



Omega St Helens/T.J. Morris Limited

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**SUPPLEMENTARY NOTE  
(REBUTTAL) BY STUART BENNETT  
(FOR THE APPLICANTS) ON AIR  
QUALITY**

Call-in by the Secretary of State of an application  
made by Omega St Helens/T.J. Morris Limited

Land To The West Of Omega South & South Of The M62.  
Bold, St. Helens

LPA REF: P/2020/0061/HYBR

PINS REF: APP/H4315/V/20/3265899

CD **XX.XX**

April 2021



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WSP

Three White Rose Office Park  
Millshaw Park Lane  
Leeds  
LS11 0DL

Phone: +44 113 395 6200

Fax: +44 113 395 6201

WSP.com



# QUALITY CONTROL

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# 1 INTRODUCTION

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## 1.1 PERSONAL STATEMENT

- 1.1.1. My personal statement can be found in paragraphs 1.1.1 to 1.1.4 of my Subject Statement on Air Quality (CD 38.9).

## 1.2 SCOPE OF EVIDENCE

- 1.2.1. This supplementary note has been prepared following my review of the air quality related content of the St Helens Borough Council *Topic statement: Air Quality* (CD 39.8) ('Topic Statement') and the Proof of Evidence of Alyn Nicholls: Planning Matters ('Planning PoE') (CD 39.1) on behalf of St. Helens Council. The topic statement has been prepared to inform the Secretary of State on air quality matters which are identified in the Inspector's case management notes and the Planning PoE.
- 1.2.2. The scope of this supplementary note is the provision of additional clarifying information on the Topic Statement and Planning PoE.

## 2 AIR QUALITY

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### 2.1 PRIMARY CONCLUSION

- 2.1.1. Paragraph 9.1 of the Topic Statement (CD: 39.8) presents the primary conclusion with respect to air quality. The conclusion is that:
- “...the proposed development would not cause any exceedances of EU Limit Values in 2030 or have a significant effect overall. It is not considered that this materially conflicts with policy CP1 in the Core Strategy or paragraph 181 of the NPPF because impacts have been minimised and mitigated.”*
- 2.1.2. I agree with this conclusion.
- 2.1.3. Paragraph 9.1 goes on to acknowledge that:
- “However, harm would be caused....”*
- 2.1.4. However, this statement is qualified in Paragraph 9.1 which reiterates the primary conclusion of ‘no significant effect’, and confirms the following with regards to any residual harm:
- “The proposed development would cause some harm to air quality in certain locations, which must be weighed against the proposed development. ...this harm should be given very limited weight against the proposed development.”*
- 2.1.5. Paragraph 9.1 is consistent with the position in the Planning PoE stated at paragraph 5.37 of that document (CD: 39.1).
- 2.1.6. I agree that the air quality effects from the Proposed Development would not give rise to any significant effects at the closest residential or other sensitive receptors and that any harm associated with air emissions would be low and should be given limited weight.

### 2.2 OPERATIONAL PHASE MITIGATION

#### REQUIREMENT FOR MITIGATION

- 2.2.1. Paragraph 3.9 of the Topic Statement (CD: 39.9) states:
- 2.2.2. *“Overall the predicted local air quality effect associated with the operation of the proposed development is not significant. However, the development will still have a detrimental impact on air quality, however small and this is in opposition to the overall aims of the action plans for St Helens and Warrington.”*
- 2.2.3. In my opinion, the ES accurately demonstrates that the impact on local air quality is negligible adverse and the effect is insignificant which is consistent with the position of St. Helens council EHO (CD: 34.76). However, viewed in isolation the Proposed Development is in opposition to the aims of the air quality action plans for St Helens and Warrington because the effect will be detrimental.
- 2.2.4. To provide further context, it should be noted that the wider Omega development includes embedded mitigation which will complement the following aims of the Government’s Road to Zero Strategy (CD: 43.51), the St. Helens air quality action plan (CD: 4.130) and the Warrington air quality action (CD: 4.126) which are:
- HM Government. Industrial Strategy. The Road to Zero: *‘We will reduce emissions from heavy goods vehicles (HGVs) and road freight by: 18. Undertaking further emissions testing of the latest*

*natural gas HGVs to gather evidence that will inform decisions on future government policy and support for natural gas as a potential near-term, lower emission fuel for HGVs.'*

- St. Helens Council. Tier 2 Option 8 Freight Quality Partnership: *'Work-in with freight companies in the Merseyside area to reduce emissions through better logistics and reduced emissions.'*
- Warrington Borough Council. Policy Action 5.1.2. Cleaner Fuels Strategy and Programme: *'As part of the programme to develop LTP4 we will develop a strategy focussing on encouraging the uptake and use of Electric Vehicles in Warrington. This will look at:*
  - *The promotional materials and information available for people considering buying an Electric Vehicle*
  - *The possible incentives available to encourage people to change*
  - *Infrastructure improvements, such as the location of Electric Vehicle charging points*
  - *The use of Electric Vehicles for car clubs in Warrington.*

*The strategy will also consider increasing the use of Natural Gas as a fuel source for heavier vehicles.'*

## **PROPOSED MITIGATION**

2.2.5. Paragraph 3.10 of the Topic Statement (CD: 39.9) states:

*"The assessment deems that mitigation measures for the development are not required, however it does outline opportunities for enhancement and are outlined in the IAQM/EMAQ+ planning guidance as 'good practice'. Given that there is an overall detrimental impact on air quality, all be it 'negligible', and the development land is green belt, it is the opinion of in the interests of protecting the environment and air quality that the following enhancement opportunities are included within the development."*

2.2.6. I agree with the Topic Statement that enhancement opportunities available to the development in the interests of maintaining and enhancing air quality are taken.

2.2.7. The following mitigation will be embedded into the application design:

- Construction phase measures to mitigate fugitive dust and plant/vehicle exhaust gas emissions described in Appendix 6.2 ES Chapter 6 (CD 33.73)
- I note that point 3.11 of the Topic Statement states that the application will include *'35 spaces reserved for future EV parking spaces.'* As described in the paragraph 3.7 of the Planning Statement Update (CD: 33.43), initial parking provision will be for 576 spaces of which 39 will include electric vehicle charging points. I also note that the St. Helens parking standard (CD: 3.2) does not require the provision of any electric charging points
- The wider Omega development includes embedded mitigation in the form of the renewable biomethane compressed natural gas (Bio-CNG) refuelling station within Omega South. This will be a driver for sustainable development in the region through the promotion of heavy goods vehicle (HGV) switching from diesel to natural gas. By proximity the Proposed Development will promote the upgrade and retrofitting of freight to natural gas which has nitrous oxide emissions which are orders of magnitude lower than diesel Euro V engines and lower than the newest Euro VI engines shown in Figure A4 and Figure A5 of the Road to Zero Strategy (CD: 43.51).

2.2.8. It is my opinion that the operational phase conditions suggested in the Topic Statement are reasonable, practicable and align with the aims of the St. Helens and Warrington Council local air quality action plans and the Government's Road to Zero Strategy.

## 2.3 SUMMARY OF CONDITIONS

2.3.1. The following enhancement opportunities are proposed in the Topic Statement:

- St. Helens Council, point 3.12 '...construction dust, travel plan and electric parking' consisting of at point 3.10:
  - The provision of at least one Electric Vehicle (EV) 'fast charge' point per 1,000 m<sup>2</sup> of commercial floorspace;
  - Support for and promotion of car clubs for employees;
  - Improvements to cycling and walking infrastructure; and
  - Inclusion of EV points for freight vehicles, where available

The application states that there are 35 spaces reserved for future EV parking spaces, which is below the level proposed above. A proportion of the EV spaces should be put in prior to commencement at a level of 1 space for every 30 parking spaces which equates to 20 spaces and the rest should have the infrastructure to enable more EV spaces as uptake increases.

The relevant condition in the planning committee (CD: 35.1) report is condition 7 Air Quality (full application) which reads:

*7. Prior to the first occupation of unit 1 as identified on the plans in condition 2, or first use of the car park as shown on plan ref:16385-181 Rev. G hereby approved, electric car charging infrastructure comprising at least one electric car charging point for every 30 car parking spaces hereby approved shall be provided on the site. As a minimum, 4 charging points shall comprise a dedicated 32 amp radial circuit which is directly wired to an appropriate RCD at the consumer unit and terminates at a BS EN 62196 Type 2 electric vehicle charging point located where it is accessible from a dedicated off-street car parking bay. Additional 'active' spaces (up to a maximum of 39 as shown on the Proposed Site Plan) shall be provided subject to demand. The infrastructure shall remain in perpetuity.*

The corresponding condition for the outline application reads:

*90. Reserved Matters applications shall include precise details of car, motorbike and cycle parking. The details shall include a justification for the level of spaces proposed, a layout plan, details of surfacing and any facilities such as lockers, showers etc. The parking provision should include 1 electric vehicle charge point and 1 priority parking space for hybrid and electric vehicles for 30 spaces. These spaces shall be provided prior to the first use of the building approved under that reserved matters application and retained as such thereafter.*

- Warrington Council, point 4.1 '...construction environmental management plans and odour abatement.'



- 2.3.2. Impacts during construction will be mitigated by the rigorous application of dust mitigation measures which will be included in a CEMP and a Construction, Highways and Environmental Management Plan secured by planning conditions for the detailed portion of the site (CD33.73 Appendix 6.2). In my opinion this is reasonable.
- 2.3.3. The Proposed Development's commitment to the provision of up to 39 electric vehicle charging points for 576 spaces in the full application equates to a ratio of 1 charging point per 15 vehicle spaces which is a lower ratio (and consequently an increased number of EV points) than the 1:30 ratio requested in the condition.
- 2.3.4. Therefore, in my opinion conditions relating to electric charging provision for both the full and outline planning applications are reasonable, practicable and consistent with the mitigation proposed.

## 2.4 BOLD PARISH COUNCIL OBJECTION

- 2.4.1. Bold Parish Council has submitted an objection to the application direct to this Inquiry into the Proposed Development.
- 2.4.2. Although there is no objection to the Proposed Development from St. Helens and Warrington Councils, subject to the imposition of appropriate conditions, Bold Parish Council have made an objection on the following issues:
- Warrington suffers from nitrogen oxide levels which exceed national levels close to the site which will be exacerbated by increased freight traffic.
  - Nitrogen dioxide and particulate matter pollution is responsible for man-made and premature deaths
  - The site is close to locations where vulnerable people sensitive to air pollution are present
  - An increase in the concentration of road transport logistics in the area will hinder the Local Authority in its duty to ensure good air quality
- 2.4.3. As these matters relate to air quality, the following information is of relevance:
- The latest Warrington Council Annual Status Report submission to Defra (CD: 43.64) shows there are some locations in Warrington where nitrogen dioxide concentrations remains stubbornly high and in a small number of locations continue to exceed the 40ug/m<sup>3</sup> objective. However, the nearest monitoring site (located on Wilderspool Causeway) was comfortably under the objective in 2019. It should be noted that in general, the trend in nitrogen dioxide monitored concentrations is down across the majority of monitoring sites in Warrington.
  - The majority of traffic entering the site will do so via the M62 and so will not increase air pollution in the locations where is high.
  - Although there is much less particulate matter data available than nitrogen dioxide, the available data shows that concentrations of particulates are not falling at the same rate as nitrogen dioxide. However, it should be noted that the modelling results in ES (CD: 33.54) show that increases in particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) will be negligible and the Proposed Development will not cause new exceedances of the existing objectives.
  - Fuel switching to Bio-CNG via the on-site facility will promote the reduction in fine particles from diesel exhausts across the region and the site will be accessed mainly by the M62 where there is little human exposure to fine particles.

### 3 CONCLUSIONS

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- 3.1.1. This Supplementary Note has been prepared to provide additional clarifying information following my review of the air quality related content of the St Helens *Topic statement: Air Quality* (CD 39.8).
- 3.1.2. I agree that with suitable mitigation measures in place, no significant adverse air quality effects would arise at the closest residential or other sensitive receptors, and that the necessary mitigation measures can be secured through the use of planning conditions.
- 3.1.3. The Proposed Development will promote the aims of the national, regional and local policy to reduce air emissions by the provision of electric charging provision, car clubs and improvements to cycling and walking infrastructure, and the promotion of the use of cleaner HGV fuels.



Three White Rose Office Park  
Millshaw Park Lane  
Leeds  
LS11 0DL

[wsp.com](http://wsp.com)

