order to ensure that the Great Crested Newts are conserved, it is necessary for adequate provision to be made to secure the recreation of the habitat outside the development area.

14. Prior to the commencement of development, and between the months of February and April, a pre-construction survey shall be undertaken of areas of known badger activity. The survey shall establish the presence of setts and badger paths that cross the proposed working corridor for the pipeline. If badger activity is confirmed, full details of a Method Statement for the avoidance of damage to setts or severance of regularly used paths shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site, including a timetable for the implementation of methods outlined. Development shall be carried out in accordance with the approved statement. For the avoidance of doubt, the Method Statement shall include the following measures:

- Any holes or trenches left overnight are to have a means of escape provided for badgers.
- Materials containing lime are to be stored so that they are inaccessible to badgers.

Reason: To protect the local badger population.

15. Prior to the commencement of any event, site clearance or development works on the site, a Habitat Management Plan for the application site shall be submitted to and approved in writing by the Local Planning Authority. The developer shall undertake further ecological surveys of the site to investigate the presence of any protected species. If the survey(s) confirms the presence of protected species that may be disturbed by the development works, or the use of the land as approved, a mitigation report to prevent disturbance of these species, including restoration measures shall be submitted with the Habitat Management Plan. No event, site clearance or development works shall take place until these mitigation and restoration measures have been agreed in writing with the Local

Planning Authority. The application site shall be managed in strict accordance with the approved Habitat Management Plan unless otherwise first agreed in writing by the Local Planning Authority. The Habitat Management Plan shall include suitable avoidance measures for any protected species including Reptiles, Water Vole, Brown Hare, Barn Owls & Other Breeding Birds and the development shall proceed only in accordance with the approved Habitat Management Plan.

Reason: To protect the interests of any protected species that may be present within the application site, in accordance with UDP Policy NC7 and the National Planning Policy Framework.

16. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the Environment Agency. For the avoidance of doubt, the CEMP shall outline measures to manage those procedures outlined within Volume 2 Part 1 paragraph 15.3.1 to the submitted Environmental Statement, and include a detailed construction method statement informed by chemical sampling undertaken as part of pre-commencement geotechnical surveys. The development hereby permitted shall be undertaken in accordance with the agreed details.

Reason: To ensure the satisfactory environmental management of the proposed development and the prevention of pollution.

17. Prior to the commencement of development, a Site Waste Management Plan (SWMP) shall be submitted to and agreed in writing by the Local Planning Authority. The development hereby permitted shall be undertaken in accordance with the agreed details

Reason: To ensure the satisfactory environmental management of the proposed development and the prevention of pollution.

18. Before any works are undertaken, the site must be surveyed by an approved environmental consultant for the presence of Japanese Knotweed and a copy of this survey sent to the Local Planning Authority. Please note that Japanese Knotweed can be far more extensive than the visible parts on the surface and that the underground parts of the plant may extend laterally up to 7 meters beyond this. Therefore, this survey must also note any knotweed adjoining the site. If Japanese Knotweed is confirmed, full details of a Method Statement for its eradication and/or control shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site, including a timetable for the methods outlined. Development shall be carried out in accordance with the approved schedule.

Reason: To prevent the spread of the plant, which is an offence under the Wildlife and Countryside Act (1981).

19. Prior to the commencement of development, a Traffic Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, the Traffic Management Plan shall include detail of those measures outlined in Table 11.12 of the Environmental Statement, notably full detail of the methods and standards to be adopted for highway reinstatement works; details of all proposed road or Public Right of Way closures, associated traffic, pedestrian and cyclist management measures to be implemented, and the requirement for notification of Wirral MBC Traffic Management. The development hereby permitted shall be undertaken in accordance with the agreed details.

Reason: To ensure the satisfactory management of traffic and reinstatement of the public highway.

20. Prior to the commencement of development, a full Pre-Construction Condition Survey shall be submitted to and agreed in writing by the Local Planning Authority, in accordance with a methodology to be agreed in writing by the Local Planning Authority. The Condition Survey

shall be undertaken to inform the standard to be achieved for restoration/reinstatement works to each part of the proposed development. For the avoidance of doubt, the Condition Survey shall include all highways, public rights of way, sports facilities and playing fields, and agricultural land.

Reason: To ensure satisfactory reinstatement of the public highway.

21. Prior to the commencement of development a desk study shall be submitted to and approved in writing by the Local Planning Authority that identifies previous site uses, potential contaminants associated with those uses, and any potentially high risk areas (as defined by the CIRIA Report 2 'Contaminated Land Risk Assessment: A Guide to Good Practice') that could arise from contamination at the site. No construction works should be undertaken in areas where the potential for high risks from contaminated land are identified until a site investigation scheme, intrusive investigation and risk assessment have been submitted to and approved in writing by the Local Planning Authority. Where required, a scheme of remediation to render the site suitable for use shall be submitted to the Local Planning Authority for approval prior to the commencement of construction works in areas where the potential for high risks from contamination are identified. A statement giving precise details of the nature and extent of any such remediation, together with certification that the site has been made suitable for its intended use, shall be submitted to and approved by the Local Planning Authority before commencement of construction works within the area identified. All operatives on site should be made aware of the health and safety implications from any contaminants present on the site prior to commencing work.

Reason: In the interests of the amenities of the occupants of the adjoining residential properties and having regard to PO1 of the Wirral Unitary Development Plan.

22. Prior to the commencement of development, the Local Planning Authority shall be notified of and agree in writing any alterations to the proposed working corridor as identified within the approved plans.

Reason: In the interests of the amenities of the occupants of the adjoining residential properties and having regard to GR1, HS15, LAN1 of the Wirral Unitary Development Plan.

23. No development shall commence other than in accordance with a programme of archaeological work to be submitted to and approved in writing by the Local Planning Authority. The approved programme of works shall subsequently be implemented and, where appropriate, completed in accordance with the approved details. The programme shall include written schemes of investigation for evaluation and watching briefs. For the avoidance of doubt, the evaluation and watching brief shall include the Bromborough-Eastham township boundary and those areas where there are no documented sites but, which have apparently been undisturbed since at least the 19th century.

Reason: In the interests of archaeological research.

24. Prior to the commencement of development, details of a proposed saline discharge environmental monitoring plan shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with the Environment Agency. For the avoidance of doubt, the monitoring plan shall include details of measures to ensure the saline discharge does not increase background levels of salinity beyond 10 per cent of the current levels over a specified area of exceedance (490m up-stream or 470m down-stream depending on the tide), with significant exceedance within 30m of the diffuser. The plan shall include an indication of trigger levels at which, when exceeded, discharge would cease. The monitoring plan shall include the requirement to submit regular monitoring reports to the Council and Environment Agency.

Reason: In the interests of ecology and the protection of the Mersey Estuary SPA, Ramsar and SSSI.

25. Prior to the commencement of development, details of a proposed programme of

monitoring of invertebrate communities on the inter-tidal areas of the Mersey Estuary SPA/SSSI/Ramsar site shall be submitted to and agreed in writing by the Local Authority in consultation with Natural England. The monitoring plan shall include the requirement to submit regular monitoring reports to the Council and Natural England.

Reason: In the interests of ecology and the protection of the Mersey Estuary SPA, Ramsar and SSSI.

26. Prior to any works being undertaken within the Mersey Estuary, a detailed Method Statement for the proposed construction of the intake and discharge structures located within the Mersey Estuary shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the Environment Agency and Natural England and following further analysis of estuary sediments. For the avoidance of doubt a direct piling method ('vibro-piling') shall be used unless it has been demonstrated to the satisfaction of the Local Planning Authority that an alternative method would have no adverse impact upon the Mersey Estuary SPA. The development shall be implemented in accordance with the agreed Method Statement.

Reason: In the interests of ecology and the protection of the Mersey Estuary SPA, Ramsar and SSSI.

27. Piling works within the Mersey Estuary shall only to only be undertaken between the months of April and September.

Reason: So as to ensure that the proposed development has no long term adverse impact to the integrity of the Mersey Estuary SPA/Ramsar/SSSI.

28. Prior to the commencement of development, a detailed Method Statement shall be submitted to and approved in writing including mitigation measures to prevent disturbance to over-wintering birds during the construction of the Bromborough pumping station. The development shall be implemented in accordance with the agreed Method Statement.

Reason: In the interests of ecology.

29. Prior to the commencement of works within the Mersey Estuary, details shall be submitted to and agreed in writing by the local authority, in consultation with the Environment Agency, of fish monitoring equipment to be installed at Woolston Weir fish trap. The agreed monitoring equipment shall be installed prior to the commencement of works to the Mersey Estuary and shall be maintained for the duration of the development proposed. If at the time the works within the estuary are due to commence the fish monitoring has been installed, then a study into fish passage at the Woolston Weir shall be undertaken. The details of this study shall be agreed in writing by the Local Planning Authority, in consultation with the Environment Agency, prior to the commencement of works within the Mersey Estuary.

Reason: To enable monitoring of any impact on migrating salmonids as a result of the discharge.

30. Construction works shall not take place outside the following working hours unless otherwise agreed in writing by the Local Planning Authority:

- Monday to Friday 7.30am to 6pm; and
- Saturdays 7.30am to 1pm

Reason: In the interests of residential amenity.

31. Vehicular Access to the Levershulme Sports Ground shall be maintained at all times.

Reason: In the interests of the safety of the users of the site.

32. Prior to commencement of the development a playing field restoration scheme for the Levershulme Sports Ground and for Torr Park shall be submitted and approved in writing by the Local Planning Authority after consultation with Sport England. The restoration scheme shall provide details of the following:
- a. Existing and proposed ground levels
 - b. Existing and proposed soil profiles
 - c. Measures to strip, store and re-spread soils to avoid soil loss or damage
 - d. Measures to dispose of/accommodate waste materials on the site
 - e. Drainage measures including where appropriate under drainage
 - f. Proposed seeding, feeding, weeding and cultivation measures
 - g. Boundary treatment
 - h. 5 year aftercare and maintenance arrangements
 - i. Installation of equipment (e.g. goal posts)
 - j. Restoration and maintenance programme

For the avoidance of doubt, the works at Levenshulme shall be undertaken outside the Rugby Football season (September to April inclusive) and the works to the cricket pitch at Torr Park shall be undertaken outside the Cricket season (May to September inclusive) unless otherwise agreed in writing. The playing field shall be restored in accordance with approved scheme.

Reason: To ensure the site is restored to a condition fit for purpose and to accord with UDP Policy RE5.

33. Prior to the commencement of development, a scheme for the temporary replacement provision of the existing rugby and football pitch at Leverhulme Sports fields and cricket pitch at Torr recreation ground which will be temporarily lost as a result of the proposed development, shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme shall ensure that the pitches are at least as accessible and at least equivalent in terms of size, usefulness, attractiveness and quality and include a timetable for implementation to ensure that the replacement pitches are provided and available for use prior to the commencement of each phase of development relating to these specific sites. The approved scheme shall be complied with in full throughout each phase of the development relating to these two specific sites.

Reason: To protect the existing playing fields/playing pitches from damage, loss or availability of use during each phase of development and to accord with national planning policy guidance contained in the National Planning Policy Framework.

34. The existing playing fields, pitches and sports facilities at Leverhulme Sports fields and Torr recreation ground falling within the land edged red (but outside of the proposed working corridor edged green) as shown on drawing number 41514271/01/008/1501 Revision C shall not be used for access, parking, storage of vehicles, equipment or materials or in any other manner in connection with the carrying out of the development hereby permitted.

Reason: To protect those existing playing fields/playing pitches and sports facilities falling outside of the working corridor from damage, loss or availability of use during each phase of development and to accord with national planning policy guidance contained in the National Planning Policy Framework.

35. Access to the existing tennis courts and bowling green adjacent to the working corridor edged green on drawing number 41514271/01/008/1501 Revision C at Torr recreation ground shall be made available at all times during construction and restoration works in connection with this phase of the development.

Reason: To protect those sports facilities falling outside of the working corridor from damage, loss or availability use during this particular phase of development and to accord with national planning policy guidance contained in the National Planning Policy

Framework.

36. Prior to the commencement of any development at Torr recreation ground, details of protective fencing to be erected around the existing cricket square adjacent to the working corridor edged green on drawing number 41514271/01/008/1501 Revision C, to include location, height, type and materials shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be erected in accordance with the approved details before the development commences in this location and thereafter retained and maintained during this particular phase of the development.

Reason: To protect the existing cricket square falling outside of the working corridor from damage or loss during this particular phase of development and to accord with national planning policy guidance contained in the National Planning Policy Framework.

37. Prior to any construction works associated with the pipeline trunk road crossing (M53), a scheme of works confirming the detailed location, design, construction methods (including risk assessments) and carriageway condition monitoring for the pipeline trunk road crossings shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the Highways Agency. The development shall be implemented in accordance with the approved scheme of works. For the avoidance of doubt, the scheme shall confirm that no trunk road network earthworks are placed at risk, and that no drainage from the proposed development will run off into the motorway drainage system nor adversely impact upon any motorway drainage.

Reason: To ensure that the trunk road network might continue to fulfill its purpose as a national system of routes for all traffic, in accordance with section 10(2) of the Highways Act 1980, maintaining the safety of traffic on the road.

38. Prior to any construction works associated with the pipeline trunk road crossing (M53), a remediation strategy shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the Highways Agency to ensure that the pipeline presents no risk to the condition and operation of the trunk road network once the associated mining operations are completed. The development shall be implemented in accordance with the approved strategy.

Reason: To ensure that the trunk road network might continue to fulfill its purpose as a national system of routes for all traffic, in accordance with section 10(2) of the Highways Act 1980, maintaining the safety of traffic on the road.

39. All construction works and development within 250m of pond P14-2 (referred to in the submitted 2012 Extended Phase 1 Habitat Survey (Wirral Section) must be undertaken within the winter period of 1st November to 1st March inclusive, and at no other time.

Reason: To prevent impacts to great crested newts, having regard to UDP Policy NC7.

40. The development hereby permitted shall be carried out in accordance with the approved plan received by the local planning authority on 18th April 2012 and listed as follows: 1254-01-01, April 2012.

Reason: For the avoidance of doubt and to define the permission.

Last Comments By: 21/06/2012 19:01:15

Expiry Date: 31/07/2012